

1 **Planning & Zoning Commission Minutes**

2 October 20, 2020

3
4 This is a regular meeting of the Park County Planning & Zoning Commission held at 2:00pm 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
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 Mary McKinney, Weed and Pest

19
20 Acting Chairman Brandon-Wintermote opened the meeting at 2:00pm and introduced the
21 Commission and Staff.

22
23 **APPROVAL OF MINUTES**

24
25 Acting Chairman Brandon-Wintermote asked the Commission for comments or changes to the
26 September 15, 2020 meeting minutes. A MOTION was made by Commissioner Jones to approve
27 the minutes as corrected; the motion was SECONDED by Commissioner Duncan Bonine. Motion
28 was carried unanimously.

29
30 **CONSENT AGENDA**

31
32 **L and J SS-264:** Jerry and Melissa Bales are proposing a one lot Simple Subdivision comprised
33 of one 20.02-acre lot for residential/agricultural use. This parcel of land is located in Lot 68-C
34 and Lot 71, Resurvey, T51N, R103W, approximately 11+/- miles southwest of Cody, south of
35 County Road 6WXS (Southfork Road), in a General Rural-20 Acre (GR-20) zoning district.

36
37 Acting Chairman Brandon-Wintermote explained that County regulations provide that simple
38 subdivisions can be on the consent agenda. She asked if all Commission members had received
39 their packet and had all questions answered by staff. All Commissioners indicated they had.
40 Commissioner Duncan Bonine made a MOTION to approve the L and J SS-264. The motion was
41 SECONDED by Linda Putney. The motion carried. See Resolution 2020-31 attached hereto and
42 incorporated herein.

43
44 **REGULAR AGENDA**

45
46 **Gillett Family SS-263:** Ronnie Gillett is proposing a two lot Simple Subdivision comprised of
47 one 8.48-acre lot and one 8.50-acre lot for residential use. The parcel is located approximately 1
48 mile west of Ralston, south of County Lane 11, in a General Rural-Powell (GR-P) zoning district.

49
50 Acting Chairman Brandon-Wintermote acknowledged that a public hearing was not required and
51 directed Planning and Zoning staff to commence with the staff report at 2:05 pm.

52
53 Kim Dillivan, Planner II, presented the Staff Report.

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- 54 Acting Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.
55
- 56 • Commissioner Putney asked for a correction of the deed number from 2019 to 2020.
 - 57 • Commissioner Putney also asked if it is a typo regarding the requirements for wells not
58 being applicable (Page 11, Item D). Staff indicated it is an error and the standard does
59 apply.
 - 60 • Commissioner Putney asked about the easement and that because it is now going to be
61 a shared driveway, if he were to sell the second lot, would the easement need to be
62 amended. Staff indicated that the easement indicates "assigns." Presumably, upon the
63 sale of the property, the grantor would assign the easement to the next landowner.
 - 64 • Commissioner Putney asked where the water sample was taken from. Staff indicated the
65 sample was taken from the father's home on the property approximately 0.7 miles to the
66 west.
 - 67 • Commissioner Morrison asked staff if the Heart Mountain Irrigation District had their
68 meeting. The applicant will be consulted on this matter.
 - 69 • Mary McKinney, Weed and Pest said they are working on a weed plan.
- 70 Acting Chairman Brandon-Wintermote asked if the applicant had any questions or comments.
71
- 72 • Ronnie Gillett said the irrigation district had their meeting on October 15th. They will make
73 some changes and go back before the district in November.
 - 74 • Acting Chairman Brandon-Wintermote asked if TCT did their site study. Ronnie said they
75 indicated they would do it once he requested service. Jason Fields said gas service would
76 not be provided until they took ownership.
- 77 Acting Chairman Brandon-Wintermote asked commission members if they had any discussion.
78 Commissioner Putney asked for discussion.
- 79 - #6 show the correct address number of 1600
 - 80 - #17 should show "internet" service
 - 81 - #25 should show that Game and Fish responded and they have no concerns.
 - 82 - Add a finding that this subdivision is outside of NRWD service area.
 - 83 - Add a finding that Black Hills Energy gas line is in the area.
 - 84 - Add a condition that the final plat shall contain a notice regarding the Right to Farm and
85 Ranch Act.
- 86
87 Commissioner Morrison made a MOTION to approve the subdivision, with the changes to the
88 findings and conditions as stated, by Resolution 2020-32 with the following conditions:
89
- 90 1. The applicant shall provide all easements as requested by applicable utilities and special
91 districts, irrigation districts or public agencies providing services. The width of any utility
92 easement shall be sufficient to allow adequate maintenance of the system, but in no
93 case shall such utility easement be less than 20 feet in width. Easements must be
94 identified on the final plat;
 - 95 2. A Long-Term Noxious Weed Management Plan must be approved by Weed & Pest prior
96 to final plat review by the Board of County Commissioners;
 - 97 3. The applicant shall provide to the Planning and Zoning Department, comments and
98 recommendations from Heart Mountain Irrigation District prior to final plat review with the
99 Board of County Commissioners;
 - 100 4. The applicant shall place a notice on the final plat regarding the Wyoming Right to Farm
101 and Ranch Act of 1991; and

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102 5. The applicant shall otherwise comply with standards in the Park County Development
103 Regulations and the minimum subdivision requirements as set forth in Wyoming Statute
104 18-5-306.
105

106 The motion was SECONDED by Commissioner Putney. All in favor. The motion carried. See
107 Resolution 2020-32 attached hereto and incorporated herein.
108

109 **CAAN SS-265:** Brett & Cathy Whitlock and Brent & Annette Foulger are proposing a two lot
110 Simple Subdivision comprised of one 20.13-acre lot and one 20.13-acre lot for residential use.
111 The 40.26-acre parcel is located in Lot 41-I, T52N, R102W, approximately 5.3 +/- miles
112 southwest of Cody, east of County Road 6UU (Diamond Basin Road), in a General Rural-20
113 Acre (GR-20) zoning district.
114

115 Acting Chairman Brandon-Wintermote acknowledged that a public hearing was not required and
116 directed Planning and Zoning staff to commence with the staff report at 2:31pm.
117

118 Kim Dillivan, Planner II, presented the Staff Report.
119

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

121 - Mary McKinney, Weed and Pest, said she just needs to get with the applicant to work on
122 their weed plan.
123

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

125 • Brett Whitlock said they currently have a measuring device where the water comes into
126 them to the south. The device was mentioned in the meeting with the district – if they
127 decide to do a different entrance for the water, another measuring device would be
128 required. If subdivided and sold, there is a division where there is a catch ditch between
129 the center of the two. The intent is not to sell them at this point in time. If the County were
130 to rework the road, they may look at coming across the road if it happens to be torn up
131 instead of pulling from a ditch a quarter mile away.
132

133 Acting Chairman Brandon-Wintermote asked if any Commission members had questions for the
134 applicant. There were none.
135

136 Acting Chairman Brandon-Wintermote asked if any Commission members had further questions
137 for the staff.

138 - Commissioner Morrison asked about the water service mentioned in part of the staff report
139 the service availability from the water district.

140 - Commissioner Morrison said that the wording in the staff report that legal access was
141 “existing” is confusing because approved access permits are still required. She asked if
142 the wording could be changed to show that legal access is available rather than existing.

143 - Commissioner Putney asked how long/involved the process is to be added to the district.
144 Staff said that they have to bring the enlargement request before the Board of County
145 Commissioners. It is not a long, drawn-out process.
146

147 Acting Chairman Brandon-Wintermote asked Commission members if they had any discussion.

148 Commissioner Morrison asked for discussion.

149 - Add condition that a Long-Term Noxious Weed Management Plan is required.

150 - Change condition #5 to #6.

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- 151 - Change finding #20 to reflect that Public Works said legal access is available along
152 Diamond Basin Road.
153 - Add to finding #21 that no wells are proposed.
154 - Change finding #18 to reflect that a measuring device may be required if a change in
155 source is proposed.

