

1 **Planning & Zoning Commission Minutes**

2 August 18, 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 (by electronic means)
9 Kimberly Brandon-Wintermote, Vice Chairman
10 Linda Putney (by electronic means)
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 Brian Edwards, County Engineer

20
21 Acting Chairman Brandon-Wintermote opened the meeting at 6:02pm and introduced the Board
22 and Staff.

23
24 **APPROVAL OF MINUTES**

25
26 Acting Chairman Brandon-Wintermote asked the Board for comments or changes to the July 21,
27 2020 regular meeting minutes and the July 23, 2020 special meeting minutes. A MOTION was
28 made by Commissioner Jones to approve the minutes; the motion was SECONDED by
29 Commissioner Bonine to approve the minutes as corrected. Motion was carried unanimously.

30
31 **REGULAR AGENDA**

32
33 **PUBLIC HEARING – Echo Stables SUP-202:** Steven Youngbauer requests approval of a
34 Special Use Permit Application with Site Plan Review for Echo Stables SUP-202. The project
35 proposes a Dude Ranch and Resort Use to operate an equine boarding and training facility
36 offering small clinics, retreats and various other equine related activities. This use would offer
37 overnight accommodations to boarders and participants. The requested variance, if approved,
38 would allow the applicant to solicit one-night accommodations at their Dude Ranch and Resort.
39 The proposed use will be located on a 20.0-acre parcel northwest of Cody, at the address of 35
40 Corbett Road, 0.34 miles east of Highway 14A, within the N1/2NE1/4NE1/4, Sec. 12, T53N,
41 R101W of the 6th P.M., Park County, Wyoming in a General Rural 5-Acre (GR-5) zoning district.

42
43 Acting Chairman Brandon-Wintermote referenced a petition requesting to cancel/delay the
44 meeting. She explained the hearing rules and that the meeting must continue. Acting Chairman
45 Brandon-Wintermote reviewed the rules of a public meeting and opened the public hearing at
46 6:08pm.

47
48 There being no comments from Commission members, Kim Dillivan, Planner II, presented the
49 Staff Report. Since the time of delivering the staff report to the Planning and Zoning Commission,
50 the following items were received.

- 51 - Today comments from WYDOT were received by email. WYDOT indicated that
52 Corbett Rd is classified as commercial; however, the applicants should file an
53 application with them.

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- 54 - Numerous additional public comments have been received, some in favor and some
55 against, all of which were shared with the Commission. Also, a response was provided
56 from the applicant addressing the petition that was received.
- 57 - Staff indicated that the applicant may be interested in a parking reduction allowance,
58 though prior to the meeting the applicant indicated that they may have identified
59 additional space on the property for parking.
- 60 - Staff spoke with the applicant about small wastewater considerations and
61 recommended that the applicant consider decreasing attendance and small
62 wastewater generated to avoid the need for DEQ to review.
- 63 - Public Works sent an email response regarding runoff and erosion control plans that
64 have been discussed with the applicant's representative. The response has been
65 provided to the Commission.
- 66 - The Planning Director added that the small wastewater design presented for this
67 project had proposed parking and potentially driving over portions of the system and
68 that is something that will not be allowable and the applicant will be made aware of
69 that for any future septic design. There are outstanding items in this project and the
70 applicant was just made aware of these when the staff report came out. She wanted
71 the public to understand that it is not unusual and is part of working through the project
72 and the system.

73
74 Acting Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.

- 75 • Commissioner Jones inquired about the access and whether WYDOT had reviewed it.
76 The Planning Director indicated that today she reached out to WYDOT concerning the
77 access as a particular public comment had indicated that Corbett Road is a residential
78 road. She received a response from WYDOT indicating that it is permitted as a
79 commercial road, however not the type of commercial access that the applicant would
80 require. Therefore, they recommended that the applicant submit an application for a
81 change of use.
- 82 • Acting Chairman Brandon-Wintermote asked when the RV spots were added because
83 she didn't notice them in the application. Kim Dillivan said it was from the beginning and
84 is shown on the site plan. Acting Chairman Brandon-Wintermote asked if the agencies
85 were aware because the initial submission didn't appear to have the sites. Kim Dillivan
86 said they received all application materials which include the drawing with the site
87 identified. Acting Chairman Brandon-Wintermote mentioned Northwest Rural Water as a
88 concern.
- 89 • Brian Edwards, County Engineer, addressed the Commission. He said Public Works
90 focuses on stormwater runoff/drainage and access for developments such as this. For
91 drainage, he has worked with the applicant and the applicant's contractor to work through
92 some of the drainage issues because there is a significant increase in impervious surfaces
93 (~27,000sq.ft) there will be an increase in runoff in a significant rain event. Also snow
94 storage and melting of snow. PW requirements, similar to other areas, is that any
95 development should not result in a net increase in stormwater runoff. The applicant will be
96 required to install some stormwater retention – underground dry wells (one for the north
97 side and one for the south side of the arena). He is satisfied with the perc rates and
98 drainage plan that will not impact surrounding properties. Review of Corbett Road
99 revealed that from the state highway to the applicant's property, it is about .25 miles. The
100 previous owners operated a small commercial plumbing business. There is also an
101 existing commercial ag business that led to the WYDOT classification of the access as
102 commercial, even though the primary use along the road is residential and ag. As for the
103 easement for Game and Fish access to the public, statements from some indicate that
104 Public Works said the road is public, but that has not been stated. It is a private road. The

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105 public easement is to benefit those hunting or fishing and access for Game and Fish to
106 maintain the dam. There are approximately nine addresses along Corbett Road. There
107 does not appear to be a formal road maintenance agreement. It does appear that several
108 residents and Game and Fish work together to maintain the road and work on snow
109 removal. The road has a good surface with good sight distance. It is about 18 feet wide
110 with 1-2 foot shoulders on either side and the speed limit is 20mph. He is not aware of any
111 traffic count data for the basis for the speed posted. He presumes the speed was chosen
112 to reduce dust and creation of washboards. In his opinion, day-to-day traffic will not
113 increase substantially during regular business hours and operations; however, for events
114 there could be greater impacts. In his opinion, dust problems can be mitigated similar to
115 how they are mitigated on County and other private roads (apply magnesium chloride for
116 instance or water truck maintenance during high-traffic times). Dust would be a problem,
117 but it could be mitigated. Should the application be approved, as noted in the letter, they
118 suggest two access points to loop on and off the property to not stack vehicles on the
119 road. If approved, there should be restrictions that no vehicles be able to park in the public
120 easement for the road. As for WYDOT's comments, they could require a 24-foot access
121 off of the highway, but they will address that in their review. They are interested in
122 ingress/egress off the highway; likely to address cattle guard.

- 123 • Chairman Morrison said she will defer her questions until after public comment.
- 124 • Mary McKinney, Weed and Pest, said there were a few noxious weed species noted on
125 the parcel. They were located mostly on the north fence line of the perimeter of the
126 property. It is in good alfalfa and grass production. She discussed mitigation issues with
127 the applicant. Weed issues are actively being mitigated. Developed areas will be treated
128 with bare ground mitigation techniques. She does not recommend a LTNWMP but to
129 follow Best Management Practices for Mitigation.

130
131 Acting Chairman Brandon-Wintermote asked if the applicant had any questions or comments.

