

Planning & Zoning Commission Minutes

December 15, 2020

This is a regular meeting of the Park County Planning & Zoning Commission held at 2:00pm in the EOC Room of the County Courthouse at 1002 Sheridan Ave., Cody, WY.

Commission Members Present:

Marion Morrison, Chairman (participating virtually)
 Kimberly Brandon-Wintermote, Vice Chairman
 Linda Putney
 Duncan Bonine
 Richard Jones

Staff Present:

Joy Hill, Planning Director
 Kim Dillivan, Planner II
 Patti Umphlett, Planner I
 Mary McKinney, Weed and Pest

Acting Chairman Brandon-Wintermote opened the meeting at 2:02pm and introduced the Commission and Staff.

APPROVAL OF MINUTES

Acting Chairman Brandon-Wintermote asked the Commission for comments or changes to the November 17, 2020 meeting minutes. A MOTION was made by Commissioner Jones to approve the minutes; the motion was SECONDED by Commissioner Morrison to approve the minutes as corrected. Motion was carried unanimously.

CONSENT AGENDA

Karst SS-267: Jerry Thompson is proposing to create a simple subdivision comprising of one 1.86-acre +/- lot and one 2.44-acre +/- lot for residential use, leaving a 52.84-acre remainder parcel. The proposed subdivision is located in part of Lot 21, Resurvey T54N, R101W, 6th P.M., Park County, Wyoming, in a General Rural-Powell (GR-P) zoning district. The property is located on County Lane 13 1/2, approximately 3.3 miles south of Ralston, WY and 1.6 miles west of U.S. Highway 14A.

Acting Chairman Brandon-Wintermote acknowledged that a public hearing was not required and addressed Consent Agenda qualifications. Commissioner Morrison moved to approve Karst SS-267 by Resolution 2020-40 with the following conditions:

1. The applicant shall provide all easements as requested by applicable utilities and special districts, irrigation districts or public agencies providing services. The width of any utility easement shall be sufficient to allow adequate maintenance of the system, but in no case shall such utility easement be less than 20 feet in width. Easements must be identified on the final plat;
2. The applicant shall provide domestic water analysis results to the Planning & Zoning Department prior to final plat review by the Board of County Commissioners;
3. The applicant shall indicate the width and extent of the County Road Right-of-Way on the final plat prior to final plat review by the Board of County Commissioners;
4. The applicant shall show the location of Stone Sheep Circle (intersection with Lane

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- 53 13H) on the final plat prior to final plat review by the Board of County Commissioners;
- 54 5. The applicant shall obtain Park County right-of-way permits or favorable access
55 review for both proposed lots from Park County Public Works prior to final plat review
56 by the Board of County Commissioners;
- 57 6. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of
58 1991;
- 59 7. The applicant shall provide an approved water distribution plan to the Planning &
60 Zoning Department prior to final plat review;
- 61 8. The applicant shall place a note on the final plat indicating that engineered small
62 wastewater systems may be required due to slow percolation rates; and
- 63 9. The applicant shall otherwise comply with standards in the Park County Development
64 Regulations and the minimum subdivision requirements as set forth in Wyoming
65 Statute 18-5-306.

66
67 The motion was SECONDED by Commissioner Bonine. The motion carried. See Resolution
68 2020-40 attached hereto and incorporated herein.
69

70 REGULAR AGENDA

71
72 PUBLIC HEARING – Kodiak MS-45 Sketch Plan: Kodiak Properties, LLC requests
73 consideration of the application and Sketch Plan for the Kodiak Minor Subdivision (MS-45). The
74 proposed subdivision is comprised of five lots; one 1.61-acre lot, one 5.03-acre lot, one 6.13-acre
75 lot, one 8.62-acre lot and one 8.63-acre lot, each designated for residential use. The proposed
76 subdivision is located approximately 2.24 miles east of Powell on County Lane 8 1/2 on a 30-acre
77 parcel owned by Jerry Maneval and described as part of Farm Unit K Less 10 acres in the NE
78 Corner, Lot 63, T55N, R98W of the 6th P.M., Park County, Wyoming, in a General Rural Powell
79 (GR-P) zoning district, with an address of 566 Lane 8 1/2.

80
81 Acting Chairman Brandon-Wintermote introduced commission members and staff, reviewed the
82 rules of a public meeting and opened the public hearing at 2:10pm.
83

84 There being no comments from Commission members, Kim Dillivan, Planner II, presented the
85 Staff Report.
86

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

- 88 • Mary McKinney, Weed and Pest, stated that there are some ongoing issues with noxious
89 weeds and a proliferation of some annual weeds. Her concerns are the spread of the
90 noxious weeds and if the subdivision is allowed to set fallow, it will get worse. She would
91 like to see mitigation of the noxious species. They require a specialty type herbicide. At
92 this time a plan has not been received.
93

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

- 95 • Tiffany Brando said they are working on getting a plan to Weed and Pest. She believes
96 the owner had burned some of the weeds. She is working with the irrigation district to keep
97 irrigation as-is until lots are sold.
98

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

- 101 • Acting Chairman Brandon-Wintermote asked about a draft Homeowner's Association and
102 road maintenance agreement. Both are required.
- 103 • Acting Chairman Brandon-Wintermote asked the applicant if they knew the location of the
104 underground drain on Lot 5. Nick Hummel said he is working to determine the easements,
105 waste ditches and other features. They are working with the irrigation district to get the
106 water distribution plan finalized for their review.
- 107 • Commissioner Morrison asked if the perc test locations were added to the sketch plan.
108 Nick said they were added yesterday.

109
110 Acting Chairman Brandon-Wintermote asked if there were comments from any members of the
111 public.

- 112 • Russell Taylor spoke on behalf of Trinity Subdivision. He has several concerns. He is
113 happy there are few lots being proposed. They are concerned about the ongoing problem
114 with irrigation. It crosses the west side of the proposed subdivision to the southwest side
115 of Trinity, causing problems. With more irrigation and property owners, sharing comes out
116 of one ditch. They need to get more supply. They would like a concrete ditch or a pipe
117 coming out of their side. Trying to fight water down the weed field is a nightmare. The field
118 left fallow is a nightmare. Access to water and water supply are very important. He said
119 groundwater will run from 5 feet to 35 feet. When everyone is irrigating, the water comes
120 up. Neighbors with a crawl space have problems. He does not recommend any basements
121 as everyone nearby with one has problems. Stray dogs are a concern. He understands
122 Wyoming is a "fence out" State and that works fine on large acreage but it is a nightmare
123 in subdivisions. If someone wants to be irresponsible and let their dogs run, chickens get
124 killed. He suggests fenced yards for pets. Having dogs running loose is a nightmare. They
125 would like to see a stipulation on no further subdivision. There are no posted speed limits
126 on the road. Road 6 is posted at 45mph – would like to see posted limits all around them.
127 He asked where the access is coming in. Nick Hummel said it will be on the west side of
128 Trinity on the applicant's property. NRWD is planning to tie a big U shape into the water
129 line. The intent is not to extend the road through the whole subdivision.
- 130 • Commissioner Jones asked Mr. Taylor where his property is located in relation to the
131 subdivision. He is on the northwest corner of Trinity on Risen Sun Road.