156

157 Commissioner Bonine made a MOTION to approve CAAN SS-265 sketch plan by Resolution
158 2020-33 with the findings of fact as noted with following conditions:

159

- 160 1. The applicant shall provide all easements as requested by applicable utilities and special
161 districts, irrigation districts or public agencies providing services. The width of any utility
162 easement shall be sufficient to allow adequate maintenance of the system, but in no case
163 shall such utility easement be less than 20 feet in width. Easements must be identified
164 on the final plat;
- 165 2. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991
166 (W.S. §11-44-101);
- 167 3. Prior to final plat review by the Board of County Commissioners, the applicant shall
168 provide to the Planning and Zoning Department evidence that the subdivision lands have
169 been included in the Northwest Rural Water District boundaries or the applicant shall
170 provide water quality analysis to support on-site wells according to the subdivision
171 regulations;
- 172 4. Prior to final plat review by the Board of County Commissioners, the applicant shall
173 provide evidence of the Lakeview Irrigation District's final approval of the water
174 distribution plan to the Planning and Zoning Department;
- 175 5. The applicant shall submit an approved Long-Term Noxious Weed Management Plan to
176 the Planning and Zoning Department prior to review of the subdivision application by the
177 Board of County Commissioners; and
- 178 6. The applicant shall otherwise comply with standards in the Park County
179 Development Regulations and the minimum subdivision requirements as set forth in
180 Wyoming Statute 18-5-306.

181

182 The motion was SECONDED by Commissioner Jones. All in favor. The motion carried. See
183 Resolution 2020-33 attached hereto and incorporated herein.

184

185 **PUBLIC HEARING – TCT SUP-208 George Farms Tower:** Tri County Telephone Assn., Inc.
186 (TCT) proposes a Major Utility use for a 150' self-supporting communication tower. The proposed
187 tower will be located on an unaddressed parcel of land owned by George Farms located
188 approximately eleven miles southwest of Ralston, on the west side of US Highway 14A, T54N,
189 R101W of the 6th P.M., Park County, Wyoming, in a General Rural-Powell (GR-P) zoning district.

190

191 Acting Chairman Brandon-Wintermote reviewed the rules of a public meeting and opened the
192 public hearing at 2:59pm.

193

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

196
197 Acting Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.

- 198 • Mary McKinney of Weed and Pest said that the intent of her work is to protect our ag
199 producers from anything being introduced by equipment coming in from somewhere else.

200
201 Acting Chairman Brandon-Wintermote asked if the applicant had any questions or comments.

- 202 • Richard Wardell, TCT, said they began offering wireless internet in the Cody area in 2002.
203 They have several towers in the County. About two years ago they were involved in the
204 Connect America fund option. TCT won the auction and became the carrier of last resort
205 for rural parts of the County. As they continue to expand the reach of their network to
206 provide for the needs of the underserved, they have tried to strategically choose several
207 areas where towers are needed. In this case there are towers that do no good in this area
208 due to geography; the area cannot be reached by existing towers. There are
209 approximately 75 homes to be served by this tower. Putting a tower closer will reduce
210 necessary power and increase service.

211
212 Acting Chairman Brandon-Wintermote asked if any Commission members had questions for the
213 applicant.

- 214 • Commissioner Morrison asked if the tower has a life span. She also asked where the small
215 indicator lights will be. She asked if power comes in underground or overhead. She added
216 that the original application stated it was not 20 feet from a County ROW, but the staff
217 report says it is.

- 218 • Richard Wardell said the life span of the tower is at least 50 years. As far as indicator
219 lights, anything under 200 feet does not require a beacon. The indicator lights would be
220 on the equipment in the cabinet at the site so there will really be no additional lighting
221 visible at the site. Electrical power would come underground along with fiber optics. He
222 indicated that the access is not near a County right-of-way.

- 223 • Commissioner Putney asked how the district's road will be accessed. Richard said it will
224 be accessed from Lane 16.

225
226 Acting Chairman Brandon-Wintermote asked if there were comments from any members of the
227 public.

- 228 - Jim Jolovich resides at 5260 Hwy 14A. His home is directly east of the site. He is an
229 electrical engineer. He has differing views on the susceptibility of the EMF from the tower.
230 He opposes the tower due to view obstruction of Heart Mountain. He is not opposed to
231 the tower, just not in this location where it is in his eyeshot. The residuals will impact people
232 nearby. He would like to see it placed elsewhere on the property.

- 233 - Scott George is one of the Georges of the property where it is being placed. His family
234 homesteaded in this area, as did the Jolovichs. They've seen the expansion of utilities in
235 the area over the years. He has seen subdivisions going in where they were asked for
236 access or to place utilities through their property. They have done this with power and gas
237 and here we are with the need for reliable internet access. We are excited about this
238 opportunity. They were initially concerned about a large tower also, however the tower
239 design is very minimal. He thinks it would help the public a great deal.

- 240 - Tony Jolovich resides at 56 Lane 17, in eyesight of the proposed tower. He asks if the
241 tower would be compatible with upgrading the cell service in the area. Is there an
242 opportunity for those providers to use this tower to help with that? He understands there
243 is an existing approved site on the Knopp property. Has this been overlooked by TCT as
244 an alternative site?

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- 245 - Richard Wardell said he is not aware of any additional towers that were permitted or
246 approved. He was aware of one from past years that may have been approved but was
247 not built. As far as compatibility, they build once with the ability to have multiple tenants
248 on the tower. They utilize fixed internet; the same barriers exist for cell service providers
249 as well. It is being engineered to carry those services as well.
- 250 - Commissioner Morrison asked the applicant whether other sites for this have been
251 contemplated. She is sympathetic to the Jolovichs concerns since the Heart Mountain
252 view is near and dear to the hearts of many residents. She recalls a tower going up on the
253 Southfork where it was determined that they could get a much lower tower to achieve what
254 they wanted by moving to a different hill nearby.
- 255 - Richard Wardell said he is not aware of any approved towers. They have done their due
256 diligence in looking at the terrain and vegetation in considering the spectrum of their use.
257 The height is so they can get a clear line of sight to customers and the tower requires
258 vertical separation for additional tenants. He added that many other people were not
259 interested in speaking with TCT. They do use some utilities and topographic maps to
260 calculate paths; considering the highs, lows and vegetation, which limits the locations.
261 Then finding a landowner that is willing to discuss the concept is difficult.
- 262 - Commissioner Jones was also interested in hearing if an alternate site was considered.
263 He said there is a terrible inherent problem with these towers where they need to be above
264 the sight line for someone always. It's a dilemma – people want cell service but no cell
265 towers.
- 266 - Patti Umphlett, Planner I, mentioned that there was a comment on some applications that
267 there may be an option to modify the height of the tower(s).
- 268 - Richard Wardell said they could potentially lower the tower height however they could lose
269 the ability to have a multi-tenant capability and lose some of the reach for those furthest
270 from the tower.
- 271 - Commissioner Morrison asked about the paper that was provided to the Commission from
272 Mr. Jolovich. It was explained that it is a map with the proposed tower site vs his residence
273 and the site of another proposed tower site. Also, she asked about his concerns with the
274 electrical fields.
- 275 - Mr. Jolovich said you create electrical fields which are negative to your health. He also
276 would like to see additional research done to determine the height. There are engineering
277 means to achieve what they want to do by shortening the tower. Other providers could
278 build towers for their own services.
- 279 - Commissioner Jones commented on the EMF with powerlines and similar. He believes it
280 is correct that these things exist, but they drop off very quickly the farther you move from
281 the tower. Generally, they are not a health and safety issue to the public.
- 282
- 283 Acting Chairman Brandon-Wintermote asked Commission members if they had any discussion.
- 284 Commissioner Morrison made a MOTION to continue the public hearing to see if there are other
285 viable alternatives for location. Commissioner Putney SECONDED. Commissioners Jones and
286 Bonine opposed. Acting Chairman Brandon-Wintermote was also opposed. The motion failed.
- 287
- 288 Commissioner Jones made a MOTION to close the public hearing at 3:41pm. SECONDED by
289 Commissioner Bonine. Motion carried.
- 290
- 291 Commissioner Jones said he is sympathetic to the concerns, but sometimes difficult decisions
292 need to be made.
- 293
- 294 Commissioner Jones made a MOTION to approve TCT George Farms Tower SUP-208, with the
295 findings as discussed, by Resolution 2020-34 with the following conditions:

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- 296 1. The applicant shall provide an approved Long-Term Noxious Weed Management
297 Plan prior to review of the SUP application by the Board of County Commissioners;
298 and
299
300 2. The applicant shall otherwise comply with standards in the Park County
301 Development Standards and Regulations.
302

303 The motion was SECONDED by Commissioner Bonine. Commissioner Putney would like to see
304 finding #23 change the word "later" to "lateral." Commissioners Putney and Morrison were
305 opposed. Acting Chairman Brandon-Wintermote voted in favor. The motion carried. See
306 Resolution 2020-34 attached hereto and incorporated herein.
307

308 **PUBLIC HEARING – TCT SUP-209 Northrup Tower:** Tri County Telephone Assn., Inc. (TCT)
309 proposes a Major Utility use for a 60-foot self-supporting communication tower. The proposed use
310 will be located on a parcel of land owned by Northrup Farms with an address of 1252 Road 7,
311 located approximately 4.1 miles southeast of Powell, T54N, R99W of the 6th P.M., Park County,
312 Wyoming, in a General Rural-Powell (GR-P) zoning district.
313

314 Acting Chairman Brandon-Wintermote opened the public hearing at 3:45pm.
315

316 There being no comments from Commission members, Kim Dillivan, Planner II, presented the
317 Staff Report.
318

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

- 320 • Commissioner Putney asked if the County Engineer provided further comment. Staff is
321 unaware of new comment.
322 • Mary McKinney, Weed and Pest, said her concern is for the ag producers and that things
323 don't get spread around during construction, so a Long-Term Noxious Weed Management
324 Plan is required.
325

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

- 327 • Richard Wardell, TCT, said that TCT has been providing internet since 2002 in the area.
328 They are now the carrier of last resort for several remote areas in the county. With their
329 obligation as part of that, their existing towers are not adequate for complete coverage of
330 the area. This tower will augment existing towers and provide better service to
331 approximately 45 homes.
332

333 Acting Chairman Brandon-Wintermote asked if any Commission members had questions for the
334 applicant.

- 335 • Acting Chairman Brandon-Wintermote asked if TCT is seeking a permanent easement
336 through the property. Richard indicated that they are working on securing easement upon
337 approval.
338

339 Acting Chairman Brandon-Wintermote asked if there were comments from any members of the
340 public. There were none.
341

342 Acting Chairman Brandon-Wintermote asked Commission members if they had any discussion.
343 There was none.
344

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345 Commissioner Jones made a MOTION to close the hearing at 4:02pm; SECONDED by
346 Commissioner Bonine. The motion was carried unanimously.

347
348 Commissioner Morrison sought discussion.

- 349 - Finding #9 should reflect that a weed plan is required. She would like the related condition
- 350 to read that a plan is required prior to board review.
- 351 - Add a finding that Willwood stated they have no concerns.
- 352 - Add a finding that no public comments have been received.

353
354 Commissioner Putney asked about a condition for Public Works to complete a structural review
355 on the tower. It was determined that this was a recommendation, therefore a condition was not
356 added.

357
358 Commissioner Bonine made a MOTION to approve TCT SUP-209, with the findings as discussed,
359 by Resolution 2020-35 with the following conditions:

- 360
361 1. The applicant shall provide an approved Long-Term Noxious Weed Management
362 Plan prior to review of the SUP application by the Board of County Commissioners;
363 and
- 364
365 2. The applicant shall otherwise comply with standards in the Park County
366 Development Standards and Regulations.

367
368 The motion was SECONDED by Commissioner Jones. All in favor. The motion carried. See
369 Resolution 2020-35 attached hereto and incorporated herein.

370
371 **PUBLIC HEARING – TCT SUP-210 Greybull Hwy Tower:** Tri County Telephone Assn., Inc.
372 (TCT) proposes a Major Utility use for a 60-foot self-supporting communication tower. The
373 proposed use will be located on an unaddressed parcel of un-zoned Bureau of Land Management
374 land located approximately 4.5 miles southeast of Cody, T52N, R101W of the 6th P.M., Park
375 County, Wyoming.

376
377 Acting Chairman Brandon-Wintermote opened the public hearing at 4:07pm.

378
379 There being no comments from Commission members, Kim Dillivan, Planner II, presented the
380 Staff Report.

381
382 Acting Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.
383 There being none, Acting Chairman Brandon-Wintermote asked if the applicant had any questions
384 or comments.

- 385 • Richard Wardell, TCT, said they began offering wireless internet in the Cody area in 2002.
386 They have several towers in the County. About two years ago they were involved in the
387 Connect America fund option. TCT won the auction and became the carrier of last resort
388 for rural parts of the County. This area has some uniqueness in terrain and population.
389 Other towers in the area do not provide the reach needed, so this site is important. They
390 want to be sensitive to the concerns of local residents while also providing residents with
391 the internet capacity they desire. There are 65 residents who could benefit from this tower.

392

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

- 395 • Commissioner Jones asked the applicant about how credits from the Sage Grouse Habitat
396 Bank work. Richard Wardell said it is complicated, but they are required to purchase this
397 as part of the study. They have looked into the outside edge of the area. There are
398 guidelines to timing for construction.
- 399 • Acting Chairman Brandon-Wintermote read a letter that was provided earlier in the
400 meeting from Anne Young. Anne has concerns about the tower being placed on the
401 Bluebird Trail. It is a well-known family trail. She would like to see the tower moved 25
402 yards north of the proposed site.

403
404 Acting Chairman Brandon-Wintermote asked if there were comments from any members of the
405 public.

- 406 - Chris Pogue said she is the last house on Sunset Rim. She said the ground is very fragile
407 and washes out very easily. Unless they build a big pad, there is nothing to hold that
408 ground. She is also concerned about the visual aspect of it. She can't imagine where they
409 will put it since it is so steep out there. She said her internet is just fine. She knows there
410 are some big residences and some people with meetings who may need more. But she is
411 satisfied with her service.
- 412 - Cindy Collins said she first moved to Cody in 1978. She is on Sunset Rim for the last 22
413 years. She agrees they need extended telecommunications, but she is opposed to the
414 specific location. She defers to Game and Fish. She is more concerned with recreation
415 and security. That road is extremely erodible. There are huge ruts. It is a designated trail
416 that is popular. Children, people walking dogs, hiking, informal shooters daily. ATV and
417 bicycle users. Horse riding. She doesn't feel it is appropriate to put something else there.
418 They do have the water supply up there. They have continual problems with vandalism.
419 The antennas are highly directional with options so she doesn't see why it needs to be
420 there. She doesn't see why access to that area would be shut off. She referenced 911 and
421 how rec areas were closed down under national emergency. Perhaps just moving it a bit
422 would be a better idea.
- 423 - Richard Wardell said they looked down lower where the facility already was. They could
424 not get an agreement. They are aware of the fragile nature of the landscape, which is one
425 reason why it is close to the road. It will be fenced. Many of their sites are on hills. They
426 take the precautions to put warnings and barriers up.
- 427 - Acting Chairman Brandon-Wintermote asked about the number of trips that may be
428 needed during construction. Richard said it is kind of a two-track road. It is fairly rugged
429 above where the water tank is. They will bring up the tower in segments and construct it
430 on-site. There is a significant amount of traffic during the construction phase. They do not
431 need huge cranes. They try to eliminate the heavy traffic.
- 432 - Commissioner Jones asked about annual maintenance traffic after construction. Richard
433 said just a few times per year. There is not a lot required. Commissioner Jones said the
434 engineers must have looked at that location for a pad to be stable to preclude natural
435 erosion.
- 436 - Commissioner Morrison asked if the area that was cleared by BLM would allow for the
437 movement of the tower to the distance that was suggested by Anne Young. Richard said
438 not easily. It would require a new permitting process and reviews. The archaeological
439 reviews would need to be redone.
- 440 - Commissioner Morrison asked about the time-sensitivity of the applications and what the
441 applicant is up against. Richard said within the auction they are required within 5 years to
442 build out. They are two years into this. In this spot the process has been going on that
443 long. However, this year with the CARES Act, the state allowed funds to be utilized for

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444 critical infrastructure that would allow better remote work, telehealth and distance learning
445 and allowed for these projects to be funded. The work must be done by the end of the
446 year.

