

1 **Planning & Zoning Commission Minutes**

2 September 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 Debora Smith (Bush)

13  
14 **Staff Present:**

15 Joy Hill, Planning Director  
16 Kim Dillivan, Planner II  
17 Ben McDonald, Public Works Project Manager  
18 Mary McKinney, Weed and Pest  
19

20 Chairman Morrison opened the meeting at 6:00 pm.

21  
22 **APPROVAL OF MINUTES**

23  
24 Chairman Morrison asked the Board for comments or changes to the August 21, 2018 meeting  
25 minutes. There being no further discussion, a MOTION was made by Commissioner Smith,  
26 SECONDED by Commissioner Bonine to approve the minutes as corrected. Motion was carried  
27 unanimously.

28  
29 Chairman Morrison asked if there are any changes proposed to the agenda. No comments were  
30 received.

31  
32 **REGULAR AGENDA**

33  
34 **PUBLIC HEARING – Hoodoo Land Holdings, LLC Communication Tower SUP-168:** Hoodoo  
35 Land Holdings, LLC. Requests a Special Use Permit to construct a one hundred and ninety feet  
36 (190') tall communications tower (Major Utility Use) in a GR-35 (General Rural 35-Acre) zoning  
37 district. The facility will be located in the McCullough Peaks on a leased 2.88-acre portion of land  
38 owned by Hoodoo Land Holdings, LLC, within a 5,547 acre parcel described as the E1/2 of Sec.  
39 18 Res. T53N, R99W, Park County, Wyoming.

40  
41 Chairman Morrison opened the public hearing at 6:02pm, introduced the Staff and Commission  
42 members, as well as other County staff in attendance (Ben MacDonald from Public Works and  
43 Mary McKinney from Weed and Pest), and reviewed the rules of procedure for a public hearing.

44  
45 There being no comments from the Commission, Kim Dillivan, Planner II, presented the Staff  
46 Report. Kim noted that Wyoming Game and Fish did not provide comment regarding the need for  
47 marked guy wires to reduce bird strikes; they had provided such comment for two other recent  
48 tower applications.

49  
50 Chairman Morrison asked if the Commission had questions for the Staff. Chairman Morrison  
51 asked Public Works if they have any concerns. Ben McDonald indicated that McCollough Peaks  
52 is a public road, not maintained by the County. The access to the proposed tower site is a private  
53 drive. Chairman Morrison asked Weed and Pest for comment. Mary McKinney said she is asking

54 for a weed and pest plan for monitoring purposes. Chairman Morrison asked if the applicant has  
55 easement/access for the power to be brought to the site. Kim was unsure, but thought the  
56 applicant was working on that.  
57

58 Chairman Morrison asked if there were questions from the Commission to the applicant. Joseph  
59 Atnip stated that he had nothing to add. Commissioner Brandon-Wintermote asked about the size  
60 of the diameter of the tower easement. Mr. Atnip said it is a 200 foot diameter easement.  
61 Chairman Morrison asked if there will be storage for batteries. Mr. Atnip said very little storage for  
62 backup batteries. Chairman Morrison asked about white dish antennas. Mr. Atnip indicated that  
63 there may be a receiving antenna (2-foot ray) which is not a white dish. Chairman asked if he  
64 knew about access for power. Mr. Atnip said the information should be in the mail; he does have  
65 a survey of the easement done by Rocky Mountain Power that needs to be signed. Mr. Atnip will  
66 provide a copy of the easement to the Planning and Zoning Department. Commissioner Putney  
67 referenced a document indicating agreement with 5 subparts. Mr. Atnip said these are items that  
68 the FCC or State may require. He originally intended to put the tower on BLM land and it wasn't  
69 compatible so they moved the proposal to private land. Commissioner Putney asked about  
70 subleasing and expansion and how the SUP should reflect that intended use. Mr. Atnip said the  
71 expansion would be to add additional antennas to the tower. Chairman Morrison asked about  
72 height and elevation of this tower versus nearby towers. Mr. Atnip indicated it would be a bit larger  
73 than the others. Chairman Morrison asked about the FCC requirements and why the BLM location  
74 option was abandoned. Mr. Atnip said there are no FCC requirements for tower height, just the  
75 radio portion. Commissioner Putney asked if engineering review is required for something this tall  
76 and taking wind into consideration. Ben added that we don't require it but we strongly suggest it  
77 for these types of applications.  
78