- 132 • Steve Youngbauer, the applicant, mentioned the two letters he sent in advance of the
133 hearing. He shared a bit of history about himself. He and his wife, Echo's, intent has
134 always been to develop an equine facility on the property. His daughter, Farrah (present)
135 operates an equine business. Because of Wyoming winters, they wanted an indoor area.
136 Echo and her husband would like to expand their business and need this business to
137 achieve that goal. He wants to provide living accommodations for Farrah and her husband
138 as part of the development. He and his wife will still be living on the property while Phil
139 and Echo lease it. He mentioned some of the work that has been done on the road by
140 himself and a few others. He said the easement provides that the width of the road should
141 be 23 feet. It is their intent to talk to other landowners to remove some trees and brush to
142 at least make part of the roadway more passable.
- 143 • Farrah Green talked about her dedication to and love of horses and helping to calm them.
144 She wants to share her skills with anyone who wants to learn them. She said she has tried
145 to share the plan with the neighbors. Many common questions have surfaced. The size of
146 a roping area is 100'x100'. The steel building will be that size with an attractive design.
147 She addressed noise, traffic and lights. She said they will be living there too and don't
148 want annoyances. They don't want to have their pets harmed. They do not want to live at
149 the fairgrounds.
- 150 • Phil De 'Boucher is married to Farrah and lives on the Youngbauer property. He came
151 here to live the American dream. During the past four years they have been working to
152 establish their business. His role is to help with the technical aspects and construction
153 side of the project. He will also be managing the property upon construction. He mentioned
154 that the location of the property was carefully chosen. All of the neighbors have tree lines
155 making the impact of the facility minimal. Several nearby people have indicated no

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156 objections to the project. They will follow noise standards. The speaker mentioned will be
157 small and mostly used inside the building. They have been using the speaker outside
158 already and no one has called or complained as of yet. The lights will be similar to others
159 in the area; shielded and pointed downward. Most will be turned off after hours. They will
160 have facility rules and invitees will have to agree to comply with the speed limit on the
161 road. They have decided to remove the septic system and make the five RV spots dry.
162 They will be reapplying for a septic permit and limiting people to 40 and not parking/driving
163 over the system in order to comply.

164 • Farrah said they have always been good neighbors. They help others with their cows and
165 horses when they are on the loose. They don't complain when their animals make tracks
166 or dogs are on the loose. They want to maintain positive relationships.

168 Acting Chairman Brandon-Wintermote asked if any commission members had questions for the
169 applicant.

170 • Commissioner Jones said he visited the site today and saw the road. He wondered what
171 the applicant's thoughts were about ingress/egress to the property and the narrowness of
172 the road. He doesn't see traffic volumes being too high, but he wanted to know the
173 applicant's plan for access. Steve said the easement provides for a wider road. Everybody
174 hates to cut down bushes and trees. It is narrow now b/c it is just too close. He would like
175 to see it go to the legal easement width. Staff mentioned no road maintenance agreement.
176 That is a disappointment to him. He was told that it was attempted but not successful.
177 There is a draft agreement that can be reviewed. Dust is a concern but no one wants to
178 spend the money. They don't want to do it on their own. He would like to see a shared
179 effort to put down magnesium chloride and have a snow plowing agreement. The road is
180 in the best shape it has ever been due to help from Game and Fish and his efforts and the
181 efforts of one other. He would love to see an agreement and he would love to see it
182 widened. He did research and found out that if you reduce the speed limit from 40mph to
183 20mph, you can reduce emissions. It could be reduced further by lowering the speed limit
184 even more.

185 • Acting Chairman Brandon-Wintermote asked about dual access. Steve said they are
186 willing to add another entrance but do feel that if they put in good signage, people won't
187 miss the entrance.

188 • Acting Chairman Brandon-Wintermote sought clarification on the accommodations and
189 camping spots related to small wastewater. Farrah said she visited with staff to discuss
190 doing dry camping spots (no sewer or water). Steve added that the camping spots are for
191 people with live-in trailers to stay and attend the lessons.

192 • Acting Chairman Brandon-Wintermote asked about the guest quarters. Farrah said there
193 are two floors to the living quarters area. The bottom floor will have three rooms for guests.
194 The top floor will be their private residence with three bedrooms.

195 • Acting Chairman Brandon-Wintermote asked about the height of the structure(s). Farrah
196 said the structure will be 20 feet tall in the center at the highest point, the equivalent of a
197 2-story house.

198 • Acting Chairman Brandon-Wintermote asked about boarding of horses and how many.
199 Farrah said they will board 20-25 horses – most of which will be student horses.

200 • Acting Chairman Brandon-Wintermote asked what a fly predator is. Farrah said they are
201 little bugs that eat fly eggs, reducing the number of flies. Steve said it is an expensive
202 project that will happen in phases, the building coming first. Later, with sufficient income,
203 they would build the second-floor accommodations. The hay barn would be in the first
204 phase, the shed later. The other two stabling buildings would have to wait as funds
205 become available. With approval, they will break ground this Fall. The structure would be
206 completed shortly after the first of the year. It will be a first-class structure.

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- 207 • Steve said that one of his neighbors came over for lunch and he had an excellent
208 suggestion. He said most of the tree belts around help to shield the view to neighbors.
209 They will look at putting in tree belts to the west and to the north.
210

211 Acting Chairman Brandon-Wintermote asked if there were comments from any members of the
212 public.

- 213 - Amy Nelson has known Farrah for six years. She is a working student of hers. She
214 thinks it will be a great opportunity to learn throughout the year. It is the best thing
215 ever.
- 216 - Grace Nutting lives down the road. They have always been good neighbors, but she
217 feels this operation as planned is too big. They need an indoor riding arena and a
218 place to live. She wants to know if wildlife, landscape, lighting and quiet hours be
219 required?
- 220 - James Causey, a neighbor, said he is in love with horses and has been to many clinics
221 and events with 30-50 riders. He and his wife are not opposed to the indoor arena.
222 They are opposed to the traffic, noise and people there that will be strangers to them.
223 They have horses themselves and worry about the health of their own livestock. They
224 are worried about their quality of life.
- 225 - Bob Berry expressed his appreciation of these people. He has been in conversations
226 with them over the years. He said these people are honest. They are wacko horse
227 people – that’s a good thing. They take care of their horses. He said if people take
228 care of their horses’ feet, they take care of their horses. These people take care of
229 their horses’ feet. These people are not selfish. They want to build the community. He
230 would like to see support for this endeavor.
- 231 - Roy Maple is a horse person. The idea presented is excellent. He attended one of her
232 clinics and it blew him away. Being able to have a facility that she can share is a great
233 idea. He heard they will have clinics for handicap kids and people to get them
234 acquainted with horses. He did some of it in the past. Having a facility that can provide
235 multiple things is an excellent thing for Cody. He hopes this is approved.
- 236 - Jerry Thiel said he thinks the idea is great. His only concern as a neighbor, is the size
237 of the structure. He thought the limit was 10,000 sq. ft. He thinks 20,000 sq. ft is going
238 to be too overbearing for the neighborhood. Other than that, he has no problem with
239 the idea.
- 240 - Ole Sondeno has known the applicants for years. He wholeheartedly supports the
241 endeavor. They have been going about it the right way. He feels it is a much-needed
242 facility. Finding a place to ride in the winter is hard for liability reasons. It would be
243 well received by the community.
- 244 - Jeri Frey, a neighbor, is not opposed. She is concerned about the size of it on 20
245 acres. She is also concerned about the dust in the area and the road size. She is
246 concerned about trailers turning out on Powell highway. She thinks WYDOT needs to
247 do a study. Maybe WYDOT is responsible for making a better entrance/exit. It is a
248 dangerous spot. She asked about the parking spaces – do they count for a trailer or
249 a vehicle.
- 250 - Keith Norleen has the same concerns as Jeri. He is concerned about the location of
251 the septic. He has proxy for Nicole Norwood and Jason Fales who own the adjacent
252 parcel. They are overseas and are opposed to the project. He has no issues with the
253 arena but feels is it too large for the area.
- 254 - Bradley Low indicated he and his wife, Karista, live nearby. They are overall opposed
255 to the idea. They lived here for about a year prior to selecting their property. They
256 endured one insult from the Hansen’s when Morris Excavation came in. He sees this
257 as a failed business and can see things split down the road, 7 acres here, 12 acres