447 - Commissioner Jones asked how the suggested alternate site would achieve mitigation of
448 concerns. Ms. Young was not present to answer.

449
450 Commissioner Putney made a MOTION to close the hearing at 4:40pm; SECONDED by
451 Commissioner Bonine. The motion was carried unanimously.

452
453 Acting Chairman Brandon-Wintermote asked Commission members if they had any discussion.
454 Commissioner Putney asked for the following changes to conditions:

- 455 - Change finding #10 to a Long-Term Noxious Weed Management Plan will be required.
- 456 - Change Condition #3 that the applicant shall provide a Long-Term Noxious Weed
457 Management Plan prior to review by the Board of County Commissioners.

458
459 Commissioner Putney made a MOTION to approve TCT SUP-210 Greybull Highway Tower, with
460 findings as amended and discussed, Resolution 2020-36 with the following conditions:

- 461
462 1. The applicant shall provide evidence of BLM approval/permitting of the tower prior
463 to commencing construction;
- 464
465 2. The applicant shall comply with the requirements cited by the Wyoming Game and
466 Fish Department;
- 467
468 3. The applicant shall provide an approved Long-Term Noxious Weed Management
469 Plan prior to review of the SUP application by the Board of County Commissioners;
470 and
- 471
472 4. The applicant shall otherwise comply with standards in the Park County
473 Development Standards and Regulations.

474
475 The motion was SECONDED by Commissioner Bonine.

476
477 Commissioner Morrison said in general we need a more collaborative process earlier in the
478 application process to incorporate and involve stakeholders. Dissention from neighbors at public
479 hearings could largely be prevented by this. By the time the county, the applicant and neighbors
480 are addressing issues in a public hearing, the applicant has already invested much in terms of
481 time and money into the process.

482
483 Commissioner Jones was in favor. Commissioner Morrison was opposed. The motion carried.
484 See Resolution 2020-36 attached hereto and incorporated herein.

485
486 **PUBLIC HEARING – TCT SUP-211 Sunshine Tower:** Tri County Telephone Assn., Inc. (TCT)
487 proposes a Major Utility use for a 60-foot self-supporting communication tower. The proposed use
488 will be located on an unaddressed parcel owned by Greybull Valley Irrigation District located
489 approximately seven miles southwest of Meeteetse on the south side of State Highway 290,
490 T48N, R101W of the 6th P.M., Park County, Wyoming, in a General Rural-Meeteetse (GR-M)
491 zoning district.

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492

493 Acting Chairman Brandon-Wintermote opened the public hearing at 4:45pm.

494 There being no comments from Commission members, Kim Dillivan, Planner II, presented the
495 Staff Report. Kim added that confirmation was received from the Irrigation District granting access
496 for this use.

497

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

499 There being none, Acting Chairman Brandon-Wintermote asked if the applicant had any questions
500 or comments.

501 • Richard Wardell said this project is not connected to the previous tower projects, except

502 that it is connected to the CARES Act funding. This tower will provide services to residents

503 and other more commercial entities. They are hoping one of the carriers may choose to

504 provide service into the Lower Sunshine Reservoir area.

505

506 Acting Chairman Brandon-Wintermote asked if any Commission members had questions for the

507 applicant. There being none, Acting Chairman Brandon-Wintermote asked if there were

508 comments from any members of the public.

509 - Ellen Burckhardt of GDM Ranch is very much in favor of this tower.

510

511 Commissioner Putney asked if Rocky Mountain Power may need easements. Richard said they

512 are being provided by the Irrigation District.

513

514 Commissioner Morrison made a MOTION to close the hearing at 4:57pm; SECONDED by

515 Commissioner Jones. The motion was carried unanimously.

516

517 Acting Chairman Brandon-Wintermote asked Commission members if they had any discussion.

518

519 Commissioner Putney made a MOTION to approve TCT SUP-211 Sunshine Tower, Resolution

520 2020-37, with the findings of fact as presented and with the following conditions:

521

522 1. The applicant shall provide an approved Long-Term Noxious Weed Management
523 Plan prior to review of the SUP application by the Board of County Commissioners;

524

525 2. The applicant shall submit to the Park County Planning & Zoning Department a
526 written response from the Park County Engineer prior to review of the SUP
527 application by the Board of County Commissioners;

528

529 3. The applicant shall minimize disturbance to mule deer winter range; and

530

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

533

534 The motion was SECONDED by Commissioner Bonine. The motion carried. See Resolution

535 2020-37 attached hereto and incorporated herein.

536

537 There being no other business, a MOTION was made by Commissioner Putney to adjourn the
538 meeting at 5:02pm. The motion was seconded by Commissioner Jones. All in favor.

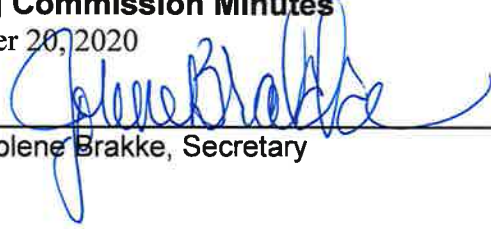
539

540 Respectfully submitted,

541

Planning & Zoning Commission Minutes

October 20, 2020



Jolene Brakke, Secretary

542
543

**RESOLUTION 2020-31
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
L AND J SIMPLE SUBDIVISION
(SS-264) SKETCH PLAN**

WHEREAS, Jerry and Melissa Bales proposes to create a one-lot simple subdivision consisting one 20.02-acre lot for residential purposes 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 minor subdivision sketch plans;

WHEREAS, the Planning & Zoning Commission held a duly noticed public hearing on October 20, 2020 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision Permit Application, including payment, was received from Jerry and Melissa Bales on August 27, 2020;
2. The applicant proposes to create a one-lot simple subdivision consisting of a 20.02-acre lot for residential use, and an approximately 59.33-acre exempt remainder parcel;
3. The subdivision classification meets the standards of a simple subdivision;
4. Ownership is affirmed by Warranty Deed (dated November 13, 2017, Document # 2017-5836) to Jerry W. Bales and Melissa M. Bales, Trustees of the Jerry W. Bales and Melissa M. Bales Trust, a trust established on March 11, 2009;
5. The parcel is located within Lot 68-C, Lot 70-J and Lot 71, Resurvey T51N, R103W, 6th P.M., Park County, Wyoming;
6. The proposed subdivision is located at 1152 Road 6PR, approximately 11.5 miles southwest of Cody;
7. Applicable regulations are the *Park County Wyoming 2015 Development Standards and Regulations*, adopted September 15, 2015;
8. Surrounding land uses are primarily agricultural;
9. Proposed Lot 1 has an existing residence and an outbuilding in addition to irrigated acreage;
10. The proposed subdivision is not within a mile of any municipality;
11. All public notice requirements have been met;
12. Notice of Intent to Subdivide was published on July 14, 2020 and July 16, 2020, inadvertently twice in one week rather than once each week for two weeks as required. The applicant published a Notice of Intent to Subdivide, citing the error, on October 15, 2020, per the Planning Director's recommendation;
13. All agency referral requirements have been met;
14. Park County Public Works stated that there is legal access to the property along County Road 6PR, and additional access via County Road 6WX is not favorable;
15. Lakeview Irrigation District reviewed and approved the water distribution plan for this subdivision;
16. Park County Fire District #2 can provide fire protection to the proposed lot;