79 Chairman Morrison asked for public comment by those in attendance. There being no discussion,  
80 Chairman Morrison asked if there are additional questions. Commissioner Brandon-Wintermote  
81 made a MOTION to close the public hearing at 6:26pm; SECONDED by Commissioner Smith.  
82 The motion was carried unanimously.  
83

84 Commissioner Brandon-Wintermote made a MOTION to approve Resolution 2018-18, with the  
85 added condition that a copy of the Rocky Mountain Power easement be provided to the Planning  
86 and Zoning Department before the hearing with the Board of Commissioners and strike condition  
87 #5 about the noxious weed plan since it has been received; SECONDED by Commissioner  
88 Putney. The motion was carried unanimously.  
89

90 **PUBLIC HEARING – Linebaugh Major Recreation Facility SUP-169:** James and Julie  
91 Linebaugh request a Special Use Permit for a Major Recreation Facility to operate an equine  
92 riding facility for horse boarding, equine clinics, and occasional barrel races. The facility includes  
93 an indoor and outdoor arena located in GR-P (General Rural Powell) zoning district, in Sec 6,  
94 T55N, R100W, Park County, WY. Indoor arena is located on a 35 ac parcel and outdoor arena is  
95 located on a 65 ac parcel. Address of property is 761 Road 19, Powell, Wyoming.  
96

97 Chairman Morrison opened the public hearing at 6:29pm.  
98

99 There being no comments from the Commission, Kim Dillivan, Planner II, presented the Staff  
100 Report. This application came as the result of a Notice of Violation. The Planning and Zoning  
101 Department did receive comment from Public Works and Weed and Pest since the time of Staff  
102 Report preparation, as well as several public comments, all of which have been provided to  
103 commission members in advance of this hearing. The landowners have legal easement to both  
104 parcels proposed for the use from the highway. There is a septic system on-site; there is no permit  
105 on record for this system.  
106

107 Chairman Morrison asked if the Commission had questions for the Staff. Chairman Morrison  
108 asked Public Works for their opinion on the square footage represented for parking versus the 53  
109 spots required by the regulation. Ben McDonald indicated that he felt there was ample space for  
110 parking and emergency turnarounds. Chairman Morrison asked if Mr. Gladder had an SUP for  
111 the other use existing on the parcel. Kim indicated that we had no additional permits for the arena  
112 or for the other use. Mary McKinney added that the disturbance has already occurred and she  
113 had made a recommendation that attendees to the events provide weed-free forage to protect  
114 the applicant's property. They do not necessarily need to have a weed plan.  
115

116 Chairman Morrison asked for comment from the applicant. Cole Linebaugh mentioned that he  
117 would like more detail about the area required for vehicles and trailers. Chairman Morrison added  
118 that the requirement is usually for a passenger vehicle only. Mr. Linebaugh feels that what they  
119 have for parking is more than adequate. He added that he feels some things will change based  
120 upon spring runoff; he does feel that a few things are required to address runoff issues on the  
121 site. The Planning Director asked how many of the regular visitors bring horse trailers. Mr.  
122 Linebaugh said most of them. There are more people in the winter months. He feels that if they  
123 utilized all the available space, they could likely fit up to 100 vehicles with trailers.  
124

