

1 **Planning & Zoning Commission Minutes**

2 December 18, 2018

3  
4 This is a regular meeting of the Park County Planning & Zoning Commission held at 6:00pm in  
5 the EOC Room of the County Courthouse at 1002 Sheridan Ave., Cody, WY.

6  
7 **Commission Members Present:**

- 8 Marion Morrison, Chairman
- 9 Kimberly Brandon-Wintermote, Vice Chairman
- 10 Linda Putney
- 11 Duncan Bonine

12  
13 **Staff Present:**

- 14 Kim Dillivan, Planner II
- 15 Jolene Brakke, Office Assistant III

16  
17 Chairman Morrison opened the meeting at 6:00 pm.

18  
19 **APPROVAL OF MINUTES**

20  
21 Chairman Morrison asked the Board for comments on the November 20, 2018 meeting minutes  
22 and verified that previously submitted changes had been completed. A MOTION was made by  
23 Commissioner Bonine to approve the minutes as amended; the motion was SECONDED by  
24 Commissioner Brandon-Wintermote to approve the minutes as corrected. The motion was carried  
25 unanimously.

26  
27 **REGULAR AGENDA**

28  
29 **French SS-254** Tim A. French requests Planning and Zoning Commission review of the sketch  
30 plan for the French Simple Subdivision, which proposes to split an approximately 10-acre lot from  
31 an approximately 167-acre lot. The intended use of the subdivision lot is for a single-family  
32 residence and agricultural use.

33  
34 Chairman Morrison acknowledged that a public hearing was not required and directed Planning  
35 and Zoning staff to commence with the staff report at 6:02 pm.

36  
37 Kim Dillivan, Planner II, presented the Staff Report. He clarified the location of the lot as it was  
38 not properly delineated in the Staff Report. He also provided a copy of the Water Distribution Plan  
39 to the Commission members that was requested by the Irrigation District and provided by the  
40 applicant after the completion of the Staff Report.

41  
42 Chairman Morrison asked if the Commission had questions for Staff. No questions were brought  
43 forth.

44  
45 Chairman Morrison invited the applicant to make statements about his application. Mr. Tim French  
46 discussed the history and establishment of the existing irrigation line. Early on, the irrigation  
47 district suggested the development of an agreement with the adjacent property owner to  
48 guarantee access to the district's water line; however, after discussing Mr. French's plan to move  
49 direct access to the line onto the subdivision lot, the district no longer felt the agreement would  
50 be necessary. Mr. French indicated that the proposed line changes are outlined on the presented  
51 irrigation plan and that these changes will be completed in the Spring as the weather allows.

53 Chairman Morrison asked if the irrigation district was going to approve it with these changes. Mr.  
54 French responded that they had not requested anything further at this point.  
55  
56 Chairman Morrison asked for clarification on the need for irrigation district approval since the  
57 requirement for the irrigation plan to go to the state had been waived by staff. Kim Dillivan  
58 responded that the regulations state that "evidence that the plan has been submitted to the state  
59 engineer" is required but approval of the plan is not listed as a requirement.  
60  
61 Chairman Morrison asked if Mr. French had any additional comments regarding the application.  
62 Mr. French explained how they had originally acquired the property and how it had been utilized  
63 in the past. Chairman Morrison asked for clarification regarding the agricultural impacts of the  
64 subdivision concerning whether or not the created parcel had been, and would continue to be,  
65 utilized for agricultural production. Mr. French indicated that the parcel has the ability to be  
66 irrigated and has been utilized as agricultural land and the intention is to continue to utilize it as  
67 agricultural, as well as residential. The Notice of Intent stated 10 acres for residential and  
68 agriculture use. Therefore, there were no further concerns regarding property use.  
69  
70 Commission Member Putney inquired about the interpretation of the change in use of the  
71 irrigation. Kim Dillivan explained that the Planning Staff is viewing the use of water for crop  
72 irrigation and the use of water for residential lawn or pasture irrigation as not being a change in  
73 use, therefore, the irrigation plan is not required to be approved by the State Engineer's Office  
74 prior to final plat review. Commission Member Putney was agreeable to this interpretation.  
75  
76 Chairman Morrison asked if any commission members had questions for the applicant or staff.  
77

- 78 • Commission Member Putney asked for clarification regarding the location of the natural  
79 gas access. Mr. French answered that it runs down Rattler Road. Commission Member  
80 Putney inquired about telephone landline service. Mr. French replied that there is not  
81 landline access, only cell phone access.
- 82 • Commission Member Bonine had a question regarding Rattler Road and the applicant's  
83 opinion regarding whether the road could sustain potential future development in the area.  
84 After lengthy discussion, it was determined that Rattler Road is a private road maintained  
85 by the applicant and another adjacent landowner; if further development in the area  
86 occurs, it will be the responsibility of the potential developer, landowners and the County  
87 to determine accessibility options at that time.