17. Park County School District #6 will work to ensure that students living in the subdivision will be provided transportation to and from school, though door-to-door pickup and drop off may not be available;
18. Park County Weed & Pest determined a Long-Term Noxious Weed Management Plan is not required;
19. Black Hills Energy stated that natural gas service is not available in this area;
20. Cody Conservation District provide a soils report indicating no concerns as long as DEQ guidelines are adhered to for small wastewater systems;
21. The US Postal Service can provide delivery service;
22. The Park County Treasurer's Office confirmed there are no back taxes owed on this property;
23. Northwest Rural Water District had no comments based upon the applicant's intent to use an existing well for domestic water;
24. Wyoming Game & Fish had no comments or concerns related to this subdivision;
25. No public comments have been received;
26. A pre-application meeting was held on June 29, 2020;
27. A title report has been submitted;
28. No roads are proposed as part of this subdivision;
29. Garbage disposal service is available;
30. No hazardous features are known to exist on the property;
31. A complete sketch plan has been received;
32. The Park County Small Wastewater Administrator reviewed subsurface evaluation data collected by the applicant and indicates that conventional septic systems will likely be sufficient;
33. An existing permitted domestic water well provides water to serve proposed Lot 1;
34. Analysis of the well water indicated that it was safe for coliform and nitrogen in November of 2007, however, it exceeded EPA recommended guidelines for other secondary contaminants including sodium, TDS, and water hardness;
35. The proposed subdivision lot meets lot size requirements;
36. The subdivision is not within an Airport Overlay District or Flood Overlay District;
37. The subdivision is within an Agricultural Overlay District and is not expected to impact neighboring agricultural operations; and
38. No open spaces, natural areas, schools or parks are proposed or required.

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

NOW, THEREFORE, BE IT RESOLVED based on the foregoing, the Planning & Zoning Commission hereby recommends approval of the sketch plan for L and J SS-264, subject to the following conditions:

1. The applicant shall provide all easements as requested by applicable utilities and special districts, irrigation districts or public agencies providing services. The width of any utility easement shall be sufficient to allow adequate maintenance of the system, but in no case shall such utility easement be less than 20 feet in width. Easements must be identified on the final plat;
2. The final plat shall contain the following statement in bold, capital letters:

SELLER DOES NOT WARRANT TO THE PURCHASER THAT THERE ANY RIGHTS TO THE NATURAL FLOW OF ANY STREAM WITHIN OR ADJACENT TO THE PROPOSED SUBDIVISION. WYOMING LAW DOES NOT RECOGNIZE ANY RIPARIAN RIGHTS TO THE CONTINUED NATURAL FLOW OF A STREAM OR RIVER FOR PERSONS LIVING ON THE BANKS OF THE STREAM OR RIVER;

3. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991 (W.S. §11-44-101); and
4. The applicant shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306.

ADOPTED by the Park County Planning & Zoning Commission this 20th day of October, 2020.

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

ATTEST:



Kimberly Brandon-Wintermote, Vice-Chair

Jolene Brakke, Secretary

**RESOLUTION 2020-32
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
GILLETT SIMPLE SUBDIVISION
(SS-263) SKETCH PLAN**

WHEREAS, Ronnie Gillett proposes to create a two-lot simple subdivision consisting one 8.48- acre lot and one 8.50-acre lot for residential purposes in a General Rural Powell (GR-P) 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 minor subdivision sketch plans;

WHEREAS, the Planning & Zoning Commission held a duly noticed public hearing on October 20, 2020 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision Permit Application, including payment, was received from Ronnie Gillett on June 30, 2020;
2. The applicant proposes to create a two-lot simple subdivision consisting of one 8.48-acre lot and one 8.50-acre lot for residential and agricultural use and an approximately 299-acre exempt remainder parcel;
3. The subdivision classification meets the standards of a simple subdivision;
4. Ownership is affirmed by Quitclaim Deed (dated March 29, 2019, Document 2019-1993) to Gary Gillett, as sole owner, from David L. Gillett, Judy Bullinger and Debbie Wambeke, Co-Ttees of the Donald L. Gillett Shelter Trust dated December 10, 2014, and David L. Gillett and Judy Bullinger, Co-Ttees of the Gillett Family Trust dated March 14, 2006;
5. The parcel is located within Tract 43-8 and Lot 2, Section 27, Resurvey, T.55N., R 100W., 6th P.M., Park County, Wyoming;
6. The proposed subdivision is located at 1600 Lane 11, approximately 0.75 west of Ralston;
7. Applicable regulations are the *Park County Wyoming 2015 Development Standards and Regulations*, adopted September 15, 2015;
8. Surrounding land uses are primarily agricultural;
9. Proposed Lot 1 has an existing Special Use Permit for a Value-Added Agricultural Business, as well as building permits for a shop building and single-family residence;
10. Proposed Lot 2 is currently vacant agricultural land;
11. The proposed subdivision is not within a mile of any municipality;
12. All public notice requirements have been met;
13. Notice of Intent to Subdivide was published on June 18, 2020 and June 25, 2020;
14. All agency referral requirements have been met;
15. Heart Mountain Irrigation District is actively working with the applicant to complete the Water Distribution Plan for review by the next HMID Commission meeting in October Lakeview Irrigation District reviewed and approved the water distribution plan for this subdivision;
16. Park County Fire District #2 can provide fire protection to the proposed lot;

17. TCT will need to do a site survey to determine if wireless internet service could be provided at this location.
18. Two Tough Guys, LLC is available to provide solid waste disposal service;
19. US Postal Service is able to provide mail delivery;
20. Garland Light & Power has the capacity to service this subdivision;
21. Quality Propane Service is available to provide propane to this subdivision;
22. Powell-Clarks Fork Conservation District submitted a soils report;
23. Park County Weed & Pest requires a Long-Term Noxious Weed Management Plan;
24. Park County Fire District No. 1 can provide fire protection;
25. Wyoming Game & Fish has responded and they have no concerns;
26. The Park County Treasurer states there are no back taxes owed on this property;
27. Park County Public Works confirmed legal access from County Lane 11 via a private 20' wide access and utility easement and cited no concerns with drainage and erosion control at this time;
28. Park County School District #1 can provide school bus service;
29. No public comments have been received;
30. A pre-application meeting was held on June 12, 2020;
31. A title report has been submitted;
32. No roads are proposed as part of this subdivision;
33. No hazardous features are known to exist on the property;
34. A complete sketch plan has been received;
35. The Park County Small Wastewater Administrator reviewed subsurface evaluation data that was collected by the applicant and indicates that conventional septic systems will likely be sufficient;
36. Domestic water will be provided through private water wells to be permitted and approved by the Wyoming State Engineer's Office;
37. A water analysis has been conducted on a water well in the vicinity;
38. Results from the domestic water analysis met the Safe Drinking Water Act (SDWA) requirements for the substances tested;
39. The proposed subdivision lot meets lot size requirements;
40. The subdivision is not within an Airport or Flood Overlay District;
41. The subdivision is within an Agricultural Overlay District and is not expected to impact neighboring agricultural operations;
42. No open spaces, natural areas, schools or parks are proposed or required; and
43. The subdivision is not within a mapped special flood hazard area.
44. Northwest Rural Water District responded and indicated that the subdivision is located outside of their service area.
45. Black Hills Energy has service in the area.