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- 258 there off of the 20, and worries about unkept promises. He worries about speed
259 enforcement. It's the wrong business for this property. This is a property of
260 convenience because it is already owned. The Double Doc Ranch is already ready
261 for a use like this – it is for sale. He and his wife spent a lot of time choosing their
262 property. This is a betrayal of a trust. The Dude Ranch and Resort is a farce.
263 - Paul Youngstrom thinks this is a great idea. One of the reasons is because it is a new
264 facility and cutting-edge facility. It is an educational facility which makes it different
265 from any other options in this area. This is not the county fairgrounds. This is for
266 teaching people, primarily one-on-one or in small groups. To represent it as anything
267 else is a canard.
268 - Shelly Causey commented about the road. They have resisted contributing to the road
269 as there is no law for patrol. She has almost been run over several times when walking
270 her dogs.
271 - Jeri Frey asked if there are further inspections along the way of development? Does
272 the permit just leave them open to do whatever they want or are there inspections as
273 they add things?

274
275 Acting Chairman Brandon-Wintermote allowed the applicant to speak.

- 276 - Farrah said she understands the speed control problems on the road. If she sees
277 people running down the road fast, they are going to talk to them. They do not want
278 people speeding down the road. She emphasized that this is primarily an education
279 facility. To answer the question about access into the property. They were able to turn
280 a 30-foot trailer around in the driveway without a problem. She said they are happy
281 that everyone came and their door is always open. She knows they cannot make
282 everyone happy but everyone is invited. They want to share.

283
284 Acting Chairman Brandon-Wintermote asked if Commission members would like to discuss.

- 285 - Commissioner Morrison made a MOTION to continue the public hearing to allow time
286 to review information that arrived today. She needs time. She understands there are
287 some changes that have been addressed by staff and the applicant needs to address.
288 The plan provided was illegible. Due to the length of the hearing so far, she would like
289 to see the questions that are outstanding addressed and by continuing the hearing it
290 would allow the applicant to answer the questions and tighten up the application.
291 Acting Chairman Brandon-Wintermote asked if the intent was to continue to the
292 September 15, 2020 meeting. Marion said yes. SECONDED by Commissioner
293 Putney. Commissioners Morrison and Putney were in favor of continuing.
294 Commissioners Jones and Bonine were opposed. Acting Chairman Brandon-
295 Wintermote said she votes to continue the public hearing because she would like to
296 see things tightened up. Motion passed.

297
298 **PUBLIC HEARING – Frannie Solar SUP-203:** Frannie Solar LLC/Energy of Utah requests
299 approval of a Special Use Permit Application with Site Plan Review for Frannie Solar SUP-203.
300 The project proposes a Major Utility Use to establish a Solar Photovoltaic Facility. The proposed
301 use will be located on approximately 46.6-acres of an unaddressed 274-acre parcel,
302 approximately 2½ miles southwest of Frannie, WY, in Sections 2 and 3, T57N, R98W of the 6th
303 P.M., Park County, Wyoming in a General Rural-Powell (GR-P) zoning district.

304
305
306 Acting Chairman Brandon-Wintermote opened the public hearing at 7:52pm, reviewed the rules
307 of a public meeting and introduced the Board and Staff.
308

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309 There being no comments from Commission members, Kim Dillivan, Planner II, presented the
310 Staff Report.

311
312 Acting Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.

- 313 • Commissioner Jones asked about no responses being received from many agencies. He
314 wondered if we expect a response from Game and Fish. Kim was unsure – they have
315 been notified.
- 316 • Commissioner Morrison asked where Hwy 310 is on the sketch plan. Kim said it is about
317 1.5 miles to the east.
- 318 • Brian Edwards, County Engineer apologized for delayed response due to understaffing.
319 He did review the project and said the drainage plan is forthcoming and his office would
320 like to look at that for projects of this size. He doesn't think it will impact neighboring
321 properties, but he does want to see impacts on drainages. He would like to see the
322 geotechnical report, concerns about structural design and protections from wind. Also
323 wonders about building permit requirements for these "structures." He doesn't have
324 concerns about access. Little need for maintenance and no expected traffic concerns.
- 325 • Commissioner Morrison said things like this are often suggested to be reviewed by a
326 licensed Wyoming engineer. Brian said it would be recommended. He's not a solar guy
327 and he's not sure how boiler-plate the foundations are. He's not sure it would have to be
328 a Wyoming engineer, but having an engineer review would be favorable.
- 329 • Mary McKinney, Weed and Pest, said her main concerns are a lease agreement with the
330 owner for weed control, though not specific, or what weed control means. Also, there are
331 no parameters for revegetation. She would like to see a Long-Term Noxious Weed
332 Management Plan to address these things. Commissioner Jones said these large solar
333 arrays can raise the nearby temperature significantly and the shade beneath the structures
334 can impact the environment as well. He would like to see the changing environment
335 addressed in that plan. Mary said the plan will be a minimum of five years. Commissioner
336 Jones sees this as a major disruption to the existing vegetation.

337
338 Acting Chairman Brandon-Wintermote asked if the applicant had any questions or comments.

- 339 • Rocco Vrba, engineer for Energy of Utah. This is one of several of their Wyoming facilities.
340 They were the first to complete a project like this in Wyoming (completed in Sweetwater
341 County). It is on BLM land. They have been through the entire process. The contract has
342 a 10-year purchase agreement with PacifiCorp. They have another three completed in
343 Lincoln County last year. They have additional projects in Sweetwater County and one in
344 Uinta County. They also have projects outside of Billings, in Oregon, Washington, Utah,
345 South Dakota and North Dakota. He considers this project medium sized. What is unique
346 about this project is that they have worked with the landowner to site it properly. They want
347 to be away from residential areas. It is close to the Frannie Substation. They are working
348 on a long-term outtake contract for 35 years. The life expectancy is designed for 35 years,
349 though they do degrade each year. This project has battery storage which is new. The
350 storage allows you to extend the generation of supply into the local grid by 20 hours. This
351 is cheaper than fossil fuel. They have hired TetraTech out of Billings to do environmental
352 and Geotech work. All will be submitted as part of their package. They have an obligation
353 to the County and to the investors. The items requested from the investors is very intense.
354 They do work with Fish and Wildlife and they do come and provide recommendations.
355 They have an obligation to remove the facility at the end of its life. There are bonds and
356 financial securities in place to ensure the work is done. These facilities are not really job
357 makers. 50-60 people for construction. The solar panels come in on trucks and it is labor
358 intensive. They are about eight feet above ground. They move as the sun travels. It just
359 adjusts to sun's rays. The only noise is the humming from the existing substation nearby.