132
133 Commission members asked for some discussion:

- 134 • Commissioner Morrison asked for clarification on Rocky Mountain Power providing
135 service. Tiffany said they are working on a plan to put power poles in.
- 136 • Commissioner Jones asked if the other lots can be further subdivided. Staff indicated that
137 in GR-P, minimum lot sizes are one acre. There is the ability to further subdivide. Mr.
138 Taylor said they stand opposed to smaller lot sizes.
- 139 • Commissioner Morrison asked if it would be appropriate to continue the hearing based
140 upon concerns about irrigation water and lack of information about access. Commissioner
141 Bonine said he is in favor of moving forward to allow the outstanding information to be
142 provided in time for Board of Commissioners review. Commissioner Jones agreed. He
143 added concern about reducing agricultural land. We have standards to address removal
144 of agricultural lands, but this is enveloped by residential land. Commissioner Putney said
145 she feels they have things conditioned pretty well. She would be in favor of moving it
146 forward.
- 147 • Commissioner Putney asked the applicant if the intent is for everyone to connect to
148 NRWD. Tiffany said yes, but they won't be forced. They could have wells. No water quality

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149 testing has been done. Commissioner Putney asked if there should be a note on the plat
150 that water quality has not been proven. Commissioner Bonine said there is a finding that
151 NRWD will provide water, but the applicant said it is not required. He sought clarification
152 from the applicant. Commissioner Putney asked to have finding "s" changed to show that
153 NRWD has the ability to provide water. Commissioner Bonine agreed with the condition
154 of a note on the plat about water.

- 155 • Commissioner Jones made the point that the Regulations state when there are no wells
156 within a ½ mile, it must be stated on the final plat. Acting Chairman Brandon-Wintermote
157 said they are making that a condition.
- 158 • Commissioner Morrison asked if the last condition included a note about no centralized
159 sewer – it is on the sketch plan and will be required on the final plat.
- 160 • Mary McKinney asked the applicant about the burning and whether there was other
161 mitigation done according to the recommendations. The treatment would have had to be
162 done by November and the applicant was unable to get to it in time. They do plan to spray
163 as recommended. Mary said herbicides are not always the first line of defense, but it can
164 be a useful tool. There are specific products to use. Tiffany said they will work on that and
165 a plan.
- 166 • Nick Hummel said, in regard to the 60-foot access and utility easement, there are three
167 names put forth to the road naming committee. The Planning Director indicated that
168 progress has been made, though a formal announcement of the chosen name has not yet
169 been received.

170
171 Commissioner Jones made a MOTION to close the public hearing at 2:48pm; SECONDED by
172 Commissioner Bonine. The motion was carried unanimously.

173
174 Acting Chairman Brandon-Wintermote asked Commission members if they had any discussion.

175
176 Commissioner Bonine made a MOTION to approve Kodiak MS-45 by Resolution 2020-41 with
177 the findings as presented and the following conditions:

- 178
179 1. The applicant shall provide all easements as requested by applicable utilities and
180 special districts, irrigation districts or public agencies providing services. The width of
181 any utility easement shall be sufficient to allow adequate maintenance of the system,
182 but in no case shall such utility easement be less than 20 feet in width. Easements
183 must be identified on the final plat;
- 184 2. The applicant shall provide a formal response from Park County Public Works to the
185 Planning & Zoning Department prior to Sketch Plan review by the Board of County
186 Commissioners;
- 187 3. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of
188 1991;
- 189 4. The applicant shall identify who will be responsible for road construction and
190 maintenance proposed as part of the subdivision prior to Sketch Plan review by the
191 Board of County Commissioners;
- 192 5. A draft Homeowners Association Agreement must be submitted to the Planning &
193 Zoning Department prior to Sketch Plan review by the Board of County
194 Commissioners;
- 195 6. A subdivision road name must be finalized prior to final plat review by the Board of

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- 196 County Commissioners;
- 197 7. Electricity shall be stubbed to each lot line or a Subdivision Improvements Agreement
198 addressing electricity shall be approved prior to final plat review;
- 199 8. Natural gas shall be stubbed to each lot line or a Subdivision Improvements
200 Agreement addressing natural gas shall be approved prior to final plat review;
- 201 9. Domestic water from NRWD must be made adjacent to each lot or a Subdivision
202 Improvements Agreement addressing domestic water shall be approved prior to final
203 plat review;
- 204 10. The applicants shall provide an approved Long-Term Noxious Weed Management
205 Plan to the Planning and Zoning Department prior to final plat review;
- 206 11. The applicant shall submit Shoshone Irrigation District's written approval of the water
207 distribution plan for the subdivision to the Planning and Zoning Department prior to
208 final plat review;
- 209 12. The applicant shall place a note on the final plat indicating that no water quality
210 analysis has been conducted for groundwater for domestic purposes; and
- 211 13. The applicant shall otherwise comply with standards in the Park County Development
212 Regulations and the minimum subdivision requirements as set forth in Wyoming
213 Statute 18-5-306.

214
215 The motion was SECONDED by Commissioner Jones. The motion carried. See Resolution 2020-
216 41 attached hereto and incorporated herein.

217
218 **PUBLIC HEARING – Fry Gravel & Excavation SUP-214:** Spencer and Cindy Fry request
219 approval of a Special Use Permit Application for the Fry Gravel & Excavation SUP-214. The
220 applicants propose a Cottage Industry use to operate their excavation business. The proposed
221 use will be located approximately 1.2 miles northeast of Ralston on a 3.33-acre parcel described
222 as Lot 1 of Hawley SS-247, T55N, R100W of the 6th P.M., Park County, Wyoming. The parcel is
223 located in a General Rural-Powell (GR-P) zoning district and has an address of 1303 US Highway
224 14A.

225
226 Acting Chairman Brandon-Wintermote introduced commission members and staff, reviewed the
227 rules of a public meeting and opened the public hearing at 2:56pm.

228
229 Commissioner Bonine stated that the applicant is a vendor for his construction company and is
230 involved in an ongoing project that he is working on. Additionally, he works with the applicant in
231 the capacity as real estate broker. Due to the nature of those relationships, he recuses himself
232 from discussion and will abstain from voting.

233
234 Kim Dillivan, Planner II, presented the Staff Report. Kim addressed the Frys' interest in display of
235 gravel and gravel sales. He indicated that staff has already addressed the gravel proposal and
236 feels that it would be an additional use which would be one use too many, or it would elevate their
237 use classification to one that is prohibited (major commercial). Staff feels that the proposed use
238 minus gravel sales suggests little or no customer visits to the site. With sales, we could expect
239 increased traffic to the site.

240
241 Acting Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.

