

1 **Planning & Zoning Commission Minutes**

2 June 19, 2018

3
4 This is a regular meeting of the Park County Planning & Zoning Commission held at
5 7:00pm in 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 Debora Smith (Bush)
13

14 **Staff Present:**

15 Joy Hill, Planning Director
16 Kim Dillivan, Planner II
17 Patti Umphlett, Planning Department Admin. Assistant
18 Ben McDonald, Public Works
19

20 Chairman Morrison opened the meeting at 7:00pm. She introduced the new County
21 Planning Director, Joy Hill, and welcomed her to Park County.
22

23 **APPROVAL OF MINUTES**

24
25 Chairman Morrison asked the Board for comments or changes on the April 17, 2018
26 minutes. Commissioner Putney asked that the word "directional" be added to Line 72 for
27 clarification and to read as follows: "Off-site directional business signs are limited to one,
28 not more than 3ft x 3ft in size". After some discussion it was agreed among the
29 Commission to make that change. There being no further discussion, a MOTION was
30 made by Commissioner Brandon-Wintermote, SECONDED by Commissioner Bonine to
31 approve the minutes as corrected. Motion was carried unanimously.
32

33 **REGULAR AGENDA**

34
35 **PUBLIC HEARING Buell SUP-160:** Jerry Buell requests approval of a special use permit
36 for a Minor Commercial Business (leasing off-site storage units) in a Rural Residential 2-
37 acre (RR-2) Zoning District, 25 Spring Road, Lot 3 Musser Subdivision #2, Cody, WY.
38

39 Chairman Morrison opened the Public Hearing at 7:05pm. She introduced the
40 Commission and Staff and reviewed the Rules of Procedure for Public Hearing.
41

42 There being no comments from the Commission, Kim Dillivan, Planner II, presented the
43 Staff Report, addressing the various requirements for the proposed leasing/storage of
44 storage containers and shop building addition (approximately 1,000sq.ft.). Following the
45 reading of the Staff Report, there were questions and discussion between the
46 Commission and Staff regarding visual impact on the neighborhood, wear and tear on
47 Spring Road, the number and frequency of possible container deliveries and pick-ups,
48 size of the containers, how many containers will be used for personal use, hours of
49 operation and the existing operation of a plumbing business on the property.
50

51 Chairman Morrison asked Applicant Jerry Buell if he wanted to add any additional
52 information. He stated that because the business runs on a supply and demand basis,
53 the traffic varies. His past business records show that April and May are the busiest
54 months and he estimates approximately 10 trips per week for pick-up and delivery of
55 containers. He stated that proposed business the noise level is that of a diesel truck; no
56 more than the sound of a lawn mower. The average number of containers stored on the
57 property at any given time is estimated at approximately 20. If all containers that he
58 manages were on the property at once, however, there could be between 65 and 75.
59

60 The Commission asked Mr. Buell to answer several questions, among which were the
61 following:

- 62 • Q: Are you currently running a business on this property? How long has/have the
63 business(es) been run at this location?
 - 64 ○ A: Currently his plumbing business and the storage container business are
65 being run on the property and have been for at least 11 years.
- 66 • Q: Do you plan to keep the plumbing business?
 - 67 ○ A: The plumbing business is shutting down.
- 68 • Q: Do you consider this business compatible with the area?
 - 69 ○ A: Doesn't see it as a problem. He has 12 acres and the majority of the
70 storage will be on one side.
- 71 • Q: What are the sizes of the containers?
 - 72 ○ A: The containers vary in size from (length x width x height) 8ft x 8ft x 8ft up
73 to 40ft x 8ft x 8ft with various sizes in between.
- 74 • Q: Are the containers on the property being used for onsite storage?
 - 75 ○ A: The containers on the property are empty and not used for onsite storage
- 76 • Q: How many containers are used for personal use?
 - 77 ○ A: He plans to use approximately 4 containers for personal use.
- 78 • Q: Who maintains Spring Road?
 - 79 ○ A: Spring Road is a privately maintained road.