125 Commissioner Brandon-Wintermote asked the applicant if they have insurance to cover their  
126 events. Mr. Linebaugh said they have researched it and the company out of Arizona will not cover  
127 participants. The insurance tends to cover spectators and not participants. Commissioner Putney  
128 said insurance for participants may be available through Back Country Horsemen of America.  
129 Commissioner Brandon-Wintermote asked if they are requiring attendees to bring Coggins  
130 tests/results to reduce transmission of disease from animals at the facility. Mr. Linebaugh said  
131 they require reports. Commissioner Putney asked about the road used to access the facility and  
132 whether it was used by just them or others. Mr. Linebaugh said two other landowners use the  
133 access. Commissioner Putney asked if they had a road maintenance agreement. Mr. Linebaugh  
134 said his feeling is that he is the primary user so he does the maintenance. The largest impact to  
135 the road is actually an irrigation pivot. Commissioner Putney also mentioned the use of weed-free  
136 hay at the facility and wondered if it should be a condition of the SUP. Mr. Linebaugh said it is  
137 hard to monitor that. He can encourage it but he doesn't want to change someone's feed program.  
138 Mary McKinney added that it would be good to simply make the recommendation to their  
139 attendees.  
140

141 Chairman Morrison asked for public comment. There were no comments from those in  
142 attendance.  
143

144 Commissioner Bonine made a MOTION to close the hearing at 6:59pm; SECONDED by  
145 Commissioner Brandon-Wintermote. The motion was carried unanimously.  
146

147 Chairman Morrison asked commission members if they had any discussion. Commissioner Bush  
148 asked that a condition be added regarding the use of weed-free hay. Commissioner Putney added  
149 that there is a recommendation in the resolution to use best practices and that the applicant would  
150 not be able to control that requirement.  
151

152 Commissioner Brandon-Wintermote asked about the septic system permit. Kim indicated that the  
153 requirement to obtain a permit is listed as a condition in the draft resolution. Commissioner  
154 Brandon-Wintermote asked about condition #4 on the draft resolution. There is concern about the  
155 potential for participants and attendees to assume that water available from faucets, hydrants,  
156 and spigots is potable unless marked otherwise. Chairman Morrison added that they could put a  
157 sign in the restroom that water is not to be used for drinking. Mr. Linebaugh added that they are  
158 awaiting water quality reports for the residential well and the arena well. The well used on the  
159 Rodriguez property is of livestock quality. Commissioner Brandon-Wintermote would like a

160 condition added regarding the requirement for signage for areas where the public could have  
161 access to drinking water. Chairman Morrison asked that the added requirement for signage be  
162 added to Condition #4 showing that the water is non-potable/for livestock use only. Mr. Linebaugh  
163 added that he has someone coming in to check the septic tank and cleanouts since they don't  
164 clearly know what is in the ground on the unpermitted system.  
165

166 Commissioner Smith made a MOTION to approve Resolution 2018-19 with the addition to  
167 condition #4; SECONDED by Commissioner Brandon-Wintermote. The motion was carried  
168 unanimously.  
169

170 **PUBLIC HEARING – Fellows Small Rock Products Mine SUP-170:** Ira Fellows requests a  
171 Special Use Permit for a Small Rock Products Mine, to spread approximately 360 cubic yards of  
172 gravel on a dirt road on State of Wyoming land. Gravel will be removed from a 400-acre parcel  
173 owned by Grizzly Peak, LLC. in the GR-M (General Rural Meeteetse) zoning district. The parcel  
174 is within Tract 71, T46N, R102W, and Sec 34, T47N, R102W, Park County, WY. The State of  
175 Wyoming land is just to the north of the Grizzly Peak property.  
176

177 Chairman Morrison opened the public hearing at 7:14pm.  
178

179 There being no comments from the Commission, Kim Dillivan, Planner II, presented the Staff  
180 Report. Oral comments were received from Wyoming Game and Fish since the time of Staff  
181 Report development. They suggested that the project work be completed in as short of a period  
182 of time as possible to impose minimal impact to hunters. The Planning Director added that a  
183 phone call came in to the office late in the day from the Wyoming Office of State Lands. They  
184 were inquiring about the proposed use and whether the applicant had obtained proper  
185 permissions from the State to complete the proposed work. The Planning Director indicated that  
186 the Board of Commissioners expressly stated that they do not require the applicant to obtain  
187 permission from the State since the permit is being granted to give permission for material to be  
188 used off-site. It is up to the applicant to secure permission from the State to deposit the material  
189 on their land. She added that there is an easement from the State for Mr. Fellows' use, however  
190 it hadn't been recorded. Chairman Morrison asked about the easement. Mr. Fellows clarified that  
191 in the past year he had obtained an easement; he added that the State would like to inspect his  
192 work upon completion.  
193