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- 242 • Commissioner Morrison asked staff about the three exterior lights and if they are down
243 shielded. Kim said they are common yard lights that are directed downwards.
- 244 • Commissioner Morrison asked if she feels they comply with the standards. Kim said they
245 appear to meet the requirements and he feels they would provide little light trespass if any.
- 246 • Acting Chairman Brandon-Wintermote asked about the zoning of GR-P and whether it is
247 appropriate or not. The Planning Director explained that a Zoning Map Amendment could
248 be applied for by an applicant or initiated by the County or by request of the Planning and
249 Zoning Commission. The process has notice requirements and would need to go before
250 both the Planning and Zoning Commission and the Board of County Commissioners and
251 if approved, the zoning map would be updated. It would be necessary to consider any
252 change carefully and consider the intent of the Land Use Plan and avoid the potential for
253 spot zoning. Typically, commercial and/or industrial businesses are located near urban
254 centers due to their needs and requirements for more infrastructure, access, etc.
- 255 • Commissioner Jones said one of the sticking points on this example is a commercial
256 business vs. a cottage industry.
- 257 • Commissioner Putney mentioned the differences between cottage industry and
258 commercial uses.
- 259 • Commissioner Jones said the fine line between residential use vs. commercial is important
260 to discern.
- 261 • Commissioner Morrison asked about the movement of the access and fencing the existing
262 access. The application suggests movement through both (figure 4). Doesn't show
263 abandonment of existing access. She wants to know if there will be one access for both
264 commercial and residential. Staff clarified that WYDOT requires the existing access to be
265 fenced.
- 266 • The Planning Director provided background on the WYDOT access approval.
- 267 • Mary McKinney met with the applicants. There will be no new construction with the
268 exception of the new access. She recommends best management practices and bare
269 ground control around the buildings and equipment storage with the caveat that they
270 double-check with their producer that the product will not impact nearby property. She will
271 follow up with the applicant next year.
- 272 • Acting Chairman Brandon-Wintermote asked about the existing weed management plan
273 for the subdivision. Mary said when those weed plans were first discussed, they go with
274 the land, even if sold.
- 275
- 276 Acting Chairman Brandon-Wintermote asked if the applicant had any questions or comments.
- 277 • Spencer Fry mentioned going to the gravel pit and bin storage. Their MSHA safety
278 program says any vehicle that enters must have a fire extinguisher. When people enter
279 the mine, it causes a safety risk. He referenced the letter that was provided to the
280 commission. Acting Chairman Brandon-Wintermote asked if on the way down to the pit
281 there was a way to put display bins. Spencer said that is something they would have to
282 discuss with the landowner. He said generally when people call they know what they are
283 looking for. He has driven people around to job sites. He is changing the way the business
284 has been run by his uncle previously. He can see where the proposal verges on
285 commercial.
- 286
- 287 Acting Chairman Brandon-Wintermote asked if any Commission members had questions for the
288 applicant.
- 289 • Acting Chairman Brandon-Wintermote asked about containment of fuel tanks. Spencer
290 said they have berms in place and will place Benzomat to soak up fuel spills. They are
291 reviewing the DEQ requirements.

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- 292 • Patti Umphlett asked why 10 yards of volume of each product would be required. Spencer
293 said it is easier for people to see without having to come into the office.
294 • Commissioner Morrison asked if they want to have samples on site. They do.
295 • Commissioner Morrison asked about the mechanic shop – is there a grease trap or a way
296 to trap fluids. Spencer said they do not have a grease trap or an oil-changing bay. Acting
297 Chairman Brandon-Wintermote asked what they do with used oil. Spencer said they put
298 them in totes. Chairman Morrison asked if the shop floor is free of drains or collective
299 depressions. Confirmed it has none.
300 • Commissioner Jones said the complications of entering a mining site is a major problem
301 for the few customers that need to go. He sees this as being relatively minor in terms of
302 the commercial aspects under review. It makes a big difference in the offsite preview of
303 the materials. Acting Chairman Brandon-Wintermote asked about how many customers
304 actually come to look at the material. Spencer said maybe 5 or less in a year. He said it is
305 probably not a major deal to have it on the property.
306 • The Planning Director addressed possible means to share the types of gravel they offer
307 without having it stored onsite; possibly a website with photos of project sites or just photos
308 of project sites to provide to customers.
309 • Commissioner Putney asked if they planned to expand to the second lot. They did discuss
310 moving the excavation company to the back lot to remedy the multiple uses, but it is not
311 planned at this time. She feels that with so few customers impacted, it seems reasonable
312 to have smaller offerings.
313 • Commissioner Putney asked how the waste fluids are disposed of. Spencer said they take
314 it to Billings and there are some folks that have oil burning furnaces. The Planning Director
315 mentioned a similarity to the recent Maxx Diesel Repair SUP which also had totes for
316 waste fluid storage and fuel burning as well.
317 • Patti Umphlett addressed her thoughts on the gravel offerings as being a separate use
318 from the excavation business.
319 • Acting Chairman Brandon-Wintermote asked about the signs and the name of the
320 business possibly confusing people. The Planning Director indicated that our regulations
321 do not control what signs say, just the size and lighting.
322

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

- 325 • Jerry Thompson mentioned the cottage business vs. the commercial business and what
326 if someone just had an office where people called. Staff indicated it comes down to the
327 definitions of the types of businesses.
328 • Commissioner Morrison asked the applicant if the area shown in photo 1 would be where
329 the liner would be placed to catch leaks from tanks. Spencer confirmed yes.
330

331 Commissioner Morrison asked for discussion.

- 332 • Add a condition that says the applicant shall comply with the conditions of the existing
333 LTNWMP.
334 • On condition #2, add that a location of the replacement leach field shall be identified on
335 the sketch plan. Majority of members felt this change was not necessary based upon the
336 applicant's lack of awareness of the existing facility.
337 • Add a condition to add a note on the site plan that the existing residential access be
338 abandoned.
339 • Add a condition that any expansion outside of the proposed plan will require an
340 amendment to the SUP.

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- 341 • Reword finding 14, WYDOT has confirmed access availability...after 14A, add “with a new
342 access with requirements and abandonment of existing driveway.”
343

344 The Planning Director mentioned the possibility of adding an opening condition that specifically
345 defines what the special use permit allows. Patti Umphlett said she agreed and would like to see
346 “as described” by the applicant. Commissioner Jones said it may help to clarify the storage of
347 gravel onsite or movement of gravel material to or from the site. Commissioner Morrison agreed
348 that it is important to put the elements in said condition that help get this use out of the gray zone.
349

- 350 • Remove condition #4 and add a new first condition that this SUP is for the operation of
351 excavation equipment storage, staging, mobilization and maintenance on 3.3 acres of the
352 Hawley Subdivision Lot 1, no direct sales of gravel materials and limitation on gravel
353 display not to exceed a maximum of 1 cu yd of each product to be stored on the south
354 side of the office building.
355

356 Commissioner Putney made a MOTION to close the hearing at 4:13pm; SECONDED by
357 Commissioner Jones. All in favor, Commissioner Bonine abstained.
358

359 Acting Chairman Brandon-Wintermote asked Commission members if they had any discussion.
360

361 Commissioner Putney made a MOTION to approve Fry Gravel and Excavation SUP-214 by
362 Resolution 2020-42 with the findings of fact as revised and the following conditions:
363

- 364 1. This SUP is for the operation of excavation equipment storage, staging, mobilization
365 and maintenance on 3.3 acres of the Hawley Subdivision Lot 1, no direct sales of
366 gravel materials and limitation on gravel display not to exceed a maximum of 1 cu
367 yd of each product to be stored on the south side of the office building;
368
- 369 2. The applicants shall comply with the conditions of the Wyoming Department of
370 Transportation Access Permit;
371
- 372 3. The applicants shall use the existing unpermitted small wastewater system that
373 serves the office building; however, if the systems fails, a replacement system will
374 be required to be permitted by the County;
375
- 376 4. The applicants shall comply with all applicable requirements of 40 CFR Part 12 as it
377 relates to storage of oil and fuel products;
378
- 379 5. The applicant shall comply with the conditions of the existing Long-Term Noxious
380 Weed Management Plan;
381
- 382 6. The applicant shall identify on the site plan the abandonment of the existing driveway
383 prior to review by the Board of County Commissioners;
384
- 385 7. Any proposed expansion of this use beyond 3.3 acres or number of employees will
386 require an amended or new SUP; and
387
- 388 8. The applicants shall otherwise comply with standards in the Park County
389 Development Standards and Regulations.
390

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391 The motion was SECONDED by Commissioner Jones. Commissioner Morrison would like the
392 word maximum added to each product type and add that any expansion beyond 3.3 acres or the
393 proposed number of employees be added in the new condition #7.