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 Gillett SS-263, subject to the following conditions:

1. The applicant shall provide all easements as requested by applicable utilities and special districts, irrigation districts or public agencies providing services. The width of any utility easement shall be sufficient to allow adequate maintenance of the system, but in no case shall such utility easement be less than 20 feet in width. Easements must be identified on the final plat;
2. A Long-Term Noxious Weed Management Plan must be approved by Weed & Pest prior to final plat review by the Board of County Commissioners;
3. The applicant shall provide to the Planning and Zoning Department, comments and recommendations from Heart Mountain Irrigation District prior to final plat review with the Board of County Commissioners;
4. The applicant shall place a notice on the final plat regarding the Wyoming Right to Farm and Ranch Act of 1991; and
5. The applicant shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306.

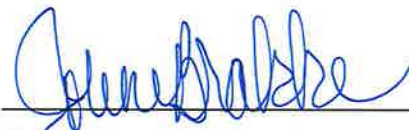
ADOPTED by the Park County Planning & Zoning Commission this 20th day of October, 2020.

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

ATTEST:



Kimberly Brandon-Wintermote, Vice-Chair



Jolene Brakke, Secretary

**RESOLUTION 2020-33
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
CAAN SIMPLE SUBDIVISION
(SS-265) SKETCH PLAN**

WHEREAS, Brett & Cathy Whitlock and Brent & Annette Foulger, propose to create a two-lot simple subdivision consisting two 20.13-acre lots for residential purposes 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 minor subdivision sketch plans;

WHEREAS, the Planning & Zoning Commission held a duly noticed public hearing on October 20, 2020 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision Permit Application, including payment, was received from Brett & Cathy Whitlock and Brent & Annette Foulger on September 15, 2020;
2. The applicants propose to create two 20.13-acre parcels from an existing 40.26-acre parcel for residential use;
3. The subdivision classification meets the standards of a simple subdivision;
4. Ownership is affirmed by Warranty Deed (recorded June 12, 2020, Document # 2020-3357) to Brett C. Whitlock and Cathy K. Whitlock, husband and wife as tenants by the entirety unto themselves, and Brent Foulger and Annette Foulger, husband and wife as tenants by the entirety unto themselves, as joint tenants with right of survivorship;
5. The parcel is located within Lot 41-I of Lot 41, Resurvey, Township 52 North, Range 102 West, 6th P.M., Park County, Wyoming approximately 4.5 miles southwest of Cody along Diamond Basin Road;
6. Applicable regulations are the *Park County Wyoming 2015 Development Standards and Regulations*, adopted September 15, 2015;
7. Surrounding land uses are primarily agricultural and residential;
8. The land is currently vacant;
9. The proposed subdivision is not within a mile of any municipality;
10. All public notice requirements have been met;
11. Notice of Intent to Subdivide was published on September 15 and 22, 2020;
12. All agency referral requirements have been met;
13. Park County Fire District #2 can provide fire protection to the proposed lots;
14. Black Hills Energy stated that natural gas is available to serve the subdivision;
15. Cody Conservation District provide a soils report indicating that the land is considered prime farmland. The soils are highly susceptible to wind erosion though not susceptible to flooding. The soils are somewhat limited to very limited for septic tank absorption fields (slow water movement/depth to bedrock) and sewage lagoons (seepage/slope/depth to bedrock). The majority of the soils have moderate infiltration when moderately wet;
16. Park County Weed & Pest observed the presence of noxious weeds and determined a Long-Term Noxious Weed Management Plan is required;
17. Park County School District #6 has a school bus route in the vicinity of the

subdivision;

18. Lakeview Irrigation District reviewed and tentatively approved the water distribution plan for this subdivision and indicated that the following must be part of the plan: 1) A waste ditch must be shown on the water distribution plan to drain irrigation water from Lot 2; 2) the Board recommends sprinkler irrigation, even though it is not required; and 3) the Board may require a measuring device should the point of water diversion be changed;
19. The Park County Treasurer's Office confirmed there are no back taxes owed on this property;
20. Park County Public Works stated legal access is available to the property along Diamond Basin Road and access to each lot will require a right-of-way permit;
21. Northwest Rural Water District stated that the subdivision is currently outside of their district; however, the applicant is working with the District to petition the County to enlarge the district and include this property; No water wells are proposed;
22. US Postal service currently provides mail service and pickup along County Road 6UU, but no response has been received from the US Postal;
23. No response has been received from the Wyoming Game & Fish;
24. No response has been received from Rocky Mountain Power;
25. No public comments have been received;
26. A pre-application meeting was held on July 16, 2020;
27. A title report has been submitted;
28. No roads are proposed as part of this subdivision;
29. Garbage disposal service is available;
30. No hazardous features are known to exist on the property;
31. A complete sketch plan has been received;
32. The Park County Small Wastewater Administrator reviewed subsurface evaluation data collected by the applicant and indicates that conventional septic systems will likely be sufficient;
33. The proposed subdivision lot meets lot size requirements;
34. The subdivision is not within an Airport Overlay District or Flood Overlay District;
35. The subdivision is not within an Agricultural Overlay District and is not expected to impact neighboring agricultural operations; and
36. No open spaces, natural areas, schools or parks are proposed or required.

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

NOW, THEREFORE, BE IT RESOLVED based on the foregoing, the Planning & Zoning Commission hereby recommends approval of the sketch plan for CAAN SS-265, subject to the following conditions:

1. The applicant shall provide all easements as requested by applicable utilities and special districts, irrigation districts or public agencies providing services. The width of any utility easement shall be sufficient to allow adequate maintenance of the system, but in no case shall such utility easement be less than 20 feet in width. Easements must be identified on the final plat;
2. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991 (W.S. §11-44-101);

3. Prior to final plat review by the Board of County Commissioners, the applicant shall provide to the Planning and Zoning Department evidence that the subdivision lands have been included in the Northwest Rural Water District boundaries or the applicant shall provide water quality analysis to support on-site wells according to the subdivision regulations;
4. Prior to final plat review by the Board of County Commissioners, the applicant shall provide evidence of the Lakeview Irrigation District's final approval of the water distribution plan to the Planning and Zoning Department;
5. The applicant shall submit an approved Long-Term Noxious Weed Management Plan to the Planning and Zoning Department prior to review of the subdivision application by the Board of County Commissioners; 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 20th day of October, 2020.

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

ATTEST:



Kimberly Brandon-Wintermote, Vice-Chair



Jolene Brakke, Secretary

**RESOLUTION 2020 – 34
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMEND APPROVAL OF TCT, INC., - GEORGE FARMS TOWER
SPECIAL USE PERMIT-208 (SUP-208)**

WHEREAS, TCT, Inc., submitted a Special Use Permit Application requesting permission to construct a 150' tall self-supporting communication tower to provide broadband internet services to underserved areas of Park County;

WHEREAS the project site is located on an unaddressed parcel of land approximately nine miles northeast of Cody, 1,700 feet south of County Lane 16 and 2,100 feet west of US Highway 14A, as shown in Figures 2 and 3. The approximate coordinates (latitude/longitude) for the tower site are 44°38'49.80"N, 108°57'38.39"W;

WHEREAS, this project is defined by Park County as a Major Utility use; A major utility use is defined as 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 October 20, 2020, to consider the Special Use Permit application and made findings as follows:

1. A Special Use Permit Application, including payment was received from TCT on August 31, 2020, including documents such as drawings showing use location, vicinity map, type of activity;
2. The requested action is to allow construction of a 150' tall communication tower to provide broadband internet services to underserved areas of Park County;
3. The communication tower is defined as a Major Utility Use;