194 Following the reading of the Staff Report, Chairman Morrison opened the floor for questions and  
195 comments from the Commission and Staff. Commissioner Putney asked Mary McKinney about  
196 her report on noxious weeds and how noxious weeds were found but a report would not be  
197 required. Mary mentioned that the disturbance has already occurred and is on State land in the  
198 Dick Creek area. The County monitors the area and Mr. Fellows will be working with the County  
199 moving forward. The problems in the area are so significant that they can't be mitigated through  
200 a plan for this small area of impact. Mr. Fellows will have to keep his equipment clean. There are  
201 no noxious weeds in the stockpile area where the gravel is.  
202

203 Chairman Morrison asked for comment by the applicant. Mr. Fellows had no comments. Chairman  
204 Morrison asked about the 360 cubic yards and if there is going to be a time limit imposed. Mr.  
205 Fellows indicated that they will likely complete the work in the spring due to the hearing  
206 requirements. He does not plan to do further road development in the near future. When the work  
207 is done, the gravel pit area will be reclaimed and there will no longer be gravel removal. Joy Hill,  
208 Planning Director, clarified that the public hearing with the Board of County Commissioners is  
209 scheduled on October 2, 2018, to request an amendment to Grizzly Peak's Floodplain  
210 Development Permit #9-17 removing Condition #1, "Gravel may not be used off-site" to allow  
211 gravel to be used off-site.  
212

213 Commissioner Putney asked why we need to have an SUP for this just because of material being  
214 moved off-site. The Planning Staff added that the condition of moving the material off-site puts  
215 the use into a new classification that requires an SUP in this zoning district.

216  
217 Chairman Morrison asked for public comment. There were no comments.

218  
219 Commissioner Brandon-Wintermote made a MOTION to close the hearing at 7:35pm;  
220 SECONDED by Commissioner Bonine. The motion was carried unanimously.

221  
222 Commissioner Brandon-Wintermote made a MOTION to approve Resolution 2018-20;  
223 SECONDED by Commissioner Putney. The motion was carried unanimously.

224  
225 **OTHER BUSINESS**

226  
227 1. Chair's Report

228 a. Chairman Morrison commended the Commissioners for their in-depth review of  
229 the application materials.

230 b. Discussion ensued about 3 action items that came out of the Development  
231 Standards workshop: Definition of Highway Commercial, revisiting the factory-built  
232 homes definition and moving or re-assigning zoning requirements for subdivisions.

233 i. Highway Commercial – discussed State of Wyoming definition;

234 1. Chairman Morrison made a motion that the definition for Highway  
235 Commercial Business be modified to add "The land area  
236 designated for the proposed use must abut a State Highway right-  
237 of way." SECOND by Commissioner Putney. All but Commissioner  
238 Bonine were in favor.

239 ii. The Planning Director will make a recommendation about moving the  
240 zoning for subdivisions language.

241 iii. Factory-built home definition – everyone agreed that the language  
242 previously added to consider these as single family residences be removed  
243 at this time and revisited during a later revision.

244 2. Planning Director's Report

245 a. The commissioners approved the addition of a staff member to the Planning and  
246 Zoning Department.

247  
248  
249 **ADJOURN**

250  
251 There being no other business, a MOTION was made by Commissioner Brandon-Wintermote to  
252 adjourn the meeting. SECOND by Commissioner Putney. All in favor.