394
395 All in favor, Commissioner Bonine abstained. See Resolution 2020-42 attached hereto and
396 incorporated herein.

397
398 **PUBLIC HEARING – Ralston Good 2 Go SUP-212:** Horrocks Engineers requests approval of
399 the application for the Ralston Good 2 Go SUP-212. The property owner, #5 Ralston WY
400 Property, LLC., is proposing a Highway Commercial Business which would be an update and
401 expansion to the existing store/gas station. The proposed use is located in Ralston in Barrows
402 Subdivision, Lots 14-17 and Barrows Amended Subdivision, Lots 18A-21A, T55N, R100W of the
403 6th P.M., Park County, Wyoming in a Transitional (T) and Commercial (C) zoning district,
404 respectively.

405
406 Acting Chairman Brandon-Wintermote reviewed the rules of a public meeting and opened the
407 public hearing at 4:27pm.

408
409 There being no comments from Commission members, Kim Dillivan, Planner II, presented the
410 Staff Report.

411
412 Acting Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.

- 413 • Acting Chairman Brandon-Wintermote asked if there are any DEQ requirements that must
414 be met for the underground storage tanks. Kim indicated beyond Public Works' comments,
415 he is unaware.
- 416 • Mary McKinney, Weed and Pest, said since most of the space within the lots will be utilized
417 for building or parking, she recommended bare ground vegetation management. She
418 recommends following best management practices and the cleaning of equipment.

419
420 Acting Chairman Brandon-Wintermote asked if the applicant had any questions or comments.

- 421 • Caden Fuhrman clarified a few items. They have received the comments from Public
422 Works and are in the process of getting all the DEQ applications figured out. They are
423 planning to remove the existing fuel tanks and putting in new ones. He is not sure if there
424 is an application process, but they are on board to get anything done that is required per
425 regulations.
- 426 • They did propose a new location for the sign, shifting it to the southwest end of Lot B.
- 427 • They did come in 2013 and they wanted to expand the current building. Now the client
428 wants to improve the customer experience. They get quite a bit of traffic and want to make
429 the building more user friendly with more purchase options. They want better traffic
430 circulation.

431
432 Acting Chairman Brandon-Wintermote asked if any Commission members had questions for the
433 applicant.

- 434 • Commissioner Morrison asked about the sign issue being resolved. She asked if there will
435 be signs on the building. She commended them for down shielding the lights. The
436 applicant stated that there will be signage on the building. Commissioner Morrison said
437 she would like to see clarification on the signs provided to staff.
- 438 • Acting Chairman Brandon-Wintermote asked if a soils study would be required since there
439 is a full Geotech study. Staff said no.

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- 440 • Commissioner Jones said with signage the type of sign and lighting is important. He would
441 like to see those details in the information submitted to staff. Addressing night glow and
442 similar. He would like to see light intrusion minimized.
- 443 • Commissioner Morrison agreed with Commissioner Jones and asked what the current
444 footprint for square footage is. The applicant said roughly 3,000sq. feet. On the current
445 and the new is 3,300sq.ft.
- 446 • Commissioner Morrison asked if liquor will be offered as it has been in the past. The
447 applicant said yes. Commissioner Morrison asked if there will be a drive-up. The applicant
448 said no.

449
450 Acting Chairman Brandon-Wintermote asked if there were comments from any members of the
451 public.

- 452 • Jerry Thompson, neighboring property owner across the street, said he hates to see them
453 update it because it's fun to watch the traffic. He is glad to see the upgrade. He said they
454 have an easement across the corner of their property to the east. The applicant responded
455 that they will not disturb that approach or anything outside the lot lines. They will improve
456 it so the flow will be smoother. Will this be a convenience store or a service station? The
457 applicant said they consider it a service station. Jerry is curious about the access on the
458 east side of the property and how it could impact him. Staff said review of the amended
459 plat would be needed.

460
461 Commissioner Jones said improvement would be good for public safety.

462
463 Commissioner Jones made a MOTION to close the hearing at 5:02pm; SECONDED by
464 Commissioner Morrison. The motion was carried unanimously.

465
466 Acting Chairman Brandon-Wintermote asked Commission members if they had any discussion.

- 467 • Change finding #38 to signs are proposed but details have not been presented.
468 • Finding #27 add "however, applicant intends to relinquish water rights."
469 • Finding #30, fix the word criteria.
470 • Add a new condition #1 that this SUP is for the expansion of the existing fueling station
471 and convenience store.
472 • Add condition that details of the proposed signs for the business and on the building shall
473 be provided to the Planning and Zoning Department prior to Board review;
474 • Add a condition that the applicant shall comply with federal and state requirements for
475 underground fuel storage.
476 • Add a condition that the applicant shall show all existing easements on the site plan
477 drawing.

478
479 Commissioner Jones made a MOTION to approve Ralston Good 2 Go SUP-212 by Resolution
480 2020-43 with the findings as amended and the following conditions:

- 481
482 1. This SUP allows for the new construction of a single-story convenience store
483 approximately 3,300 square feet in size, and two (2) additional fueling stations, to be
484 developed near the center of two existing lots, which together total approximately
485 1.5 acres.
486

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2. The applicant shall correct the language in the Site Plan dated November 13, 2020, Sheet C.1.1 – Gas Service Notes, Items 1, 3 and 11 from Questar as the local gas service provider to Black Hills energy, prior to review of the SUP application by the Board of County Commissioners;
- 498
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3. With regard to the Site Plan dated November 13, 2020, Sheet C.2.0 – Existing and Demolition Plan, the applicant shall submit a copy of the final as-constructed plans showing site improvements as signed and sealed by a Wyoming licensed professional engineer to the Park County Public Works Office upon completion of construction;
- 504
505
506
507
508
4. With regard to the Site Plan dated November 13, 2020, Sheet C.4.0 – Grading Plan, the applicant shall submit calculations to the Park County Public Works office for review and approval showing the basis for the size and capacity of the inlets, drain-pipes, oil/water separator, and infiltration system, prior to review of the SUP application by the Board of County Commissioners;
- 509
510
511
512
5. The applicant shall remove the language “Snake River Landing Communal System” from the Site Plan dated November 13, 2020, Note 9 on the SWPPP referred to on Sheet C.6.0- Erosion Control Plan, prior to review of the SUP application by the Board of County Commissioners;
- 513
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6. The applicant shall provide to the Planning & Zoning Department a response from the Wyoming State Fire Inspector, prior to review of the SUP application by the Board of County Commissioners;
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7. The applicant shall provide to the Planning & Zoning Department a response from the Wyoming Department of Agriculture, prior to review of the SUP application by the Board of County Commissioners;
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8. The applicant shall provide to the Planning & Zoning Department confirmation that they have complied with the requirements of the Wyoming Department of Transportation, prior to review of the SUP application by the Board of County Commissioners;
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9. An acceptable SWW system design must be approved by the Park County SWW Administrator prior to review of the SUP application by the Board of County Commissioners;
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10. The applicant shall provide to the Planning & Zoning Department evidence that they have complied with the requirements of Shoshone Irrigation District prior to review of the SUP application by the Board of County Commissioners;
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11. The applicant shall provide details of the proposed signage prior to review by the Board of County Commissioners;
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12. The applicant must comply with federal and state requirements for underground fuel storage;
13. The applicant shall show existing easements on the site plan prior to Board review; and

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

The motion was SECONDED by Commissioner Bonine. The motion carried. See Resolution 2020-43 attached hereto and incorporated herein.