80
81 Public Comments:

82
83 Joe Porter, the son of the resident living to the west of the property being discussed, had
84 the following comments and concerns: The storage container business seems to be
85 encompassing the entire property being discussed and encroaching closer to the fence
86 bordering his mother's property. He submitted overhead photos of the property and
87 neighboring property showing where the containers currently are stored and can be seen
88 from every direction. He believes due to the rolling terrain, most fences would not shield
89 the containers. There was a situation where Spring Road was blocked from traffic
90 because one of the trucks transporting Mr. Buell's container was jack-knifed in the middle
91 of the road. He has concerns that the containers are being used for onsite storage. The
92 containers have become more and more noticeable in the last couple of years. He feels
93 this business does not conform with the character of the neighborhood and he's afraid it
94 is devaluing property values in the neighborhood.
95

96 Robin Rick, a resident living to the west of the property being discussed expressed that
97 the containers are getting closer to her mother's property fence line and it's very unsightly;
98 and it has become more apparent in the last couple of months.
99

100 There being no further public comment, Planning Director, Joy Hill, and the Commission
101 discussed their concerns. Specifically, the proposed shop expansion is located close to
102 Spring Road; the business is non-conforming with the neighborhood; the use looks larger
103 in the overhead photos than what was presented with the application. There was
104 discussion about screening options and that the business doesn't seem to conform to this
105 zoning area and neighborhood.

106
107 A MOTION was made by Commissioner Smith, SECONDED by Commissioner Brandon-
108 Wintermote to close the Public Hearing at 7:58pm. Motion was carried unanimously.

109
110 After discussion among the Commission members, a MOTION was made by
111 Commissioner Putney, SECONDED by Commissioner Brandon-Wintermote to
112 recommend denial of the Buell SUP-160 because the Commission members did not see
113 the use as being compatible with the RR-2 Zoning neighborhood. Motion was carried
114 unanimously.

115
116 See Resolution 2018-9 attached hereto and made a part hereof.

117
118 PUBLIC HEARING Fair SUP-161: Cindy Fair requests approval of a special use permit
119 with site plan review for a Large Impact Structure (17,172 sq. ft. indoor riding arena for
120 personal use) in the General Rural Powell (GR-P) zoning district, 347 Lane 14, Powell,
121 WY in Sec 3, T54N R98W Park County, WY.

122
123 Chairman Morrison opened the Public Hearing at 8:05pm. There being no comments from
124 the Commission, Kim Dillivan, Planner II, presented the Staff Report. Following the Staff
125 Report, Commissioner Putney asked for verification that Willwood Irrigation District has
126 been notified. Mr. Dillivan confirmed they had.

127
128 Applicant, John Wolfe stated that this structure will be used for his personal use and
129 livestock. It will give him a place to train his horses and ride in the winter. He added that
130 there will not be any clinics or public events.

131
132 Commissioner Smith expressed to the Applicant that special permits are required if there
133 is expansion in the future for commercial business. Chairman Morrison, mentioned that
134 arenas have a way of attracting people and events and asked the Applicant how that
135 would be handled. The Applicant said he would say no, that it is for personal use. He
136 currently has 30 horses.

137
138 A MOTION was made by Commissioner Bonine, SECONDED by Commissioner Smith to
139 close the Public Hearing at 8:20pm. Motion was carried unanimously.

140
141 After discussion among the Commission, a MOTION was made by Commissioner Smith,
142 SECONDED by Commissioner Bonine to recommend approval of the Fair SUP-161 with
143 the following conditions,

- 144
145 1. Park County noise, lighting, and other nuisance regulations shall apply;
146 2. An approved runoff and erosion control plan is required prior to review by
147 Park County Commissioners;
148 3. Pending no concerns from Public Works;

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

151
152 Commissioner Putney requested the language "For Personal Use Only" be added to the
153 Special Use Permit.

154
155 Commissioner Smith revised her motion to include that language. Motion was
156 SECONDED by Commissioner Bonine to recommend approval of the Fair SUP-161 with
157 the following conditions,

- 158
- 159 1. Park County noise, lighting, and other nuisance regulations shall apply;
- 160 2. An approved runoff and erosion control plan is required prior to review by
161 Park County Commissioners;
- 162 3. Pending no concerns from Public Works;
- 163 4. For Personal Use Only;
- 164 5. The applicants shall otherwise comply with standards in the Park County
165 Development Standards and Regulations.

166
167 See Resolution 2018-10 attached hereto and made a part hereof.