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- 360 They wash the panels occasionally. There will be someone within 45 minutes. They try to
361 source the work locally as much as possible.
- 362 • Acting Chairman Brandon-Wintermote asked how many panels there will be. The
363 applicant said 350,000 panels. She also asked if any panel contains hazardous
364 substances. The applicant said the panels are glass. When the panels reach the end of
365 their life, there is a secondary market for them to farmers. There is no dump for them.
 - 366 • Commissioner Jones asked what kind of efficiency loss or process is there to deal with
367 snow. The applicant said there is a physical ability for the panel to adhere to the ground.
368 The panel sits about two feet above the ground on pilings drilled into the ground. Snow
369 loads are calculated for panels to withstand the weight. The system that tracks/moves the
370 panels are sophisticated and will pivot so snow accumulation is not as big of a problem.
371 They are designed to absorb light. These come with extra anti-reflective coating so there
372 isn't much reflection; they reflect less than a standing body of water.
 - 373 • The Planning Director asked who will get this power? PacifiCorp will get the power. It is
374 unknown who will actually receive the power from there.
 - 375 • Commissioner Morrison asked about the maximum height on any panel on any structure
376 is 8 feet. The applicant indicated that is correct.
 - 377 • Commissioner Morrison asked why they are seeking permission now when construction
378 won't begin for three years. The applicant said they cannot get investors without permits.
 - 379 • Commissioner Morrison asked why this is two projects. The applicant said they are limited
380 to a certain number of kilowatts, so they had to keep the projects small to get funding
381 faster.
 - 382 • Commissioner Morrison asked what the power used at night is needed for. The applicant
383 said it is likely that little electricity will be needed at night. They use it to back up ancillary
384 services.
 - 385 • Commissioner Morrison asked about the obligation to remove the panels at the end of
386 their life. Will everything else be removed also. The applicant said the lease with the
387 landowner says they have to remove everything to 30 inches below surface. Even
388 concrete foundations need to be removed. Access roads may remain if applicant prefers.
 - 389 • Commissioner Morrison asked about contained battery storage and where they are
390 located. The applicant said there are two types of storage. They come with three different
391 fire suppression systems and leakage containment. The density of the storage is amazing.
392 They sit on a gravel pad. He said they are happy to give us a copy of the site design at
393 30% complete. Currently, they are at about 5-10%.
 - 394 • Acting Chairman Brandon-Wintermote asked if the facility will be fenced. The applicant
395 said they must keep 6-foot minimum chain fence around the facility – with warning and no
396 trespassing signs.

397
398 Acting Chairman Brandon-Wintermote asked if there were comments from any members of the
399 public.

- 400 - Shelly Neff, the landowner, said they already have solar because anytime their power
401 goes out, they can't water their cows. They have solar project to help water their cows
402 and it has been working. They haven't had any environmental or wildlife issues.
- 403 - Commissioner Morrison asked if there are any historical changes to raptors or birds
404 with such a large installation. Fish and Wildlife requires surveys for birds. He is aware
405 of one case of a concentrated solar facility near Vegas with mirrors with a boiler point
406 in the middle with a mirror that concentrates the light. It creates a tremendous amount
407 of temperature that can hurt birds. This proposed project has stationary solar panels
408 which raptors are not known to fly into. He has heard some claims that waterfowl
409 collide with them, but he is uncertain of that.

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411 Commissioner Jones made a MOTION to close the hearing at 8:39pm; SECONDED by
412 Commissioner Bonine. The motion was carried unanimously.

413

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

- 415 - Commissioner Putney asked for some changes to the findings.
- 416 o Finding 29 – add language that a copy of the approved contract of PacifiCorp
417 should be submitted.
- 418 o Finding 30 – strike the word “no”
- 419 o Finding 36 – add fire protection is standard in their fully-contained battery storage
420 systems.
- 421 - Commissioner Morrison asked if we will receive a more complete plan down the line
422 in the design process. Brian Edwards asked if we could receive some kind of design
423 plan prior to construction it would be helpful.
- 424 - The Planning Director indicated it would not be unreasonable to require a design plan.
- 425 - The applicant offered to provide an “IFC” (Issued for Construction). This was added
426 as a condition.

427

428 Commissioner Bonine made a MOTION to approve Resolution 2020-25 with the findings as
429 discussed and modified with the following conditions:

430

- 431 1. The applicant shall submit an approved Long-Term Noxious Weed Control Plan to the
432 Park County Planning & Zoning Department prior to review with the Board of County
433 Commissioners;
- 434 2. The applicant shall submit to the Park County Planning & Zoning Department a runoff
435 and erosion control plan that has been reviewed and approved by the Park County
436 Engineer prior to commencing construction;
- 437 3. The applicant shall submit to the Park County Planning and Zoning Department a copy
438 of the geotechnical study results for the project site, along with evidence that the
439 County Engineer has reviewed the results and has no concerns with what is found or
440 proposed, prior to commencing construction;
- 441 4. The applicant shall submit a copy of the contract between Energy of Utah, LLC and
442 Rocky Mountain Power (PacifiCorp) for providing electricity to this use when it is not
443 generating its own power, prior to commencing construction;
- 444 5. This Special Use Permit shall expire on December 31, 2023 if construction has not
445 commenced by that date;
- 446 6. The applicant shall submit to the Park County Planning and Zoning Department a
447 design plan or issued for construction drawings (IFC) for the review and approval of
448 the Park County Engineer prior to commencing construction; and
- 449 7. The applicant shall otherwise comply with standards in the Park County Development
450 Standards and Regulations.

451

452 The motion was SECONDED by Commissioner Morrison. All in favor. The motion carried. See
453 Resolution 2020-25 attached hereto and incorporated herein.

454

Planning & Zoning Commission Minutes

August 18, 2020

455 **PUBLIC HEARING – Frannie Solar II SUP-204**: Frannie Solar II LLC/Energy of Utah requests
456 approval of a Special Use Permit Application with Site Plan Review for Frannie Solar II SUP-204.
457 The project proposes a Major Utility Use to establish a Solar Photovoltaic Facility. The proposed
458 use will be located on approximately 46.9-acres of an unaddressed 274-acre parcel approximately
459 2½ miles southwest of Frannie, WY in Sections 2 and 3, T57N, R98W of the 6th P.M., Park
460 County, Wyoming in a General Rural-Powell (GR-P) zoning district.

461
462 Acting Chairman Brandon-Wintermote opened the public hearing at 8:49pm, reviewed the rules
463 of a public meeting and introduced the Board and Staff. Commissioner Morrison asked if staff
464 would be allowed to identify only differences between the two applications rather than repeating
465 all the details. The Commission members agreed, but staff indicated that all findings of
466 importance should be mentioned because this is a separate hearing.

467
468 Kim Dillivan, Planner II, presented the Staff Report.