253  
254 Respectfully submitted,

255  
256   
257 Patti Umphlett, Secretary

**RESOLUTION 2018 – 18  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMEND APPROVAL OF HOODOO LAND HOLDINGS, LLC  
COMMUNICATION TOWER SPECIAL USE PERMIT-168**

**WHEREAS**, Hoodoo Land Holdings, LLC applied for a Special Use Permit for a Major Utility Use for a one hundred ninety foot (190') tall communication tower on a leased portion of land located on an unaddressed parcel northeast of the City of Cody in a general area known as the McCullough Peaks. Longitude: 108°49'15.63"W - Latitude: 44°34'19.82"N;

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

**WHEREAS**, the 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, 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 September 18, 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. The owner of this property is Hoodoo Land Holdings, LLC, a Delaware limited liability company;
4. The owner of this property has leased the site to Old Fashioned Gospel Ministries, Inc, a Wyoming Non-Profit Corporation, whom states and agrees to comply with all Federal Communication (FCC), Federal Government installment operations, in accordance with the Inter-department Radio Advisory Committee and the U.S. Energy Information Administration (EIC) rules and regulations.
5. The property lies within a GR-35 zoning district, which allows Major Utility Use, provided a Special Use Permit is approved;
6. A Site Plan Review is not required;
7. The applicant states that negative impacts from this tower, to the neighborhood/general area, will be negligible;
8. Domestic water is not required for this use;
9. A septic system is not required for this use;

10. Solid waste will not be generated by this use;
11. Hazardous substances will not be produced or used for this use;
12. Electricity will be provided to the facility from a Rocky Mountain Power transformer located 100' to the south of the site;
13. Legal access exists from State Highway 14-16-20 then onto McCullough Peaks Road (private);
14. A runoff and erosion control plan is not required;
15. The parcel is not located in an overlay district;
16. There are no special site plan standards;
17. Nonconforming structures do not exist on parcel;
18. Parking standards are not applicable;
19. Sign standards are not applicable;
20. No nuisances have been reported;
21. No lighting is proposed;
22. Public Works has not submitted comments;
23. Initial inspection by Weed and Pest did not find the presence of noxious weeds;
24. A noxious weed control plan is required by Weed and Pest.

**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 Hoodoo Land Holdings, LLC, Communication Tower SUP-168, subject to the following conditions:

1. Park County noise, lighting and other nuisance regulations shall apply;
2. There shall be no white dish antennas used on the tower;

3. All ground disturbance shall be kept to the confines of the site location right-of-way;
4. The applicant (leaseholder) shall comply with all rules and regulations of the Federal Communication Commission (FCC), the Federal Government installment operations, in accordance with the Inter-department Radio Advisory Committee and the U.S. Energy Information Administration (EIC) rules and regulations;
5. A copy of the Rocky Mountain Power easement agreement must be provided to Planning Department before SUP application review by County Commissioners;
6. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

**ADOPTED** by the Planning & Zoning Commission this 18<sup>th</sup> day of September, 2018.

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

**ATTEST:**

  
\_\_\_\_\_  
Marion Morrison, Chair

  
\_\_\_\_\_  
Patti Umphlett, Secretary



**RESOLUTION 2018 – 19  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMEND APPROVAL OF SILVER SPUR RANCH (LINEBAUGH)  
SPECIAL USE PERMIT-169 WITH SITE PLAN REVIEW**

**WHEREAS**, James and Julie Linebaugh have applied for a Special Use Permit and Site Plan Review to allow the operation of an Major Recreation Facility (horse boarding facility and riding arenas), on two parcels located in Sec 6, T55N, R100W, 6<sup>th</sup> pm, Park County, WY;

**WHEREAS**, this project is defined by Park County as a Major Recreation Facility which is any commercial recreation business or outdoor recreation facility with over 5,000 square feet of building floor space or over one acre of land developed in association with the use including such uses as driving ranges, golf courses, shooting ranges, skeet and trap ranges, commercial bird raising and hunting operations, outdoor riding arenas, and cross country ski centers;