168
169 **PUBLIC HEARING Mandie Mae Major Subdivision:** Robert O. and Sherry Ann Taylor
170 request approval of a subdivision permit to divide an 8 acre portion of Lot 51 - 4 of the Lot
171 51 Subdivision into a one (1) acre lot and seven (7) acre lot in the GR-P zoning district,
172 936 Lane 11, Powell WY.

173
174 Chairman Morrison opened the Public Hearing at 8:26pm. There being no comments from
175 the Commission, Kim Dillivan, Planner II, presented the Staff Report. Following the Staff
176 Report, there were questions and discussion between the Commission and Staff
177 regarding the location and functionality of the current small wastewater systems, cleaning
178 up the sketch plan to clarify water lines and easements, sharing of infrastructure, sharing
179 of wells and the availability of domestic water from Northwest Rural Water District.

180
181 Chairman Morrison asked Applicant Robert Taylor if he wanted to add any additional
182 information. Mr. Taylor added the following: the property was purchased from his father
183 and he has been working over the years to clean up the property; he has hauled away
184 40-50 cars and truckloads of junk; he removed two mid-1970s trailers and added new
185 mobile homes; he has complied with the recent court order regarding the removal of
186 mobile homes from the discussed property; he currently lives in the log home located on
187 the 2-acre property to the west of the proposed 1-acre lot and previously divided from Lot
188 51-4 and his intent is to supplement his income with 2 rental properties; he has evicted
189 the past renters and no longer allows dogs to help reduce the potential for that type of
190 disturbance.

191
192 Public Comments:

193
194 Steve Herrmann, a resident to the east of the property being discussed, presented a
195 packet for the staff entitled, "Objections to the proposed Mandie Mae Major Subdivision
196 Sketch Plan application of Robert Odus Taylor and Sherry Ann Taylor in the GR-P Zoning

197 District"; (he offered to email the packet to Staff as a pdf to be forwarded on to
198 Commission members). He also had the following concerns: land use suitability
199 concerning proposed lot sizes; he feels the proposed lot sizes are too small for the area;
200 confused by whether the 2 lots were merged back into 1 lot by the Warranty Deed from
201 Mr. Taylor's father to Mr. Taylor; he mentioned there is a long history with the property
202 being discussed as well as many permitting violations; there are 26 law enforcement
203 incidents; he reiterated the purpose of the County Regulations is to safeguard the public
204 health, safety and general welfare; his property values are devalued and will be devalued
205 further by the subdivision of this property; nothing on the Taylor property is good for his
206 property; and the sketch plan is confusing.

207
208 With no further public comment, the Commission discussed the points brought forward
209 and concluded more clarification of information and the sketch plan is needed. Therefore,
210 a MOTION was made by Commissioner Putney, SECONDED by Commissioner Bonine
211 to continue the Public Hearing to the Planning and Zoning meeting scheduled for
212 Tuesday, July, 17 at 7:00 p.m. Motion was carried unanimously.

213
214 **OTHER BUSINESS**

- 215
216 1. Chair's Report - None
217 2. Planning Director's Report –
218 a) The Director would like the Commission to consider another meeting time in
219 the future;
220 b) There are plans to begin the process of updating Land Use Plans for the
221 different planning areas with regard to vacation rentals. Meetings will hopefully
222 begin in July or August and be scheduled regularly until all areas have met.
223 The Director offered paying for one Commission member to attend each
224 meeting and if any other members wanted to attend they would have to cover
225 their own expenses to help keep expenses down. We anticipate work sessions
226 following the completion of all of the meetings to discuss the outcome and
227 conclusions.

228
229
230 **ADJOURN**

231
232 There being no other business, a motion was made to adjourn the meeting. The motion
233 was seconded and carried unanimously.