469
470 Acting Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.
471 There being none, Acting Chairman Brandon-Wintermote asked for comment from Public Works.

- 472 - Brian Edwards said he doesn't have any access concerns but would like to see a runoff
473 and erosion control plan. He would like to see the final issued for construction plans
474 and the Geotech report in particular where wind protection is a concern and making
475 sure engineers have addressed snow and wind loads.
476 - Mary McKinney said her comments are the same as for the Frannie Solar I project as
477 it was treated as a single project for her purposes. Their plan will address her concerns
478 and monitoring will occur.

479
480 Acting Chairman Brandon-Wintermote asked if the applicant had any questions or comments.

- 481 - The applicant has nothing to add. The project will be constructed at the same time as
482 Frannie Solar I project. It will be run and operated the same way.

483
484 Acting Chairman Brandon-Wintermote asked if any commission members had questions for the
485 applicant.

- 486 • Commissioner Jones asked about planned hours of operation – the applicant says 40
487 hours per week. The applicant said the employees will work 40 hours per week. The
488 employees rotate with one always on duty. The facility will operate continually.
489 • Acting Chairman Brandon-Wintermote asked what type of emergency situations may arise
490 for a use like this. The applicant said damage is one emergency. It can be run from your
491 cell phone. Also, any type of electrical problem. And they may get a signal from the utility
492 to curtail. If somewhere down the road the line has a fault and is out of service. The utility
493 will send a signal to stop producing.
494 • Commissioner Jones asked how vulnerable the panels are to hail. The applicant said they
495 don't like hail very much. They have to have good insurance in place.
496 • Acting Chairman Brandon-Wintermote asked about tolerating wind speed. The applicant
497 said he has never seen a panel loosen up. They do get stolen on occasion. Sometimes
498 shot at.

499
500 Acting Chairman Brandon-Wintermote asked if there were comments from any members of the
501 public.

- 502 - The landowners said they are nearby and it is not in pristine land. It is not next to
503 anyone's house. There are cows but no horses.

504

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505 Commissioner Bonine made a MOTION to close the hearing at 9:07pm; SECONDED by
506 Commissioner Jones. The motion was carried unanimously.

507
508 Acting Chairman Brandon-Wintermote asked commission members if they had any discussion.
509 Commissioner Putney asked for the same changes to the findings as were mentioned in the last
510 hearing. #29, #30, #36. Also, add the condition about the County receiving the IFC prior to
511 construction.

512
513 Commissioner Bonine made a MOTION to approve Resolution 2020-26 with the changes to
514 findings as noted and the following conditions:

- 515
- 516 1. The applicant shall submit an approved Long-Term Noxious Weed Control Plan to the
517 Park County Planning & Zoning Department prior to review with the Board of County
518 Commissioners;
 - 519 2. The applicant shall submit to the Park County Planning & Zoning Department a runoff
520 and erosion control plan that has been reviewed and approved by the Park County
521 Engineer prior to commencing construction;
 - 522 3. The applicant shall submit to the Park County Planning and Zoning Department a copy
523 of the geotechnical study results for the project site, along with evidence that the
524 County Engineer has reviewed the results and has no concerns with what is found or
525 proposed, prior to commencing construction;
 - 526 4. The applicant shall submit a copy of the contract between Energy of Utah, LLC and
527 Rocky Mountain Power (PacifiCorp) for providing electricity to this use when it is not
528 generating its own power, prior to commencing construction;
 - 529 5. This Special Use Permit shall expire on December 31, 2023 if construction has not
530 commenced by that date;
 - 531 6. The applicant shall submit to the Park County Planning and Zoning Department a
532 design plan or issued for construction drawings (IFC) for the review and approval of
533 the Park County Engineer prior to commencing construction; and
 - 534 7. The applicant shall otherwise comply with standards in the Park County Development
535 Standards and Regulations.

536 The motion was SECONDED by Commissioner Jones. All in favor. The motion carried. See
537 Resolution 2020-26 attached hereto and incorporated herein.

538
539 **PUBLIC HEARING – Copper Mountain Irrigation SUP-197:** Dale Warkentin requests approval
540 of a Special Use Permit Application with Site Plan Review for Copper Mountain Irrigation SUP-
541 197. The project proposes an Agricultural Support Use to establish an irrigation supply business.
542 The proposed use will be located on an unaddressed 7.05-acre parcel west of Powell,
543 immediately northeast of the intersection of Highway 14A and County Road 11, within the
544 SW1/4SW1/4 of Lot 64, Resurvey T55N, R99W of the 6th P.M., Park County, Wyoming in a
545 General Rural-Powell (GR-P) zoning district.

546
547 Acting Chairman Brandon-Wintermote opened the public hearing at 9:12pm.

548
549 There being no comments from Commission members, Kim Dillivan, Planner II, presented the
550 Staff Report.

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551
552 Acting Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.
553 There being none, Public Works and Weed and Pest were given an opportunity to comment.

554 • Brian Edwards, County Engineer, said the primary concerns relate to access and proximity
555 to the state highway, but that has been worked out with the applicant. There are no other
556 concerns at this time.

557 • Mary McKinney, Weed and Pest, said since significant disturbance has already occurred,
558 she recommends Best Management Practices, but no requirement for a Long-Term
559 Noxious Weed Management Plan. She would like to see undisturbed areas reseeded.
560

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

562 • Kelly Toews representing Copper Mountain Irrigation. He said they just propose what is
563 stated. Irrigation supply store providing service to local farmers and ranchers.
564

565 Acting Chairman Brandon-Wintermote asked if any commission members had questions for the
566 applicant.

567 • Acting Chairman Brandon-Wintermote asked if the full acreage will be used for the use.
568 The applicant said they won't use it entirely from corner to corner in the near future. It's a
569 smaller shop and they are just getting established. There will be some vacant areas. Acting
570 Chairman Brandon-Wintermote asked if there is a building with potential for major
571 commercial which is not allowed. Staff indicated any expansion of the use will require an
572 amended SUP and the applicant will be notified of any limitations.

573 • Commissioner Morrison said that she wanted to emphasize that lighting shall be down
574 shielded per regulations.
575

576 Acting Chairman Brandon-Wintermote asked if there were comments from any members of the
577 public.

578 - Dan Shumway asked why they were not notified, though he was told they were notified
579 they did not receive a notice. His wife said they just received the notice last week. He
580 asked the applicant about an area prepped on the very northwest corner. He wondered
581 if they will build something on it. The applicant said probably just for storage b/c there
582 is just one building planned.

583 - Diane Shumway said they have concerns about access.

584 - The applicant is unsure of what the access requirement is. Brian Edwards said he will
585 have to discuss with his staff to see what the requirement is for sure. He thinks it was
586 to be set back further from the highway. Staff indicated that WYDOT said they would
587 not approve access directly off the highway.
588

589 Commissioner Morrison asked for discussion.

590 - Commissioner Putney suggests adding "no outdoor lighting is proposed except lighting
591 under the eaves of the building" to finding 17.
592

593 Commissioner Morrison made a MOTION to close the hearing at 9:44pm; SECONDED by
594 Commissioner Jones. The motion was carried unanimously.
595

596 Commissioner Jones made a MOTION to approve Resolution 2020-27 with the following
597 conditions:
598

599 1. Park County noise, lighting, and other nuisance regulations shall apply;

600 2. The applicant shall comply with Northwest Rural Water District requirements;

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601 3. The applicant shall perform bare ground control for weeds in all graveled areas; reseed
602 all disturbed areas with certified weed-free perennial grass mixture within 12 months,
603 and follow *Best Management Practices for Controlling the Spread of Noxious Weeds*;
604 and

605 4. The applicant shall otherwise comply with standards in the Park County Development
606 Standards and Regulations.