**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 September 18, 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. The owners of the parcels are the applicants, James and Julie Linebaugh;
4. The facility is known as Silver Spur Ranch;
5. The property lies within a GR-P zoning district which allows Major Recreation Facilities, provided a Special Use Permit is approved;
6. Major Recreation Facilities require a Site Plan Review;
7. The applicant states that impacts from noise and light will be minimal. There are no close neighbors. The surrounding property is mostly agricultural. Adequate parking is available. Few horses are boarded in the summer months (~3) and approximately 10 horses are boarded in winter months. Special events vary between summer and winter (~once per week or once per month with approximately 30 people in attendance);

8. The applicant states that domestic water is provided by a well and is of good quality and ample quantity for livestock. The public will be provided bottled water during equestrian events;
9. An existing small wastewater system serves the indoor arena, however no permit is on file;
10. Solid waste generated on-site will be handled by a private carrier and screened from view;
11. Any hazardous substances or materials that are produced, stored or handled onsite will be handled according to state and federal regulations;
12. Electricity and natural gas is provided to indoor arena;
13. Legal access exists from State Highway 294;
14. Park County Fire Protection District #1 serves this area;
15. A runoff and erosion control plan is not required;
16. The parcel is located in an agricultural overlay district;
17. There are no special site plan standards;
18. Parking standards apply;
19. Signs do not exist and no signs are proposed;
20. No nuisances, including junk vehicles, have been observed or reported;
21. Outdoor lighting exists (overhead lights above corrals);
22. Initial inspection by Weed and Pest found the presence of non-noxious weeds;
23. Weed and Pest recommends applicants control non-noxious weeds by using best management practices;
24. A noxious weed control plan is not required by Weed and Pest;

**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 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 and Site Plan Review for Silver Spur Ranch (Linebaugh) SUP-169, subject to the following conditions:

1. Park County noise, lighting and other nuisance regulations shall apply;
2. The applicant shall obtain an "as-built" permit for the small wastewater system serving the riding arena;
3. The applicant shall ensure that a minimum of 53 parking spaces are available onsite, most of which can accommodate a vehicle with a horse trailer;
4. All water sources available to the public, including but not limited to faucets, hydrants and spigots, must be plainly labeled "non-potable, for livestock use only."
5. If a new or existing well on the property is utilized for drinking water to be consumed by the public, a water quality report will be required prior to dispensing of any drinking water from the well source;
6. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

**ADOPTED** by the Planning & Zoning Commission this 18<sup>th</sup> day of September, 2018.

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

**ATTEST:**



Marion Morrison, Chair



Patti Umphlett, Secretary

**RESOLUTION 2018 – 20  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMEND APPROVAL OF IRA FELLOWS MINING  
SPECIAL USE PERMIT-170**

**WHEREAS**, Ira Fellows has applied for a Special Use Permit to allow the operation of a Small Rock Products Mine (gravel pit), on a 400-acre parcel in T46N, R102W, and T47N, R102W, 6<sup>th</sup> pm, Park County, WY;

**WHEREAS**, this project is defined by Park County as a Small Rock Products Mine; removal of sand, gravel, rock, limestone, and topsoil for use or sale off-site not exceeding 2,000 cubic yards per year without processing other than washing and screening of material produced on-site;

**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 September 18, 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. The owners of this 400-acre parcel is Grizzly Peak, LLC;
4. The property lies within an GR-M zoning district, which allows Small Rock Products Mines, provided a Special Use Permit is approved;
5. This project is exempt from Site Plan Review;
6. The applicant states that impacts from applying gravel will have no significant impacts to any neighbors;
7. Domestic water is not necessary;
8. A sewage system is not necessary;
9. Solid waste will not be generated;
10. Hazardous substances or materials will not be produced, stored, or handled on-site;
11. Utilities are not necessary;
12. Legal access exists;
13. A runoff and erosion control plan is not required;

14. The parcel is located in a floodplain zone and a floodplain permit (#9-17) was granted for on-site mining;
15. Nonconforming structures are not known to exist on the parcel;
16. No nuisances have been observed or reported;
17. No lighting is proposed;
18. Initial inspection by Weed and Pest found the presence of noxious weeds;
19. Weed and Pest recommends applicant controls noxious weeds by using best management practices;
20. A noxious weed control plan is not required by Weed and Pest;
21. Game and Fish has no comments regarding impacts on aquatic resources.