88 Chairman Morrison asked if any commission members had further questions for the applicant.  
89 Upon hearing none, Chairman Morrison asked the applicant if he had anything else to add. Mr.  
90 French had nothing further.  
91  
92 Chairman Morrison called for any discussion.  
93

- 94 • Commission Member Putney had questions regarding the requirements for a sketch plan  
95 versus conditions for a final plat and whether some of the required conditions needed to  
96 be added to the resolution conditions or if they would be required automatically through  
97 the final plat process. Kim Dillivan answered that these would be covered in the final plat  
98 process.
- 99 • Chairman Morrison inquired, since having been waived by staff, whether finding letter p  
100 and condition number 3 requiring of the irrigation plan be approved by the State Engineer's  
101 Office had been removed from the draft resolution. Kim Dillivan indicated that it had not  
102 yet been removed and that the Commission may want to consider removing that finding  
103 and condition as well as condition 2 requiring a Title Report since it had been provided.
- 104 • Commission Member Brandon-Wintermote asked that the sketch plan's reference to two  
warranty deeds be clarified. Mr. French addressed the warranty deed reference issue on

105 the sketch plan by explaining the history of the purchase of the parcels and that a boundary  
106 line adjustment had been completed. This was verified by staff.

- 107 • Commission Member Putney disagreed with finding e which states that access, irrigation  
108 and utility easements are shown on the sketch plan, due to the natural gas not being  
109 indicated. Kim Dillivan indicated that upon reviewing the sketch plan, he was in agreement  
110 with Commission Member Putney that the easements were not clearly defined as  
111 described in finding e. Commission Member Putney indicated that since condition 1 and  
112 the requirements of a final plat would address easement requirements, finding e could be  
113 removed.

114  
115 Commissioner Putney made a MOTION to strike letter e under the findings which says "Access,  
116 irrigation and utility easements are shown on the sketch plan", strike letter p, "An irrigation water  
117 distribution plan approved the State Engineer's Office is required" and under conditions, strike  
118 item 2, "A complete Title Report must be received by Planning Office prior to final plat review",  
119 strike number 3, "An irrigation plan must be approved by State Engineer's Office prior to final plat  
120 review". And so now conditions would read:

- 121 1. The applicant shall provide all easements as requested by applicable utilities and  
122 special districts, irrigation districts or public agencies providing services. The width of  
123 any utility easement shall be sufficient to allow adequate maintenance of the system,  
124 but in no case shall such utility easement be less than 20 feet in width. Easements  
125 must be identified on the final plat;
- 126 2. The applicant shall otherwise comply with standards in the Park County Development  
127 Regulations and the minimum subdivision requirements as set forth in Wyoming  
128 Statute 18-5-306.

129 Motion was SECONDED by Commission Member Bonine. The motion was carried unanimously.  
130 See Resolution 2018-25 attached hereto and incorporated herein.

131  
132 **OTHER BUSINESS**

- 133 1. Chair's Report
- 134 a. Requested meeting minutes be available to Commission Members upon  
135 completion rather than with the next meeting agenda packet.
- 136 b. Possibility of having a facilitator and/or sending out a survey regarding the VRBO  
137 process - to be addressed in the workshop with the Commissioners in  
138 January/February.
- 139 c. Requested information regarding the additional meeting which was rescheduled  
140 from January 22<sup>nd</sup> to January 29<sup>th</sup>. Provided information regarding the Zoning Map  
141 Amendment issue and the need for a 30-day notice which resulted in the necessity  
142 to move the meeting out by one week.

143  
144  
145 **PUBLIC COMMENT**

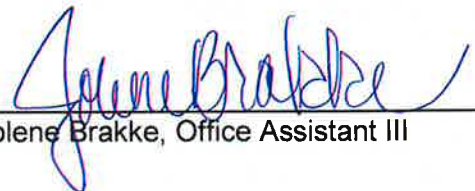
146  
147 Chairman Morrison opened the floor to attendee, Richard Hawley, with IEC, who indicated he had  
148 information regarding the rezoning issue. He is with Inductance Energy Corporation, an advanced  
149 manufacturing company that is interested in the parcel which is the subject of the zoning map  
150 amendment. The company manufactures magnets. Due to trade secrets involved with their  
151 product, they are interested in the remote location. The County Assessor has indicated that they  
152 are taxing the land as industrial, however, the company is willing to apply for a variance if  
153 necessary based on the zoning. The building has been used as an industrial facility since it was  
154 built. Due to having a large quantity of backordered product, the company is interested in  
155 expediting the process wherever possible.