4. The property owner, George Farms, a Wyoming Partnership, provided a signed letter authorizing TCT to initiate the application for a Special Use Permit with Park County Planning & Zoning for the proposed tower;
5. Applicable regulations are the *Park County, Wyoming 2015 Development Standards and Regulations adopted September 15, 2015*;
6. The proposed location is on a parcel of land approximately nine miles northeast of Cody, 1,700 feet south of County Lane 16 and approximately 2,100 feet west of US Highway 14A with approximate coordinates (latitude/longitude) of 44°38'49.80"N, 108°57'38.39"W;
7. All notice requirements have been met;
8. Garland Light & Power has the ability to provide electricity to this project;
9. The Wyoming Game & Fish Department has no bear or wildlife concerns;
10. The Park County Treasurer's Office confirmed property taxes are paid;
11. Park County Fire District #1 is able to provide fire protection to this property as long as any and all accesses are constructed to accommodate their fire equipment;
12. Park County Weed and Pest stated a Long-Term Noxious Weed Management Plan will be required;
13. Public Works stated that an address for the structure will not be required, improvements in the access road will not be required, and a drainage and erosion control plan will not be required;
14. Public Works is satisfied with the structural plans for the tower;
15. Adequate services and infrastructure are available to serve the use;
16. The applicant states that there will be minimal or no visual impacts from this tower;
17. Setback requirements are met;
18. No covenants exist or are proposed;
19. No outdoor lighting is proposed;
20. There are no known nonconformities on this property;
21. No nuisances have been reported on the property;
22. No soils report is required;
23. Legal access is provided via a Special Use Permit with Heart Mountain Irrigation District, granting access to this tower from an access road that utilizes a Reclamation Project ROW access for lateral 89.43 U.S.C.A. section 945 reserved in all patents. This easement is dominant to the tenant and is necessary for the operation and maintenance of the canal and laterals;
24. Domestic water is not required for this use;
25. The proposed project is within the boundaries of an irrigation district;
26. Parking regulations do not apply to this use;
27. A septic system is not required for this use;

- 28. No signs are proposed, other than small warning and no trespassing signs;
- 29. Solid waste will not be generated by this use;
- 30. No specific criteria are identified for this use;
- 31. This use is located in an agricultural overlay district; and
- 32. Site plan review is not 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 TCT, Inc. – George Farms Tower Special Use Permit-208, subject to the following conditions:

- 1. The applicant shall provide an approved Long-Term Noxious Weed Management Plan prior to review of the SUP application by the Board of County Commissioners; and
- 2. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

ADOPTED by the Planning & Zoning Commission this 20th day of October, 2020.

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

ATTEST:


Kimberly Brandon-Wintermote, Vice Chairman


Jolene Brakke, Secretary

**RESOLUTION 2020 – 35
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMEND APPROVAL OF TCT, INC., - NORTHRUP TOWER
SPECIAL USE PERMIT-209 (SUP-209)**

WHEREAS, TCT, Inc., submitted a Special Use Permit Application requesting permission to construct a 60' tall self-supporting communication tower to provide broadband internet services to underserved areas of Park County;

WHEREAS the project site is located on a parcel of land addressed as 1352 Road 7, Powell, Wyoming, roughly 4.5 miles south of Powell at the south end of County Road 7, as shown in Figures 2 and 3. The approximate coordinates (latitude/longitude) for the tower site are 44°41'14.27"N, 108°43'44.07"W;

WHEREAS, this project is defined by Park County as a Major Utility use; A major utility use is defined as 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 October 20, 2020, to consider the Special Use Permit application and made findings as follows:

1. A Special Use Permit Application, including payment was received from TCT on August 31, 2020, including documents such as plan-view drawings showing use location, vicinity map, type of activity;
2. The requested action is to allow construction of a 60' tall communication tower to provide broadband internet services to underserved areas of Park County;
3. The communication tower is defined as a Major Utility Use;

4. The property owner Northrup Farms, a Wyoming corporation provided a signed letter authorizing TCT to initiate the application for a Special Use Permit with Park County Planning & Zoning for the proposed tower;
5. Applicable regulations are the *Park County, Wyoming 2015 Development Standards and Regulations adopted September 15, 2015*;
6. The proposed location is on a parcel of land addressed as 1352 Road 7, Powell, Wyoming, roughly 4.5 miles south of Powell at the south end of County Road 7. The approximate coordinates (latitude/longitude) for the tower site are 44°41'14.27"N, 108°43'44.07"W;
7. All notice requirements have been met;
8. Wyoming Game & Fish Department have no bear or wildlife concerns;
9. Park County Weed and Pest responded and indicated a Long-Term Noxious Weed Management Plan would be required;
10. Public Works stated that an address for the structure will not be required, improvements in the access road will not be required, and a drainage and erosion control plan will not be required;
11. Willwood Light & Power has the ability to provide electricity to this project;
12. Adequate services and infrastructure are available to serve the use;
13. The applicant states that there will be minimal or no visual impacts from this tower;
14. Setback requirements are met;
15. No covenants exist or are proposed;
16. No outdoor lighting is proposed;
17. There are no known nonconformities on this property;
18. No nuisances have been reported on the property;
19. No soils report is required;
20. Legal access exists from County Road 7 on an existing road that crosses the property owner's private property;
21. Domestic water is not required for this use;
22. The proposed project is within the boundaries of an irrigation district;
23. Parking regulations do not apply to this use;
24. A septic system is not required for this use;
25. No signs are proposed, other than small warning and no trespassing signs;
26. Solid waste will not be generated by this use;
27. No specific criteria are identified for this use;
28. This use is located in an agricultural overlay district;
29. Site plan review is not required;
30. Willwood Irrigation District responded and indicated they had no concerns;
31. No public comments have been received.

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 TCT, Inc. – Northrup Tower Special Use Permit-209, subject to the following conditions:

1. The applicant shall provide an approved Long-Term Noxious Weed Management Plan prior to review of the SUP application by the Board of County Commissioners; and
2. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

ADOPTED by the Planning & Zoning Commission this 20th day of October, 2020.

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

ATTEST:


Kimberly Brandon-Wintermote, Vice Chairman


Jolene Brakke, Secretary

**RESOLUTION 2020 – 36
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMEND APPROVAL OF TCT, INC., - GREYBULL HIGHWAY TOWER
SPECIAL USE PERMIT-210 (SUP-210)**

WHEREAS, TCT, Inc., submitted a Special Use Permit Application requesting permission to construct a 60' tall self-supporting communication tower to provide broadband internet services to underserved areas of Park County;

WHEREAS, the project site is located on an unaddressed parcel of land, roughly 4.5 miles southeast of Cody, Wyoming, and approximately 0.8 miles southeast of County Road 3EXS (Sunset Rim) on BLM land as shown in Figures 2 and 3. The approximate coordinates (latitude/longitude) for the tower site are 44°28'57.67"N, 108°57'5.14"W;

WHEREAS, this project is defined by Park County as a Major Utility use; A major utility use is defined as 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 October 20, 2020, to consider the Special Use Permit application and made findings as follows:

1. A Special Use Permit Application, including payment was received from TCT on August 31, 2020, including documents such as plan-view drawings showing use location, vicinity map, type of activity;
2. The requested action is to allow construction of a 60' tall communication tower to provide broadband internet services to underserved areas of Park County;
3. The communication tower is defined as a Major Utility Use;

4. The Bureau of Land Management (BLM) manages this property and has provided TCT a signed letter acknowledging their receipt of an SF-299 application from TCT on 9/19/2019 to construct this tower. BLM will process the request with no unforeseen problems, provided the terms and conditions are acceptable;
5. Applicable regulations are the *Park County, Wyoming 2015 Development Standards and Regulations adopted September 15, 2015*;
6. The proposed location is on an unaddressed parcel of land, roughly four and one-half (4½) miles southeast of Cody, Wyoming, (approximately 0.8 miles southeast of County Road 3EXS (Sunset Rim) on land managed by BLM;
7. All notice requirements have been met;
8. The site is located in the Oregon Basin Sage-grouse core area. A Credit Certificate dated May 13, 2020, has been submitted acknowledging TCT has purchased the required three-tenths (.3) of credit from the Sweetwater River Conservancy Greater Sage-Grouse Habitat Bank, which is required for this project;
9. Wyoming Game & Fish Department have no bear or wildlife concerns;
10. Park County Weed and Pest responded and indicated a Long-Term Noxious Weed Management Plan will be required;
11. Public Works stated that an address for the structure will not be required, improvements in the access road will not be required, and a drainage and erosion control plan will not be required;
12. Rocky Mountain Power has no concerns with this project;
13. Adequate services and infrastructure are available to serve the use;
14. The applicant states that there will be minimal or no visual impacts from this tower;
15. Setback requirements are met;
16. No covenants exist or are proposed;
17. No outdoor lighting is proposed;
18. There are no known nonconformities on this property;
19. No nuisances have been reported on the property;
20. No soils report is required;
21. Legal access exists from County Road 3EXS (Sunset Rim) onto an existing BLM road to the site location;
22. Domestic water is not required for this use;
23. The proposed project is not within the boundaries of an irrigation district;
24. Parking regulations do not apply to this use;
25. A septic system is not required for this use;
26. Electricity will be provided by an onsite solar panel;

27. No signs are proposed, other than small warning and no trespassing signs;
28. Solid waste will not be generated by this use;
29. No specific criteria are identified for this use;
30. This use is not located in an overlay district; and
31. Site plan review is not required.
32. One public comment was received.