234
235 Respectfully submitted,

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237
238 
Patti Umphlett, Secretary

**RESOLUTION 2018 – 9
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMEND DENIAL OF BUELL
SPECIAL USE PERMIT-160**

WHEREAS, Jerry Buell has applied for a Special Use Permit to allow the development of a Minor Commercial Business (lease of storage containers), on Lot 3 of Musser Subdivision #2, in Lot 56, T52N, R101W, 6th pm, Park County, WY. Business name is *Say Where Storage*;

WHEREAS, this project is defined by Park County as a Minor Commercial Business: retail and service businesses and office uses with building sizes less than 5,000 square feet of floor area and on less than one acre of land developed in association with the use;

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 June 19, 2018 to consider the special use permit application and found the following:

1. Legal notice requirements were met, including notice to property owners within 660 ft. of property boundary;
2. The application was forwarded to agencies as required;
3. Owners of this 12.31 acre lot is Jerry and Monika Buell;
4. Property lies within a RR-2 zoning district, which allows Minor Commercial Businesses, provided a Special Use Permit is approved;
5. Given the proposed building does not exceed 5,000 sq. ft. of floor area, and less than one acre of land developed, a site plan review is not required;
6. Applicant states that impacts from noise, light, and other nuisances will be minimal. Use is anticipated to result in a minor increase in truck traffic;
7. Solid waste generated on-site (if any) will be handled by a private carrier and screened from view;

- 8. No hazardous substances or materials will be produced, stored, or handled on-site;
- 9. Electricity will be provided to new structure;
- 10. No signs have been proposed;
- 11. Access exists from Spring Road;
- 12. Fire Protection District 2 serves this area;
- 13. A runoff and erosion control plan is not required;
- 14. Park County Weed & Pest identified the presence of noxious weeds;
- 15. The parcel is not located in an overlay district.

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, but is not consistent with the standards and procedures of the Park County, Wyoming 2015 Development Standards and Regulations;

WHEREAS, the Planning & Zoning Commission could not conclude that the use would be in harmony and compatible with surrounding land uses and with the neighborhood, and that it would create a substantial adverse impact on adjacent properties.

NOW, THEREFORE, BE IT RESOLVED having heard and weighed the evidence, the Planning & Zoning Commission hereby recommends denial of the special use permit for Buell SUP-160.

ADOPTED by the Planning & Zoning Commission this 19th day of June, 2018.

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

ATTEST:



 Marion Morrison, Chair



 Patti Umphlett, Secretary

**RESOLUTION 2018 – 10
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMEND APPROVAL OF FAIR
SPECIAL USE PERMIT-161 WITH SITE PLAN REVIEW**

WHEREAS, Cindy Fair and John Wolfe have applied for a Special Use Permit and Site Plan Review to allow the construction of a Large Impact Structure (indoor riding arena and stall barn), on a 135 acre parcel, in Sec 3, T54N, R98W, 6th pm, Park County, WY;

WHEREAS, this project is defined by Park County as a Large Impact Structure: any building larger than 10,000 square feet accessory to any use;

WHEREAS, the applicants 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 June 19, 2018 to consider the special use permit and site plan review application and found the following:

1. Legal notice requirements were met, including notice to property owners within 660 ft. of property boundary;
2. The application was forwarded to agencies as required;
3. Owners of this 136 acre parcel are John Wolfe and Cindy Fair;
4. Property lies within a GR-P zoning district, which allows Large Impact Structures, provided a Special Use Permit is approved;
5. Given a building will be constructed that exceeds 5,000 square feet of floor area, a site plan review is required;
6. Applicants state that impacts from noise and light will be minimal. Structure will be for personal use so little increase in vehicular traffic. Limited parking is available;
7. Domestic water is provided by a cistern;
8. An existing SWW septic system (#1861) serves a house on the property;
9. Solid waste generated on-site (if any) will be handled by a private carrier and screened from view;

10. No hazardous substances or materials will be produced, stored, or handled on-site;
11. Electricity will be provided to structure;
12. No signs have been proposed;
13. Access exists from Lane 14;
14. Fire Protection District #1 serves this area;
15. Given more than 10,000 square feet of contiguous impervious surfaces will be created, a runoff and erosion control plan is required;
16. The parcel is not located in an overlay district;
17. There are no special site plan standards.

WHEREAS, the Planning & Zoning Commission concludes the special use permit and site plan review 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 service and infrastructure are available to serve the use, or adequate services and infrastructure will be provided.

NOW, THEREFORE, BE IT RESOLVED having heard and weighed the evidence, the Planning & Zoning Commission hereby recommends approval of the special use permit and site plan review for Fair SUP-161, subject to the following conditions:

1. Park County noise, lighting, and other nuisance regulations shall apply;
2. An approved runoff and erosion control plan is required prior to review by Park County Commissioners;
3. Pending no concerns from Public Works;
4. The applicants shall otherwise comply with standards in the Park County Development Standards and Regulations.