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

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

There being no other business, a MOTION was made by Commissioner Putney to adjourn the meeting at 5:18 pm. The motion was seconded by Commissioner Bonine. All in favor.

Respectfully submitted,



Jolene Brakke, Secretary

**RESOLUTION 2020-40
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
KARST SIMPLE SUBDIVISION-267 (SS-267) SKETCH PLAN**

WHEREAS, Jerry Thompson proposes to create a two-lot subdivision comprised of one 1.86-acre lot and one 2.44-acre lot out of an existing 53.51-acre parcel for residential use. The subdivision will result in a 49.21-acre exempt remainder parcel 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 Simple Subdivision sketch plans;

WHEREAS, the Planning & Zoning Commission held a duly noticed public hearing on December 15, 2020 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision Permit Application, including payment, was received from Jerry Thompson on November 13, 2020;
2. The applicant proposes to create a two-lot simple subdivision consisting of one 1.86-acre lot and one 2.44-acre lot out of an existing 53.51-acre parcel for residential use;
3. The subdivision classification meets the standards of a simple subdivision;
4. Ownership is affirmed by Warranty Deed (dated April 29, 2014, Document # 2014-2135) to Jerry Thompson and Ruth Thompson, Co-Trustees of the Thompson Family Living Trust dated the 13th day of June, 2000, from Raymond E. Karst, Sole Trustee of the Raymond E. Karst Living Trust dated November 4, 1996, and Raymond E. Karst, Sole Trustee of the Patricia R. Karst Living Trust dated November 4, 1996;
5. The parcel is located within a 53.51-acre parcel of land described as: Lot 21 (Ex. 1 Ac. Parcel in the NW corner) (24.22 Ac.) E/2SE/4SE/4, E/2NW/4SE/4SE/4, NE/4SW/4SE/4SE/4, Section. 1, The N. PT. of N/2NE/4NE/4NE/4 (1.79 Ac.) Section. 12 T54 R101 Park County, Wyoming;
6. The proposed subdivision is located 4.7 miles southwest of Ralston, Wyoming, approximately 1.67 miles northwest of the intersection of County Lane 13H and US Highway 14A as shown in Figure 2. The property does not have a physical address;
7. Applicable regulations are the *Park County Wyoming 2015 Development Standards and Regulations*, adopted September 15, 2015;
8. The proposed subdivision is located in the General Rural-Powell (GR-P) Zoning District;
9. Surrounding land uses are mostly residential vacant land and agricultural. There are three residential uses bordering the parcel of land being subdivided. There is a nine-lot major subdivision immediately to the northeast of this parcel and a two-lot simple subdivision nearby to the east of this parcel;
10. There are no existing structures on this parcel;
11. The proposed subdivision is not within a mile of any municipality; therefore, municipal review is not required;
12. All public notice requirements have been met;
13. Notice of Intent to Subdivide was published on October 22, 2020 and October 29, 2020;

14. All agency referral requirements have been met;
15. USPS is able to deliver mail to this subdivision. Placement of the mailboxes will be determined when the new residents are ready for mail delivery;
16. Solid waste disposal services are available from private service providers;
17. TCT has terrestrial wireless available in this area and can provide internet and VOIP phone service to this location. All installation and service fees can be charged to the customer when connecting;
18. Park County School District #1 Transportation can provide school bus service at all access points onto Lane 13H;
19. Garland Light & Power can provide electrical service to this location;
20. Black Hills Energy has sufficient volume to provide natural gas to these lots;
21. Park County Fire Protection District #1 is able provide fire protection to these lots, as long as any and all accesses are constructed to accommodate their fire equipment;
22. Park County Weed and Pest has determined a Long-Term Noxious Weed Management Plan is required;
23. An approved Long-Term Noxious Weed Management Plan has been submitted;
24. The Park County Treasurer has stated property taxes are paid current on this property;
25. Northwest Rural Water District has no comment or concerns as the applicant is proposing onsite wells for domestic water;
26. Powell-Clark's Fork Conservation District submitted a soils report;
27. Heart Mountain Irrigation District is working with the application on a water distribution plan;
28. Wyoming Game and Fish has no concerns;
29. Park County Public Works submitted their review which addressed access to both proposed lots, along with stating a drainage and erosion control plan is not necessary or required for this development;
30. No public comments have been received;
31. A pre-application meeting was held on October 8, 2020;
32. A title report has been submitted;
33. Both proposed lots have direct access from County Lane 13H;
34. No roads are proposed as part of this subdivision;
35. No hazardous features are known to exist on the property;
36. A complete sketch plan has been received;
37. The Park County Small Wastewater Administrator reviewed subsurface evaluation data collected by the applicant and determined that engineered septic systems may be required because of slow perc rates;
38. An existing permitted domestic water well provides water to serve proposed Lot 2;
39. A water quality analysis of the well water has not been submitted;
40. The proposed subdivision lot meets lot size requirements;
41. The subdivision is not within an Airport Overlay District or Flood Overlay District;
42. The subdivision is within an Agricultural Overlay District and is not expected to impact neighboring agricultural operations; and
43. 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 Karst SS-267, subject to the following conditions:

1. The applicant shall provide all easements as requested by applicable utilities and special districts, irrigation districts or public agencies providing services. The width of any utility easement shall be sufficient to allow adequate maintenance of the system, but in no case shall such utility easement be less than 20 feet in width. Easements must be identified on the final plat;
2. The applicant shall provide domestic water analysis results to the Planning & Zoning Department prior to final plat review by the Board of County Commissioners;
3. The applicant shall indicate the width and extent of the County Road Right-of-Way on the final plat prior to final plat review by the Board of County Commissioners;
4. The applicant shall show the location of Stone Sheep Circle (intersection with Lane 13H) on the final plat prior to final plat review by the Board of County Commissioners;
5. The applicant shall obtain Park County right-of-way permits or favorable access review for both proposed lots from Park County Public Works prior to final plat review by the Board of County Commissioners;
6. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991;
7. The applicant shall provide an approved water distribution plan to the Planning & Zoning Department prior to final plat review;
8. The applicant shall place a note on the final plat indicating that engineered small wastewater systems may be required due to slow percolation rates; and
9. 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 15th day of December, 2020.