**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 Ira Fellows Mining SUP-170, subject to the following conditions:

1. Park County noise, lighting and other nuisance regulations shall apply;
2. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations;
3. Applicant shall obtain an amended floodplain development permit (#9-17/Resolution #2017-24) to allow gravel to be moved off-site.


**ADOPTED** by the Planning & Zoning Commission this 18<sup>th</sup> day of September, 2018.

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

**ATTEST:**



Marion Morrison, Chair



Patti Umphlett, Secretary



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

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## **PARK COUNTY PLANNING & ZONING COMMISSION**

Meeting **6:00 P.M.**, Tuesday, September 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 August 21, 2018 meeting.

### **REGULAR AGENDA**

#### **PUBLIC HEARING – Hoodoo Land Holdings, LLC Communication Tower SUP-168:**

Hoodoo Land Holdings, LLC. Requests a Special Use Permit to construct a one hundred and ninety feet (190') tall communications tower in a GR-35 (General Rural 35-Acre) zoning district. The facility will be located in the McCullough Peaks on a leased 2.88-acre portion of land owned by Hoodoo Land Holdings, LLC, within a 5,547 acre parcel described as the E1/2 of Sec. 18 Res. T53N, R99W, Park County, Wyoming.

**PUBLIC HEARING – Linebaugh Major Recreation Facility SUP-169:** James and Julie Linebaugh request a Special Use Permit for a Major Recreation Facility to operate an equine riding facility for horse boarding, equine clinics, and occasional barrel races. The facility includes an indoor and outdoor arena located in GR-P (General Rural Powell) zoning district, in Sec 6, T55N, R100W, Park County, WY. Indoor arena is located on a 35 ac parcel and outdoor arena is located on a 65 ac parcel. Address of property is 761 Road 19, Powell, Wyoming.

**PUBLIC HEARING – Fellows Small Rock Products Mine SUP-170:** Ira Fellows requests a Special Use Permit for a Small Rock Products Mine, to spread approximately 360 cubic yards of gravel on a dirt road on State of Wyoming land. Gravel will be removed from a 400-acre parcel owned by Grizzly Peak, LLC. in the GR-M (General Rural Meeteetse) zoning district. The parcel is within Tract 71, T46N, R102W, and Sec 34, T47N, R102W, Park County, WY. The State of Wyoming land is just to the north of the Grizzly Peak property.

**OTHER BUSINESS**

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

**ADJOURN**



# PLEASE SIGN IN

## PLANNING and ZONING COMMISSION MEETING

September 18, 2018

		Hoodoo Land Holdings, LLC Tower SUP-168	
		Linebaugh Major Rec. Facility SUP-169	
		Fellows Small Rock Products Mine SUP-170	
	Please <b>PRINT</b> your name	Name of the <b>HEARING OF INTEREST</b>	DO YOU WISH TO SPEAK
1	Ben McDonald	PARK COUNTY PUBLIC WORKS	As needed
2	Mary McKinley	all	✓✓
3	Ira Fellows	Gravel pit	
4	Pam Nelson	Silver Spur Ranch	-
5	Cole Linebaugh	silver spur ranch	
6	Julie Linebaugh	silver spur ranch	
8	Joseph Atiip	Hoodoo Tower	
9	Leslie Morris	Silver Spur Ranch	
10	ASHLEE WHITLOCK	SILVER SPUR RANCH	NO
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**PLEASE SIGN IN**

**PLANNING and ZONING COMMISSION MEETING**

**September 18, 2018**

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