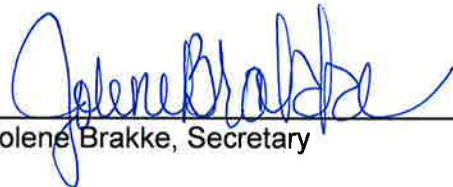
607 The motion was SECONDED by Commissioner Bonine. All in favor. The motion carried. See
608 Resolution 2020-27 attached hereto and incorporated herein.

609
610 Acting Chairman Brandon-Wintermote delivered the Chair's report.

611
612 The Planning Director delivered a report for the Planning and Zoning Department.

613
614 There being no other business, a MOTION was made by Commissioner Jones to adjourn the
615 meeting at 10:12pm. The motion was seconded by Commissioner Bonine. All in favor.

616
617 Respectfully submitted,

618
619
620 

Jolene Brakke, Secretary

**RESOLUTION 2020 – 25
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMEND APPROVAL OF FRANNIE SOLAR
SPECIAL USE PERMIT-203 (SUP-203) WITH SITE PLAN REVIEW**

WHEREAS, Frannie Solar, LLC submitted a Special Use Permit Application requesting permission to establish a Solar Photovoltaic Facility on approximately 46.6 acres of an unaddressed 274-acre parcel, approximately 1.6 miles southwest of Frannie, WY, in Sections 2 and 3, T57N, R98W of the 6th P.M., Park County, Wyoming;

WHEREAS, this project is defined by Park County as a Major Utility Use: Electric transmission lines, power plants, substations of electrical utilities, solid waste disposal facilities, wastewater treatment plants, water treatment plants, water storage tanks, communication towers over 35 feet in height, commercial wind projects, private wind turbines over 35 feet in height, pipelines and storage areas of utilities providing natural gas or other petroleum derivatives, amateur radio antennas over 35 feet in height, and more than 2 microwave dishes in one location;

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

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 August 18, 2020, to consider the Special Use Permit application and made findings as follows:

1. A Special Use Permit Application, including payment, was received from Frannie Solar, LLC on July 1, 2020;
2. The applicant proposes to establish a Solar Photovoltaic Facility to produce and sell electricity to PacifiCorp;
3. The use is classified as a Major Utility Use, which is allowable in the GR-P zoning district provided a Special Use Permit is approved;
4. Ownership is affirmed by Warranty Deed from John M. Farmer and Dorothy W. Farmer, husband and wife, Wayne Farmer and Isabell Farmer, husband and wife, Ruth Riel, formerly Ruth Krueger, and Phillip Riel, wife and husband, and The Phillip A. Whaley and Ilene F. Whaley Family Trust to Dale Neff and Peggy Neff, husband and wife, as tenants by entireties with right of survivorship and not as tenants in common, recorded April 18, 1996

(Document 1996-2133).

5. Energy of Utah, LLC is the parent company of Frannie Solar, LLC;
6. Energy of Utah, LLC, a Utah limited liability company entered into a Memorandum of Lease and Easement for a Solar Energy Project with Dale and Peggy Neff, dated February 19, 2020 and recorded in the records of the Park County Clerk and Recorded on February 27, 2020 as Document #2020-1127;
7. The proposed use will be located on approximately 46.6 acres of an unaddressed 274-acre parcel, approximately 1.6 miles southwest of Frannie, WY, in Sections 2 and 3, T57N, R98W of the 6th P.M., Park County, Wyoming;
8. Applicable regulations are Park County, Wyoming 2015 Development Standards and Regulations adopted September 15, 2015;
9. The zoning district for this use is General Rural-Powell (GR-P);
10. The planning area for this use is Cody/Powell Rural;
11. Surrounding land uses range from exempt (Bureau of Reclamation) bordering the north and west side of this parcel, and agricultural, and residential vacant uses surrounding the parcel on the east, northeast and south;
12. The proposed use is not within one mile of a municipality;
13. All public notice requirements have been met;
14. All agency referral requirements have been met;
15. No public comments have been received;
16. The applicant states that negative impacts from this use to the surrounding area will be minimal;
17. Setback requirements are met;
18. No covenants exist or are proposed;
19. No outdoor lighting is proposed for this use;
20. There are no known nonconformities on the property;
21. No nuisances have been reported at this location;
22. This use requires steel piles driven into the ground to support solar panel racking with no permanent concrete footings or foundations;
23. The applicant will conduct a geotechnical study;
24. Legal access will be via County Road 1XG, Road 1Vae, and U.S. Highway 310;
25. Domestic water is not proposed for this use;
26. The parcel is located within the Deaver Irrigation District and the proposed

- use will not impact any irrigation facilities;
27. Parking regulations do not apply to this use. Designated parking is not required;
 28. No sewage or wastewater will be produced as a part of this use;
 29. PacifiCorp's Frannie Substation will be used at night when this use does not generate its own power. The applicant shall submit a copy of the contract between Energy of Utah, LLC and Rocky Mountain Power (PacifiCorp) for providing electricity to this use when it is not generating its own power, prior to commencing construction;
 30. Standard warning and no trespassing signs are proposed for this use;
 31. This use will not create solid waste;
 32. No specific criteria are identified for this use;
 33. The proposed use is not located in an overlay district;
 34. No hazardous substances currently exist at this site;
 35. No hazardous substances will be stored, produced, or handled at this site;
 36. The applicant states no fire protection is associated with solar photovoltaic installations and there is no fire hazard as each Battery Energy Systems Storage (BESS) comes with its own 3 levels of fire protection;
 37. This use will not impact any lakes, reservoirs or streams;
 38. This use will not impact any federal wetlands;
 39. The applicant has not submitted a runoff and erosion control plan;
 40. A runoff and erosion control plan will be submitted through a Surface Water Intake Protection Plan (SWIPP) as start of construction draws closer;
 41. No special site plan review is required;
 42. A Long-Term Noxious Weed Control Plan is required.

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 the Frannie Solar Special Use Permit-203, subject to the following conditions:

1. The applicant shall submit an approved Long-Term Noxious Weed Control Plan to the Park County Planning & Zoning Department prior to review with the Board of County Commissioners;
2. The applicant shall submit to the Park County Planning & Zoning Department a runoff and erosion control plan that has been reviewed and approved by the Park County Engineer prior to commencing construction;
3. The applicant shall submit to the Park County Planning and Zoning Department a copy of the geotechnical study results for the project site, along with evidence that the County Engineer has reviewed the results and has no concerns with what is found or proposed, prior to commencing construction;
4. The applicant shall submit a copy of the contract between Energy of Utah, LLC and Rocky Mountain Power (PacifiCorp) for providing electricity to this use when it is not generating its own power, prior to commencing construction;
5. This Special Use Permit shall expire on December 31, 2023 if construction has not commenced by that date;
6. The applicant shall submit to the Park County Planning and Zoning Department a design plan or issued for construction drawings (IFC) for the review and approval of the Park County Engineer prior to commencing construction; and
7. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

ADOPTED by the Planning & Zoning Commission this 18th day of August, 2020.