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



Kimberly Brandon-Wintermote, Vice-Chair

ATTEST:



Jolene Brakke, Secretary

**RESOLUTION 2020-41
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
KODIAK MINOR SUBDIVISION-45 (MS-45) SKETCH PLAN**

WHEREAS, Kodiak Properties, LLC proposes to create a five-lot minor subdivision consisting of one 1.61-acre lot, one 5.03-acre lot, one 6.13-acre lot, one 8.62-acre lot and one 8.63-acre lot for residential use in Park County, Wyoming in a General Rural Powell (GR-P) zoning district;

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

WHEREAS, the application and supporting documents are in substantial compliance with Park County Development Standards and Regulations pertaining to minor subdivision sketch plans;

WHEREAS, the Planning & Zoning Commission held a duly noticed public hearing on December 15, 2020 to consider the sketch plan application and made findings as follows:

- a. A subdivision application, including payment, was received on November 13, 2020;
- b. The applicants intend to create a 5-lot minor subdivision;
- c. This subdivision meets the requirements for the classification of Minor Subdivision;
- d. Ownership is affirmed by Warranty Deed (dated November 4, 1992, Doc. #0216-541) to Jerry L. Maneval and Laura J. Maneval, husband and wife, as tenants by entireties with right of survivorship and not as tenants in common, from Russell W. Moore, a single man;
- e. The proposed subdivision is located along County Lane 8H, approximately 2.2-miles east of the City of Powell;
- f. Applicable Regulations for this development are the Park County Wyoming 2015 Development Standards and Regulations adopted September 15, 2015 ("Regulations");
- g. The lots are configured to conform to the GR-P zoning district where they are located;
- h. Neighboring land uses to the north and south of the proposed subdivision are primarily agricultural uses. There are six residential subdivisions located to the west and east of the proposed subdivision;
- i. Proposed Lot 1 has an existing residence and three outbuildings. Proposed Lots 2, 3, 4 and 5 are currently vacant, irrigated land;
- j. This property is not located within one mile of a municipality; therefore, municipal review is not required;
- k. All notice requirements have been met;
- l. TCT has the capacity to provide internet and VOIP phone service to this location;
- m. United States Postal Service can provide mail service to this proposed subdivision;
- n. Park County Fire District #1 is able to provide fire protection;
- o. Park County Weed & Pest indicated a Long-Term Noxious Weed Management plan is required;
- p. Park County School District #1 was notified and responded that school bus service is available;

- q. Rocky Mountain Power has the capacity to provide electrical service to this proposed 5-lot subdivision;
- r. Electricity has not been made adjacent to each lot line;
- s. Northwest Rural Water District has the ability to provide domestic water;
- t. Shoshone Irrigation District is working with the applicant on a water distribution plan;
- u. Montana Dakota Utilities has the capacity to provide natural gas service to this proposed 5-lot subdivision;
- v. Evidence that natural gas is adjacent to each lot line has not been provided;
- w. The Park County Treasurer's Office confirmed the property taxes are paid current on this property;
- x. Powell Clark's Fork Conservation District provided a soils report dated November 2, 2020;
- y. Wyoming Game & Fish Department has no wildlife concerns/comments on this development;
- z. No response has been received from Park County Public Works;
- aa. No public comments have been received;
- bb. A road is proposed as a part of this subdivision. A name has not yet been assigned;
- cc. Application submission requirements for sketch plan have been met with the exception of proof of legal access from County Lane 8H, identification of those responsible for road construction and maintenance, and evidence of power and gas being stubbed to each lot;
- dd. Wastewater requirements pertaining to sketch plan review have been met, with the exception that the locations where the percolation tests were conducted are not identified on a map;
- ee. All domestic water requirements pertaining to sketch plan review have been met;
- ff. All water rights requirements pertaining to sketch plan review have been met;
- gg. Utility requirements pertaining to sketch plan review have been met;
- hh. This subdivision is not located in an Agricultural Overlay District;
- ii. Agricultural impacts have been sufficiently addressed; and
- jj. There are no apparent or identified hazardous conditions on the lots.

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 Kodiak MS-45, subject to the following conditions:

1. The applicant shall provide all easements as requested by applicable utilities and special districts, irrigation districts or public agencies providing services. The width of any utility easement shall be sufficient to allow adequate maintenance of the system, but in no case shall such utility easement be less than 20 feet in width. Easements must be identified on the final plat;
2. The applicant shall provide a formal response from Park County Public Works to the Planning & Zoning Department prior to Sketch Plan review by the Board of County Commissioners;
3. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991;

4. The applicant shall identify who will be responsible for road construction and maintenance proposed as part of the subdivision prior to Sketch Plan review by the Board of County Commissioners;
5. A draft Homeowners Association Agreement must be submitted to the Planning & Zoning Department prior to Sketch Plan review by the Board of County Commissioners;
6. A subdivision road name must be finalized prior to final plat review by the Board of County Commissioners;
7. Electricity shall be stubbed to each lot line or a Subdivision Improvements Agreement addressing electricity shall be approved prior to final plat review;
8. Natural gas shall be stubbed to each lot line or a Subdivision Improvements Agreement addressing natural gas shall be approved prior to final plat review;
9. Domestic water from NRWD must be made adjacent to each lot or a Subdivision Improvements Agreement addressing domestic water shall be approved prior to final plat review;
10. The applicants shall provide an approved Long-Term Noxious Weed Management Plan to the Planning and Zoning Department prior to final plat review;
11. The applicant shall submit Shoshone Irrigation District's written approval of the water distribution plan for the subdivision to the Planning and Zoning Department prior to final plat review;
12. The applicant shall place a note on the final plat indicating that no water quality analysis has been conducted for groundwater for domestic purposes; and
13. 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 15th day of December, 2020.

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

ATTEST:



Kimberly Brandon-Wintermote, Vice-Chair



Jolene Brakke, Secretary

**RESOLUTION 2020 – 42
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMEND APPROVAL OF FRY GRAVEL & EXCAVATION
SPECIAL USE PERMIT-214 (SUP-214)**

WHEREAS, Spencer and Cindy Fry submitted a Special Use Permit Application requesting permission to operate an excavation business, which includes staging equipment such as skid steers, mini-excavators, road graders, rollers and semi-trucks. This use would include occasional maintenance and repair of the equipment necessary for this type of business. This use is proposed in a General Rural-Powell (GR-P) zoning district;

WHEREAS, the project site is located on Lot 1 of the Hawley SS-247, with an address of 1303 US Highway 14A, Powell, WY 82435. This lot is located immediately west of County Road 13, and approximately 0.75 miles northeast of Ralston, WY and approximately 3.22 miles southwest of the City of Powell;

WHEREAS, this project is defined by Park County as a Residential Business defined as a Cottage Industry: A business located in the proprietor's home, or out of other buildings on the same parcel as the proprietor's home, with no more than 5,000 square feet of building floor area devoted to the business and no more than five (5) non-resident employees;

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 December 15, 2020, to consider the Special Use Permit application and made findings as follows:

1. A Special Use Permit Application, including payment was received from Spencer and Cindy Fry on October 16, 2020 including a plan-view drawing showing building location, vicinity map, amount of building square footage, types of activities and characteristics having impact on adjacent properties.
2. The requested action is to allow the operation of an excavation business, which includes staging equipment such as skid steers, mini-excavators, road graders, rollers and semi-trucks at this site. This use would include occasional maintenance and repair of the equipment necessary for this

type of business. The applicant plans to use two existing structures for an office, storage and a mechanic shop.