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 TCT, Inc. – Greybull Highway Tower Special Use Permit-210, subject to the following conditions:

1. The applicant shall provide evidence of BLM approval/permitting of the tower prior to commencing construction;
2. The applicant shall comply with the requirements cited by the Wyoming Game and Fish Department;
3. The applicant shall provide a Long-Term Noxious Weed Management Plan prior to review of the SUP application by the Board of County Commissioners; and
4. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

ADOPTED by the Planning & Zoning Commission this 20th day of October, 2020.

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

ATTEST:



Kimberly Brandon-Wintermote, Vice Chairman



Jolene Brakke, Secretary

**RESOLUTION 2020 – 37
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMEND APPROVAL OF TCT, INC., - SUNSHINE TOWER
SPECIAL USE PERMIT-211 (SUP-211)**

WHEREAS, TCT, Inc., submitted a Special Use Permit Application requesting permission to construct a 60' tall self-supporting communication tower to provide broadband internet services to underserved areas of Park County;

WHEREAS, the project site is located on an unaddressed parcel of land, roughly 7.3 miles southwest of Meeteetse, Wyoming, (approximately 271 feet south of State Highway 290) on land as shown in Figures 2 and 3. The approximate coordinates (latitude/longitude) for the tower site are 44°5'41.64"N, 108°59'38.8"W;

WHEREAS, this project is defined by Park County as a Major Utility use; A major utility use is defined as 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 October 20, 2020, to consider the Special Use Permit application and made findings as follows:

1. A Special Use Permit Application, including payment was received from TCT on August 31, 2020, including documents such as plan-view drawings showing use location, vicinity map, type of activity;
2. The requested action is to allow construction of a 60' tall communication tower to provide broadband internet services to underserved areas of Park County;
3. The communication tower is defined as a Major Utility Use;

4. The property is owned by Greybull Valley Irrigation District. GVID has provided TCT with a signed letter authorizing TCT to initiate the application for a Special Use Permit with Park County Planning & Zoning for the proposed tower;
5. Applicable regulations are the *Park County, Wyoming 2015 Development Standards and Regulations adopted September 15, 2015*;
6. The proposed tower will be constructed on an unaddressed parcel of land, roughly 7.3 miles southwest of Meeteetse, Wyoming, (approximately 271 feet south of State Highway 290). The approximate coordinates (latitude/longitude) for the tower site are 44°5'41.64"N, 108°59'38.8"W.
7. All notice requirements have been met;
8. The site is located within crucial mule deer winter range for the Owl Creek/Meeteetse mule deer herd. The WGFDD recommendation is to avoid any work during the period from November 15 – April 30;
9. Wyoming Game & Fish Department have no bear or other wildlife concerns;
10. Park County Weed and Pest indicated the presence of cheatgrass and the requirement of a Long-Term Noxious Weed Management Plan;
11. Public Works has submitted an initial response via email, with a formal engineering review letter to follow;
12. The Meeteetse Local Planning Area Advisory Committee recommended approval of a Special Use Permit for the proposed tower;
13. Rocky Mountain Power has the capacity to provide service to this project;
14. Adequate services and infrastructure are available to serve the use;
15. The applicant states that there will be minimal or no visual impacts from this tower;
16. Setback requirements are met;
17. No covenants exist or are proposed;
18. No outdoor lighting is proposed;
19. There are no known nonconformities on this property;
20. No nuisances have been reported on the property;
21. No soils report is required;
22. Legal access is located on Wyoming State Highway 290 at reference marker (R.M.) 8.285 LT (WYDOT access permit PA-06A-25281);
23. Domestic water is not required for this use;
24. The proposed project is within the boundaries of an irrigation district;
25. Parking regulations do not apply to this use;
26. A septic system is not required for this use;
27. No signs are proposed, other than small warning and no trespassing signs;
28. Solid waste will not be generated by this use;

29. No specific criteria are identified for this use;
30. This use is not located in an overlay district; and
31. Site plan review is not 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 TCT, Inc. – Sunshine Tower Special Use Permit-211, subject to the following conditions:

1. The applicant shall provide an approved Long-Term Noxious Weed Management Plan prior to review of the SUP application by the Board of County Commissioners;
2. The applicant shall submit to the Park County Planning & Zoning Department a written response from the Park County Engineer prior to review of the SUP application by the Board of County Commissioners;
3. The applicant shall minimize disturbance to mule deer winter range; and
4. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

ADOPTED by the Planning & Zoning Commission this 20th day of October, 2020.

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

ATTEST:



Kimberly Brandon-Wintermote, Vice Chairman



Jolene Brakke, Secretary

PLEASE SIGN IN

PLANNING and ZONING COMMISSION

REGULAR MEETING

October 20, 2020

		TCT SUP-208 George Farms Tower	
		TCT SUP-209 Northrup Tower	
		TCT SUP-210 Greybull Hwy Tower	
		TCT SUP-211 Sunshine Tower	
	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	Jerry Clissa Bales	LOT 55	yes
2	Ronnie Gillett	Gillett family SS-263	
3	Jason Fields	Gillett family SS-263	
4	Richard Wordell	TCT Tower	
5	LYLE CALCIATO	L & J SS	
6	Brett Whitlock	CAAN	
8	Ellen Burkhardt	Greybull Hwy Sunshine Tower	?
9	Jim Tolovich	George Farms TCT Tower	Yes
10	CHRIS ROYNE	TCT tower - Grey	No
11	Scott Newze	George Farms TCT tower	yes
12	Steve Fallweiler	CAAN 265	Yes
13	Cindy Collins	TCT tower - Grey	Yes
14	Mary McKenney	Mary McKenney	✓
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17	Tony Sabvich	George Farms	
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PLEASE SIGN IN

PLANNING and ZONING COMMISSION

REGULAR MEETING

October 20, 2020

		TCT SUP-208 George Farms Tower	
		TCT SUP-209 Northrup Tower	
		TCT SUP-210 Greybull Hwy Tower	
		TCT SUP-211 Sunshine Tower	
	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	ANNE YOUNG	Greybull Hwy Tower #210	letter
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Park County Planning & Zoning Department

1002 Sheridan Avenue, Suite #109

Cody, Wyoming

(307) 527-8540

PARK COUNTY PLANNING & ZONING COMMISSION

Meeting 2:00 P.M., Tuesday, October 20, 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 September 15, 2020 regular meeting.

CONSENT AGENDA

[L and J SS-264](#)

REGULAR AGENDA

[Gillett Family SS-263](#)

[CAAN SS-265](#)

[PUBLIC HEARING – TCT SUP-208 George Farms Tower](#)

[PUBLIC HEARING – TCT SUP-209 Northrup Tower](#)

[PUBLIC HEARING – TCT SUP-210 Greybull Hwy Tower](#)

[PUBLIC HEARING - TCT SUP-211 Sunshine Tower](#)

OTHER BUSINESS

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

ADJOURN