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

ATTEST:


Kimberly Brandon-Wintermote, Vice Chairman


Jolene Brakke, Secretary

**RESOLUTION 2020 – 26
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMEND APPROVAL OF FRANNIE SOLAR II
SPECIAL USE PERMIT-204 (SUP-204) WITH SITE PLAN REVIEW**

WHEREAS, Frannie Solar, LLC submitted a Special Use Permit Application requesting permission to establish a Solar Photovoltaic Facility on approximately 46.9-acres of an unaddressed 274-acre parcel, approximately 1.6 miles southwest of Frannie, WY, in Sections 2 and 3, T57N, R98W of the 6th P.M., Park County, Wyoming;

WHEREAS, this project is defined by Park County as a Major Utility Use: Electric transmission lines, power plants, substations of electrical utilities, solid waste disposal facilities, wastewater treatment plants, water treatment plants, water storage tanks, communication towers over 35 feet in height, commercial wind projects, private wind turbines over 35 feet in height, pipelines and storage areas of utilities providing natural gas or other petroleum derivatives, amateur radio antennas over 35 feet in height, and more than 2 microwave dishes in one location;

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

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 August 18, 2020, to consider the Special Use Permit application and made findings as follows:

1. A Special Use Permit Application, including payment, was received from Frannie Solar, LLC on July 1, 2020;
2. The applicant proposes to establish a Solar Photovoltaic Facility to produce and sell electricity to PacifiCorp;
3. The use is classified as a Major Utility Use, which allowable in the GR-P zoning district provided a Special Use Permit is approved;
4. Ownership is affirmed by Warranty Deed from John M. Farmer and Dorothy W. Farmer, husband and wife, Wayne Farmer and Isabell Farmer, husband and wife, Ruth Riel, formerly Ruth Krueger, and Phillip Riel, wife and husband, and The Phillip A. Whaley and Ilene F. Whaley Family Trust to Dale Neff and Peggy Neff, husband and wife, as tenants by entireties with right of survivorship and not as tenants in common, recorded April 18, 1996

(Document 1996-2133);

5. Energy of Utah, LLC is the parent company of Frannie Solar II, LLC;
6. Energy of Utah, LLC, a Utah limited liability company entered into a Memorandum of Lease and Easement for a Solar Energy Project with Dale and Peggy Neff, dated February 19, 2020 and recorded in the records of the Park County Clerk and Recorded on February 27, 2020 as Document #2020-1127;
7. The proposed use will be located on approximately 46.9-acres of an unaddressed 274-acre parcel, approximately 1.6 miles southwest of Frannie, WY, in Sections 2 and 3, T57N, R98W of the 6th P.M., Park County, Wyoming;
8. Applicable regulations are Park County, Wyoming 2015 Development Standards and Regulations adopted September 15, 2015;
9. The zoning district for this use is General Rural-Powell (GR-P);
10. The planning area for this use is Cody/Powell Rural;
11. Surround land uses range from exempt (Bureau of Reclamation) bordering the north and west of this parcel, agricultural, and residential vacant uses surrounding the parcel on the east, northeast and south;
12. The proposed use is not within one mile of a municipality;
13. All public notice requirements have been met;
14. All agency referral requirements have been met;
15. No public comments have been received;
16. The applicant states that negative impacts from this use to the surrounding area will be minimal;
17. Setback requirements are met;
18. No covenants exist or are proposed;
19. No outdoor lighting is proposed for this use;
20. There are no known nonconformities on the property;
21. No nuisances have been reported at this location;
22. This use requires steel piles driven into the ground to support solar panel racking with no permanent concrete footings or foundations;
23. The applicant will conduct a geotechnical study;
24. Legal access will be via County Road 1XG, Road 1Vae, and U.S. Highway 310;
25. Domestic water is not proposed for this use;
26. The parcel is located within the Deaver Irrigation District and the proposed

- use will not impact any irrigation facilities;
27. Parking regulations do not apply to this use. Designated parking is not required;
 28. No sewage or wastewater will be produced as a part of this use;
 29. PacifiCorp's Frannie Substation will be used at night when this use does not generate its own power. The applicant shall submit a copy of the contract between Energy of Utah, LLC and Rocky Mountain Power (PacifiCorp) for providing electricity to this use when it is not generating its own power, prior to commencing construction;
 30. Standard warning and no trespassing signs are proposed for this use;
 31. This use will not create solid waste;
 32. No specific criteria are identified for this use;
 33. The proposed use is not located in an overlay district;
 34. No hazardous substances currently exist on this parcel;
 35. No hazardous substances will be stored, produced, or handled at this site;
 36. The applicant states no fire protection is associated with solar photovoltaic installations and there is no fire hazard as each Battery Energy Systems Storage (BESS) comes with its own 3 levels of fire protection;
 37. This use will not impact any lakes, reservoirs or streams;
 38. This use will not impact any federal wetlands;
 39. The applicant has not submitted a runoff and erosion control plan;
 40. A runoff and erosion control plan will be submitted through a Surface Water Intake Protection Plan (SWIPP) as start of construction draws closer;
 41. No special site plan review is required;
 42. A Long-Term Noxious Weed Control Plan is required.

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 the Frannie Solar II Special Use Permit-204, subject to the following conditions:

1. The applicant shall submit an approved Long-Term Noxious Weed Control Plan to the Park County Planning & Zoning Department prior to review with the Board of County Commissioners;
2. The applicant shall submit to the Park County Planning & Zoning Department a runoff and erosion control plan that has been reviewed and approved by the Park County Engineer prior to commencing construction;
3. The applicant shall submit to the Park County Planning and Zoning Department a copy of the geotechnical study results for the project site, along with evidence that the County Engineer has reviewed the results and has no concerns with what is found or proposed, prior to commencing construction;
4. The applicant shall submit a copy of the contract between Energy of Utah, LLC and Rocky Mountain Power (PacifiCorp) for providing electricity to this use when it is not generating its own power, prior to commencing construction;
5. This Special Use Permit shall expire on December 31, 2023 if construction has not commenced by that date;
6. The applicant shall submit to the Park County Planning and Zoning Department a design plan or issued for construction drawings (IFC) for the review and approval of the Park County Engineer prior to commencing construction; and
7. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

ADOPTED by the Planning & Zoning Commission this 18th day of August, 2020.