3. The use is a residential business defined as a Cottage Industry;
4. Ownership is affirmed by Warranty Deed dated November 3, 2017 (Doc. 2017-5559) to Spencer C. Fry and Cindy A. Fry, husband and wife, as tenants by the entireties with right of survivorship, from Melvin M. Hawley and Peggy M. Hawley, Trustees of the Hawley 1997 Trust dated May 8, 2007;
5. The proposed use is located at 1303 US Highway 14A, Powell, WY 82435. This parcel is located approximately 0.75 miles northeast of Ralston, WY and approximately 3.22 miles southwest of the City of Powell;
6. The legal description is Lot 1, Hawley SS-247, as located in Book "M" of Plats, Page 168, according to the records of the County Clerk and Recorder of Park County, State of Wyoming;
7. Applicable regulations are the *Park County, Wyoming 2015 Development Standards and Regulations adopted September 15, 2015*;
8. The proposed use is located in a General Rural-Powell (GR-P) Zoning District;
9. The site to be developed is a relatively level 3.33-acre subdivision lot, bounded on the south by US Hwy 14A. The applicants' residence is located on the eastern third of the lot. The approximately 2.95-acre area proposed for the use consists of a gravel and dirt driveway, and several outbuildings;
10. Neighboring land uses are residential, residential vacant and agricultural, with the nearest residence approximately 270 feet to the northeast;
11. There is an active Major Community Use SUP for Park County Weed and Pest immediately east of the proposed use;
12. All public notice requirements have been met;
13. Park County Weed & Pest confirms there is an existing Long-Term Noxious Weed Management Plan in place for the Hawley SS-247;
14. Wyoming Department of Transportation has confirmed access availability along US Highway 14A with a new access with requirements and abandonment of existing driveway;
15. Park County Public Works submitted a formal response addressing access (no concerns), drainage plan (approved) and storage of fuel and oil;
16. Public Works recommends a condition stating, "*Applicant shall comply with all applicable requirements of 40 CFR Part 12 as it relates to storage of oil and fuel products;*"
17. A runoff and erosion control plan is required for this use, and has been submitted and approved;
18. Park County Fire District #1 is able to provide fire protection;
19. Garland Light & Power stated this property is not serviced by them;

20. Park County Treasurer states property taxes are paid current on this property;
21. Shoshone Irrigation District states there is no need to have a special use permit for the crossing on the applicant's property as it will not have any effect on any water rights or on any irrigation district facilities;
22. Wyoming Game & Fish Department has no wildlife concerns or comments;
23. Rocky Mountain Power has the ability and capacity to supply electricity for this use;
24. No public comments have been received;
25. The applicants addressed compatibility of the use with and impacts to neighboring properties;
26. Setback requirements are met;
27. No covenants exist or are proposed;
28. Outdoor lighting exists on the property;
29. There are no known nonconformities on this property;
30. No nuisances have been reported or are known to exist on the property;
31. Domestic water will be provided by an existing private well;
32. A domestic water analysis has been completed and concludes the results meet the acceptable containment levels for the elements tested;
33. Parking as proposed is adequate for this use;
34. An unpermitted small wastewater system exists for the office building and the adequacy of the system to serve the use is unknown;
35. Two signs, each under 8'x10' to be placed along the highway frontage, are proposed for this use;
36. Solid waste will be generated by this use, and handled in accordance with county regulations;
37. No specific criteria are identified for this use;
38. This use is not located in an overlay district;
39. Site Plan review is required for the proposed Cottage Industry use and a site plan has been provided by the applicant;
40. Hazardous substances, if any, will be handled, stored and disposed of according to state and federal regulations;
41. The use is not expected to impact any lakes, reservoirs or streams;
42. The use is not expected to impact any federal wetlands;
43. No emissions are proposed as part of this use; and
44. Special site plan standards do not apply.

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 Fry Gravel & Excavation Special Use Permit-214, subject to the following conditions:

1. This SUP is for the operation of excavation equipment storage, staging, mobilization and maintenance on 3.3 acres of the Hawley Subdivision Lot 1, no direct sales of gravel materials and limitation on gravel display not to exceed a maximum of 1 cu yd of each product to be stored on the south side of the office building;
2. The applicants shall comply with the conditions of the Wyoming Department of Transportation Access Permit;
3. The applicants shall use the existing unpermitted small wastewater system that serves the office building; however, if the systems fails, a replacement system will be required to be permitted by the County;
4. The applicants shall comply with all applicable requirements of 40 CFR Part 12 as it relates to storage of oil and fuel products;
5. The applicant shall comply with the conditions of the existing Long-Term Noxious Weed Management Plan;
6. The applicant shall identify on the site plan the abandonment of the existing driveway prior to review by the Board of County Commissioners;
7. Any proposed expansion of this use beyond 3.3 acres or number of employees will require an amended or new SUP; and


8. The applicants shall otherwise comply with standards in the Park County Development Standards and Regulations.

ADOPTED by the Planning & Zoning Commission this 15th day of December, 2020.

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

ATTEST:


Kimberly Brandon-Wintermote, Vice Chairman


Jolene Brakke, Secretary

**RESOLUTION 2020 – 43
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMEND APPROVAL OF RALSTON GOOD 2 GO
SPECIAL USE PERMIT-212 (SUP-212)**

WHEREAS, Horrocks Engineers on behalf of property owner #5 Ralston Wyoming Property, LLC submitted a Special Use Permit Application requesting permission to allow expansion and updating of the existing convenience store and fueling station. This project will consist of construction of a single-story convenience store approximately 3,300 square feet in size, and two (2) additional fueling stations, to be developed near the center of two existing lots, which together total approximately 1.5 acres. Associated pavements, fueling stations, and a septic system drain field will also be developed. This use is proposed in a General Rural-Powell (GR-P) zoning district;

WHEREAS, the project site is located at 492 Main Street (Lot A) and 570 Main Street (Lot B), Ralston, Wyoming, southeast of U.S. Highway 14A;

WHEREAS, this project is defined by Park County as a Highway commercial business. A Highway commercial business is defined as a business that provides a substantial portion of its goods and services to tourists and travelers, including motels, hotels, restaurants, gift shops, automobile service stations, gasoline filling stations, and truck stops;

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 December 15, 2020, to consider the Special Use Permit application and made findings as follows:

1. A Special Use Permit Application, including payment was received from Horrocks Engineers on behalf of #5 Ralston Wyoming Property, LLC on September 23, 2020. Supporting documents such as site plan drawings, vicinity map, type of activity, and a geo-technical report were received on November 13, 2020.
2. The requested action is to allow expansion and updating of the existing convenience store and fueling station. This project will consist of

construction of a single-story convenience store approximately 3,300 square feet in size, and two (2) additional fueling stations, to be developed near the center of two existing lots which total approximately 1.5-acres. Associated pavements, fueling stations, and a septic system drain field will also be developed.