ADOPTED by the Planning & Zoning Commission this 19th day of June, 2018.

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

ATTEST:


Marion Morrison, Chair


Patti Umphlett, Secretary

SPECIAL USE PERMIT-161

Permit Issued To: Cindy Fair and John Wolfe

Property Covered by this Permit: 135 acre parcel, in Sec 3, T52N, R98W, 6th pm, Park County, WY. Address of property is 347 Lane 14.

Use Permitted by this Permit: Large Impact Structure – Indoor Riding Arena and Stall Barn for personal use only.

Date of Planning & Zoning Commission Approval: June 19, 2018

Date of Board of County Commissioners Approval: To Be Determined

Terms and Standards Applicable to all Special Use Permits:

Expiration: If activities allowed by a special use permit have not been established within one year of the approval of the permit, or have ceased to occur for at least one year after having been established, the special use permit shall expire and no such activities may resume unless an application is filed and approved in accordance with the procedures for review of new special use permits. The Planning Director may extend this time limit one additional year when the activities permitted by the special use permit have been delayed due to circumstances beyond the applicant's control.

Approvals Run with the Land: All discretionary development approvals granted by the Board of County Commissioners shall run with the land unless otherwise specified in the special terms and conditions, and the current property owner is responsible for compliance with the provisions of approval.

Property Valuation and Tax Assessments: Applicants for discretionary development approvals are hereby advised that approval of their request may lead to increased property valuation and tax assessment on the subject property. The Board of County Commissioners shall include a statement further advising of this in the final approval documents for any discretionary development approval.

Special Terms and Conditions Particular to this Special Use Permit:

1. Park County noise, lighting, and other nuisance regulations shall apply;
2. An approved runoff and erosion control plan is required prior to review by Park County Commissioners;
3. Pending no concerns from Public Works;
4. The applicants shall otherwise comply with standards in the Park County Development Standards and Regulations.



*Park County Planning & Zoning Department
1002 Sheridan Avenue
Cody, Wyoming
(307) 527-8540*

PARK COUNTY PLANNING & ZONING COMMISSION

Regular Meeting 7:00 P.M., Tuesday, June 19th, 2018 in the Alternate Emergency Operating Center (EOC Room), basement of the Courthouse Addition
1002 Sheridan Ave. Cody, WY. 82414

Meetings of the Park County Planning & Zoning Commission are open to the public. For more information please contact the Park County Planning & Zoning Department at 527-8540 or 754-8540.

APPROVAL OF MINUTES

Approve minutes from April 17th, 2018 meeting.

AGENDA

1. **PUBLIC HEARING Buell SUP-160:** Jerry Buell requests approval of a special use permit for a Minor Commercial Business (leasing off-site storage units) in a Rural Residential 2-acre (RR-2) Zoning District, 25 Spring Road, Lot 3 Musser Subdivision #2, Cody WY.
2. **PUBLIC HEARING Fair SUP-161:** Cindy Fair requests approval of a special use permit with site plan review for a Large Impact Structure (17,172 sq. ft. indoor riding arena for personal use) in the General Rural Powell (GR-P) zoning district, 347 Lane 14, Powell, WY in Sec 3, T54N R98W Park County, WY.
3. **PUBLIC HEARING Mandie Mae Major Subdivision:** Robert O. and Sherry Ann Taylor request approval of a subdivision permit to divide an 8 acre portion of Lot 51 - 4 of the Lot 51 Subdivision into a one (1) acre lot and seven (7) acre lot in the GR-P zoning district, 936 Lane 11, Powell WY.

OTHER BUSINESS

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

ADJOURN

PLEASE SIGN IN

PLANNING and ZONING COMMISSION MEETING

June 19, 2018

		Buell SUP-160	
		Fair SUP-161	
		Mandie Mae Major Subdivision	
	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	Jerry Buell	Jerry Buell SUP-160	✓
2	MOXIKA BUELL	" "	
3	Joe Portin	" "	✓
4	Robin Rick	" " "	
5	Robert Taylor	Mandie Mae major subdivision	✓
6	Stevettermann	Taylor Subdivision	✓
8	John Wolte + CS Fair		
9	Sherry Taylor	Mandie Mae Major Subdivision	
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