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

ATTEST:


Kimberly Brandon-Wintermote, Vice Chairman


Jolene Brakke, Secretary

**RESOLUTION 2020 – 27
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMEND APPROVAL OF COPPER MOUNTAIN IRRIGATION
SPECIAL USE PERMIT-197 (SUP-197) WITH SITE PLAN REVIEW**

WHEREAS, Copper Mountain Irrigation, LLC (Dale Warkentin, Owner) submitted a Special Use Permit Application requesting permission to establish an irrigation supply business including sprinkler systems, pipelines, parts, sales and service on an unaddressed 7.78-acre parcel one mile southwest of Powell, immediately northeast of the intersection of Highway 14A and County Road 11, within the SW1/4SW1/4 of Lot 64, Resurvey T55N, R99W of the 6th P.M., Park County, Wyoming. This parcel is located within one mile of the City of Powell;

WHEREAS, this project is defined by Park County as an Agricultural support business: A business specializing in goods or services necessary to the operation of farms and ranches or other agricultural operations such as veterinarians, feed stores, farm machinery dealers and repair shops;

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

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 August 18, 2020, to consider the Special Use Permit application and made findings as follows:

1. A Special Use Permit Application, including payment was received from Dale Warkentin on May 5, 2020. Supporting documents including plan-view drawings showing use location, vicinity map, type of activity and impact on adjacent properties were received July 16, 2020;
2. The applicant proposes an agricultural support use to establish an irrigation supply business including sprinkler systems, pipelines, parts sales and service;
3. The use is classified as an Agricultural Support Business, which is allowable in the GR-P zoning district provided a Special Use Permit is approve;
4. Ownership is established by Warranty Deed from Celedina Juarez and Delfino Juarez, Trustees of the Celedina Juarez Revocable Living Trust, dated April 8, 2004 to Copper Mountain Irrigation, LLC, a Wyoming limited liability company, dated November 20, 2019, and recorded February 11, 2020 (Document #2020-

- 846);
5. The proposed use is located on a parcel of land within the SW1/4SW1/4 of Lot 64, Resurvey T55N, R99W, 6th P.M., Park County, Wyoming;
 6. The proposed use is within one mile of the City of Powell municipality;
 7. The City of Powell has been notified of this proposal, but no response has been received;
 8. Applicable regulations are Park County, Wyoming 2015 Development Standards and Regulations adopted September 15, 2015;
 9. This proposed use is located in the General Rural-Powell (GR-P) zoning district;
 10. Surrounding land uses are primarily agricultural. Two parcels of land southwest of this property have been subject to a Land Use Change;
 11. All public notice requirements have been met;
 12. All agency referral requirements have been met;
 13. No public comments have been received;
 14. The applicant states that negative impacts from this use to the neighborhood/general area will be minimal;
 15. Setback requirements are met;
 16. No covenants exist or are proposed;
 17. No outdoor lighting is proposed for this use except lighting under the eaves of the building;
 18. There are no known nonconformities on this property;
 19. No nuisances have been reported on the property;
 20. The Powell-Clarks Fork Conservation District provided a soils report which indicated concerns with septic fields and structures;
 21. Wastewater disposal is proposed for this use. A small wastewater application has been received, but a permit has not been approved or issued;
 22. Legal access exists directly from County Road 11;
 23. Domestic water will be provided by Northwest Rural Water District;
 24. Northwest Rural Water District require the installation of a testable backflow prevention device. Backflow devices must be tested annually. The installation of this device, annual testing and the remainder of the costs are at the landowner's expense;
 25. This parcel is located within the Shoshone Irrigation District. SID indicated if this use were to have the need for irrigation, SID would have full availability off Lateral 2F-6;
 26. Parking regulations do apply to this use and the proposed parking area appears to be sufficient;

27. Rocky Mountain Power has the capacity to provide electricity for this use;
28. Montana Dakota Utilities has the capacity to provide natural gas for this use;
29. Signs are proposed for this use;
30. Solid waste will be disposed of according to County regulations;
31. Site Plan Review is required for an Agricultural Support Business and has been completed;
32. This property is located in the agricultural overlay district;
33. A response has not been received from the Park County Treasurer's office;
34. A response has not been received from Wyoming Game and Fish;
35. A response has not been received from TCT West;
36. Park County Public Works states a runoff and erosion control plan is not required at this time;
37. Fire Protection is available from Park County Fire District #1;
38. Park County Weed & Pest states a Long-Term Noxious Weed Management Plan will not be required. However, Weed & Pest recommends the following:
 - in addition to performing bare ground control in gravel areas, all disturbed areas be reseeded to a certified weed free perennial grass mixture within 12 months; and
 - the applicant follow *Best Management Practices for Controlling the Spread of Noxious Weeds*.

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 the Copper Mountain Irrigation Special Use Permit-197, subject to the following conditions:

1. Park County noise, lighting, and other nuisance regulations shall apply;
2. The applicant shall comply with Northwest Rural Water District requirements;
3. The applicant shall perform bare ground control for weeds in all graveled areas; reseed all disturbed areas with certified weed free perennial grass mixture within 12 months, and follow *Best Management Practices for Controlling the Spread of Noxious Weeds*; and
4. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

ADOPTED by the Planning & Zoning Commission this 18th day of August, 2020.

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

ATTEST:


Kimberly Brandon-Wintermote, Vice Chairman


Jolene Brakke, Secretary



Park County Planning & Zoning Department

1002 Sheridan Avenue, Suite #109

Cody, Wyoming

(307) 527-8540

PARK COUNTY PLANNING & ZONING COMMISSION

Meeting **6:00 P.M.**, Tuesday, September 15, 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 August 18, 2020 regular meeting.

REGULAR AGENDA

[PUBLIC HEARING CONT.– Echo Stables SUP-202](#)

[PUBLIC HEARING – PacifiCorp Tower SUP-207](#)

[PUBLIC HEARING – Smith Self Storage SUP-206](#)

OTHER BUSINESS

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

ADJOURN

PLEASE SIGN IN

PLANNING and ZONING COMMISSION REGULAR MEETING August 18, 2020

		Echo Stables SUP-202	
		Frannie Solar SUP-203	
		Frannie Solar II SUP-204	
		Copper Mountain Irrigation SUP-197	
	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	Farral Green	Echo Stables	Y
2	Philippe Dube Boucher	" "	Y
3	Amy Nelson	ECHO stables	
4	Steven Youngbauer	Echo Stables	Y
5	Steve An Huthung	50 Myers Rd, Cozy, WY, 82414	Y
6	Echo Youngbauer	Echo Stables	no
8	Shelley Causey	Echo Stables	No/maybe
9	James Causey	Echo Stables	maybe
10	Robin Berry	Echo Stables	
11	Bob Berry	Echo Stables	
12	Roy Maple	Echo Stables	
13	Jim Duffey	Echo " "	NO
14	Jerry Kiel	" "	Yes
15	OLE & QUINN SENDEN	ECHO STABLES	N
16	FERT FREY	ECHO STABLES	Yes
17	Keith & Kristina Norleen	Echo Stables	maybe
18	LARRY ROOP	ECHO stables	NO
19	BRADUW LOW	ECHO Stables - SUP 202	Yes
20	Dan Shumway & Dianne	West 40 LLC	N
21	Paul & Karen Youngstrom	ECHO stables	N
22	Dave Hoff	Frannie Solar	N
23	Shelly Neff	Frannie Solar	No
24	Annamarie McMahon	Echo Stables	maybe
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27			
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PLEASE SIGN IN
PLANNING and ZONING COMMISSION
REGULAR MEETING
August 18, 2020

		Echo Stables SUP-202	
		Frannie Solar SUP-203	
		Frannie Solar II SUP-204	
		Copper Mountain Irrigation SUP-197	
	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	DEAN OLENIK	ECHO STABLES	No
2	Mali Merager	Echo Stables	No
3	Andrew Cowan	Echo Stables	NO
4	ROCCO NRMA	FRANNIE II	YES
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