3. The use is defined as a Highway Commercial Business;
4. Brandon Lee signed the application on behalf of the property owner, #5 Ralston Wyoming Property, LLC;
5. Applicable regulations are the *Park County, Wyoming 2015 Development Standards and Regulations adopted September 15, 2015*;
6. The existing convenience store and fueling station is located at 492 Main Street, Ralston, Wyoming, on Lots 18, 19, 20 and 21, Barrows Subdivision, according to the plat recorded in Book "C" of plats, page 20, of the records of the County Clerk and Recorder of Park County, State of Wyoming (see also the Amended Plat of Barrows Subdivision Lots 18- 21).
7. The proposed expansion will be include 570 Main Street, Ralston, Wyoming, on Lots 14, 15, 16, and 17, Barrows Subdivision, according to the plat recorded in Book "C" of plats, page 20, of the records of the County Clerk and Recorder of Park County, State of Wyoming;
8. The existing use is located in a Commercial Zoning District;
9. The proposed expansion will be in a Transitional Zoning District, which will change to Commercial Zoning if this use is approved;
10. Neighboring land uses are residential, residential vacant land, commercial, agricultural and some special uses in the area;
11. The site to be developed is comprised of two lots totaling approximately 1.5 acres. The site is relatively flat;
12. All notice requirements have been met;
13. Garland Light & Power has the ability to provide electricity to this project;
14. Black Hills Energy has the capacity to supply natural gas to this project;
15. Wyoming Department of Transportation confirms access is available from U.S. Highway 14A;
16. Northwest Rural Water District has capacity to serve the proposed use;
17. Park County Fire District #1 is able to provide fire protection this this property long as any and all accesses are constructed to accommodate their fire equipment;
18. Park County Treasurer confirms property taxes are paid in full;
19. Wyoming Game & Fish Department have no concerns or comments;
20. Park County Weed & Pest responded that a Long-Term Noxious Weed Management Plan will not be required. However, they recommend the applicant perform bare ground control in all gravel areas and adherence to

the following "Best Management Practices for Controlling the Spread of Noxious Weeds" that addresses a control and prevention program to minimize the introduction or spread of any noxious weeds as defined in WS §11-5-101 inclusive;

21. Park County Public Works reviewed and commented on alteration of the public alley, existing and demolition plans, site plans, grading plans, and erosion control plans;
22. No response has been received from Cody Conservation District;
23. No response has been received from the Wyoming State Fire Inspector;
24. No response has been received from the Powell-Clark's Fork Conservation District;
25. No response has been received from TCT West;
26. No response has been received from the Department of Agriculture;
27. No response has been received from Shoshone Irrigation District however, applicant intends to relinquish water rights;
28. No public comments have been received;
29. Adequate services and infrastructure are available to serve the use;
30. No specific criteria is identified for this use;
31. This use is not located an overlay district;
32. Setback requirements are met;
33. No covenants exist or are proposed;
34. Domestic water is required for this use;
35. Given the perc data provided and assuming this use will only produce domestic wastewater, a conventional, on-site, small wastewater system is allowed provided the daily flow of wastewater does not exceed 2,000 gpd.;
36. An acceptable SWW system design has not yet been approved by the SWW Administrator;
37. Solid waste will be generated by this use;
38. Signs are proposed for this use however, details have not yet been presented;
39. Hazardous substances will be handled, stored and disposed of according to state and federal regulations;
40. Parking regulations do apply to this use and adequate space for parking is available;
41. The proposed use is not expected to impact any lakes, reservoirs or streams;
42. The proposed use is not expected to impact any federal wetlands;
43. A runoff and erosion control plan is required for this use;
44. No emissions are proposed as part of this use;

45. This use is not located in an overlay district;
46. Outdoor lighting is proposed;
47. There are no known nonconformities on this property;
48. No nuisances have been reported on the property;
49. The proposed project is within the boundaries of an irrigation district; and
50. No specific criteria are identified for this use.

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 Ralston Good 2 Go Special Use Permit-212, subject to the following conditions:

1. This SUP allows for the new construction of a single-story convenience store approximately 3,300 square feet in size, and two (2) additional fueling stations, to be developed near the center of two existing lots, which together total approximately 1.5 acres.
2. The applicant shall correct the language in the Site Plan dated November 13, 2020, Sheet C.1.1 – Gas Service Notes, Items 1, 3 and 11 from Questar as the local gas service provider to Black Hills energy, prior to review of the SUP application by the Board of County Commissioners;
3. With regard to the Site Plan dated November 13, 2020, Sheet C.2.0 – Existing and Demolition Plan, the applicant shall submit a copy of the final as-constructed plans showing site improvements as signed and sealed by a

Wyoming licensed professional engineer to the Park County Public Works Office upon completion of construction;

4. With regard to the Site Plan dated November 13, 2020, Sheet C.4.0 – Grading Plan, the applicant shall submit calculations to the Park County Public Works office for review and approval showing the basis for the size and capacity of the inlets, drain-pipes, oil/water separator, and infiltration system, prior to review of the SUP application by the Board of County Commissioners;
5. The applicant shall remove the language “Snake River Landing Communal System” from the Site Plan dated November 13, 2020, Note 9 on the SWPPP referred to on Sheet C.6.0- Erosion Control Plan, prior to review of the SUP application by the Board of County Commissioners;
6. The applicant shall provide to the Planning & Zoning Department a response from the Wyoming State Fire Inspector, prior to review of the SUP application by the Board of County Commissioners;
7. The applicant shall provide to the Planning & Zoning Department a response from the Wyoming Department of Agriculture, prior to review of the SUP application by the Board of County Commissioners;
8. The applicant shall provide to the Planning & Zoning Department confirmation that they have complied with the requirements of the Wyoming Department of Transportation, prior to review of the SUP application by the Board of County Commissioners;
9. An acceptable SWW system design must be approved by the Park County SWW Administrator prior to review of the SUP application by the Board of County Commissioners;
10. The applicant shall provide to the Planning & Zoning Department evidence that they have complied with the requirements of Shoshone Irrigation District prior to review of the SUP application by the Board of County Commissioners;
11. The applicant shall provide details of the proposed signage prior to review by the Board of County Commissioners;
12. The applicant must comply with federal and state requirements for underground fuel storage;
13. The applicant shall show existing easements on the site plan prior to review by the Board of County Commissioners; and

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

ADOPTED by the Planning & Zoning Commission this 15th day of December, 2020.

PLANNING AND ZONING COMMISSION
PARK COUNTY, WYOMING

ATTEST:



Kimberly Brandon-Wintermote, Vice Chairman



Jolehe Brakke, Secretary



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, December 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 November 17, 2020 regular meeting.

CONSENT AGENDA

[Karst SS-267](#)

REGULAR AGENDA

[PUBLIC HEARING – Kodiak MS-45 Sketch Plan](#)

[PUBLIC HEARING – Fry Gravel & Excavation SUP-214](#)

[PUBLIC HEARING – Ralston Good 2 Go SUP-212](#)

OTHER BUSINESS

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

ADJOURN

PLEASE SIGN IN

PLANNING and ZONING COMMISSION REGULAR MEETING December 15, 2020

		Kodiak MS-45 Sketch Plan	
		Fry Gravel & Excavation SUP-214	
		Ralston Good 2 Go SUP-212	
	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	Tiffany Brando	Kodiak - MS	
2	Cindy Fry	Fry Gravel + Excavation SUP	
3	Spencer Fry	Fry Gravel + Excavation SUP	
4	Jerry Thompson	Karst SS,	
5	Ruth Thompson	"	
6	Theresa Smith	Kodiak Minor subdivision	
8	Andrew Smith	"	
9	RUSSELL TAYLOR	"	
10	SANDRA TAYLOR	"	
11	NICHOLAS HUMMEL EA	KARST SS + KODIAK MS.	ONLY IF NEEDED
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PLEASE SIGN IN

**PLANNING and ZONING COMMISSION
REGULAR MEETING
December 15, 2020**

		Kodiak MS-45 Sketch Plan	
		Fry Gravel & Excavation SUP-214	
		Ralston Good 2 Go SUP-212	
	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	Mary McKinley	all	yes.
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