156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176

- Commissioner Brandon-Wintermote questioned whether there would be any hazardous materials or chemicals in use in this process, to which Mr. Hawley responded that there would be none.
  - Commission Member Putney brought up the issue of zoning industrial and then the company selling the property and what the repercussions of this may be for future potential owners. Mr. Hawley and other Commission members pointed out that the building has been utilized industrially since it was built.
  - Chairman Morrison questioned if the company foresees significant growth to which Mr. Hawley responded that they wish to keep the employee numbers to five or less. Some discussion commenced regarding shipping and transportation effects. Due to the small size of the product, no significant impact is expected.
- Chairman Morrison thanked Mr. Hawley for the information.

As there were no further items for discussion, Commission Member Putney made a MOTION to adjourn the meeting at 7:32 pm. Commission Member Brandon-Wintermote SECONDED. All in favor. Meeting adjourned.

Respectfully submitted,



---

Jolene Brakke, Office Assistant III

**RESOLUTION 2018 - 25  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE THE SKETCH PLAN FOR  
FRENCH SIMPLE SUBDIVISION – 254**

**WHEREAS**, Tim A. French proposes to create a one-lot simple subdivision, comprised of approximately 10.57 acres, with a remainder parcel of approximately 157 acres. The proposed lot is for single family residential use;

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

**WHEREAS**, the Planning & Zoning Commission held a duly noticed meeting on December 18, 2018 to consider the application and sketch plan and made findings as follows:

- a. The proposed lot as configured conforms to the GR-P zoning district, where it is located;
- b. All notice requirements have been met;
- c. All agency referral requirements have been met;
- d. There are no official wetlands, identified wildlife habitats or corridors on the property;
- e. There are no apparent or identified hazardous conditions on the lot;
- f. Cellular phone service is adequate in the area;
- g. Electricity and natural gas are adjacent to the proposed lot;
- h. Fire protection is available via Fire District No. 1;
- i. Subsurface evaluation shows a perc rate of 3.3mpi; as a result, enhanced septic systems may be required;
- j. Subsurface evaluation shows depth-to-groundwater > 10 feet;
- k. Access to proposed lot will be from Rattler Road via County Road 10;
- l. Water quality analysis was conducted on a well located 0.5 miles away and designated the water as "safe" with no coliform or nitrates detected, and TDS were found to be below levels that may cause cosmetic or aesthetic effects;
- m. Weed & Pest initial inspection noted the presence of noxious weeds and indicated that a long term noxious weed control plan is required and has been approved;
- n. Heart Mountain Irrigation District has been notified of proposed subdivision;
- o. Proposed subdivision complies with all design and improvement standards;

p. Municipal review is not 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;

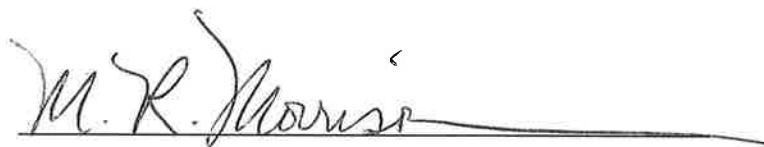
**NOW, THEREFORE, BE IT RESOLVED** based on the foregoing, the Planning & Zoning Commission hereby recommends approval of the sketch plan for the French Simple Subdivision - 254, subject to the following conditions:

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 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 18<sup>th</sup> day of December, 2018.

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

**ATTEST:**



Marion Morrison, Chair



Jolene Brakke, Secretary



**Park County Planning & Zoning Department**

1002 Sheridan Avenue, Suite #109

Cody, Wyoming

(307) 527-8540

---

**PARK COUNTY PLANNING & ZONING COMMISSION**

Meeting **6:00 P.M.**, Tuesday, December 18, 2018 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 20, 2018 meeting.

**REGULAR AGENDA**

[French SS-245](#)

**OTHER BUSINESS**

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

**ADJOURN**

**PLEASE SIGN IN**  
**PLANNING and ZONING COMMISSION MEETING**  
**December 18, 2018**

		French Simple Subdivision	
	Please <b>PRINT</b> your name	Name of the <b>HEARING OF INTEREST</b>	DO YOU WISH TO SPEAK
1	Richard Hawley	IEC	public comment
2	Tim A. French	French	
3	Becky French	subdivision	
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			