

1 **PARK COUNTY PLANNING & ZONING DEPARTMENT**
2 Staff Report – Planning & Zoning Commission
3 Juarez Minor Subdivision-83 (MS-83) – Public Hearing
4 Sketch Plan Review
5

6 **Staff:** Jennifer Cramer and Joy Hill

Hearing Date: May 8, 2024

7 **Applicant:** Delfino Juarez

Zoning: General Rural Powell (GR-P)

8 **Tax ID#:** 01559908309003

Planning Area: Powell

9
10 **Application:** Delfino Juarez (applicant), on behalf of Juarez Real Estate, LLC, submitted
11 a Minor Subdivision Application (**attached**) on April 1, 2024, including payment, sketch
12 plan, a copy of the Notice of Intent to Subdivide and other supporting documentation. A
13 revised sketch plan was received on April 12, 2024 (see Figure 1).
14

15 **Requested Action:** Review and approval of a five-lot subdivision consisting of one 3.51-
16 acre lot, one 3.52-acre lot, one 3.54-acre lot, one 14.86-acre lot, and one 14.95-acre lot,
17 each for residential use. The subdivision will leave an approximately 35.69-acre exempt
18 remainder parcel.
19

20 **Ownership:** Ownership is affirmed by Quitclaim Deed, dated December 10, 2020,
21 (Doc# 2020-8482) to Juarez Real Estate, LLC, a Wyoming close limited liability
22 company, from Celedina Juarez and Delfino Juarez, Trustees, or their successors in
23 trust, under the Celedina Juarez Revocable Living Trust Dated April 8, 2004.
24

25 **Applicable Regulations (portions referenced herein):** *Park County, Wyoming, 2015*
26 *Development Standards and Regulations* adopted September 15, 2015 (“regulations”).
27

28 **Classification of Subdivision:** A minor subdivision is the division of a tract of record into
29 not more than five (5) lots, each lot being smaller than 35 acres. An existing subdivision
30 lot may be divided using the minor subdivision process so long as the division creates no
31 more than five (5) lots each smaller than 35 acres within the existing subdivision or tract
32 of record. Minor subdivision lots shall be configured to create a contiguous developed
33 area. Minor subdivisions must comply with the Minor Subdivision Review Process.
34

35 **Zoning District and Purpose:** **The property is located within a General Rural Powell**
36 **(GR-P) zoning district.** The GR-P district allows low and moderate-intensity land uses.
37 Lots with on-site septic systems shall have a one-acre minimum lot size. Otherwise, no
38 other minimum lot sizes are specified. Subdivision densities will be set in the subdivision
39 review process based on consideration of site and area characteristics and the land use
40 guidelines of the Land Use Plan. A variety of uses are permitted in this district in
41 recognition of the varied land uses typical of rural areas. This district is also intended to
42 promote the retention of open space, agricultural land, wildlife habitat, riparian habitat and
43 scenic areas and prevent development on unstable geologic features. **The lot sizes as**
44 **proposed are consistent with the GR-P zoning district.**
45

46 **Legal Description:** Farm Unit “A”, according to the Farm Unit Plat, or Lots 83-A, 83-H and
47 83-I of Lot 83, excepting therefrom that portion conveyed in Quitclaim Deed recorded March
48 2, 2022 as Doc #2022-1142, Township 55 and 56 North, Range 99 West, Park County,
49 Wyoming.

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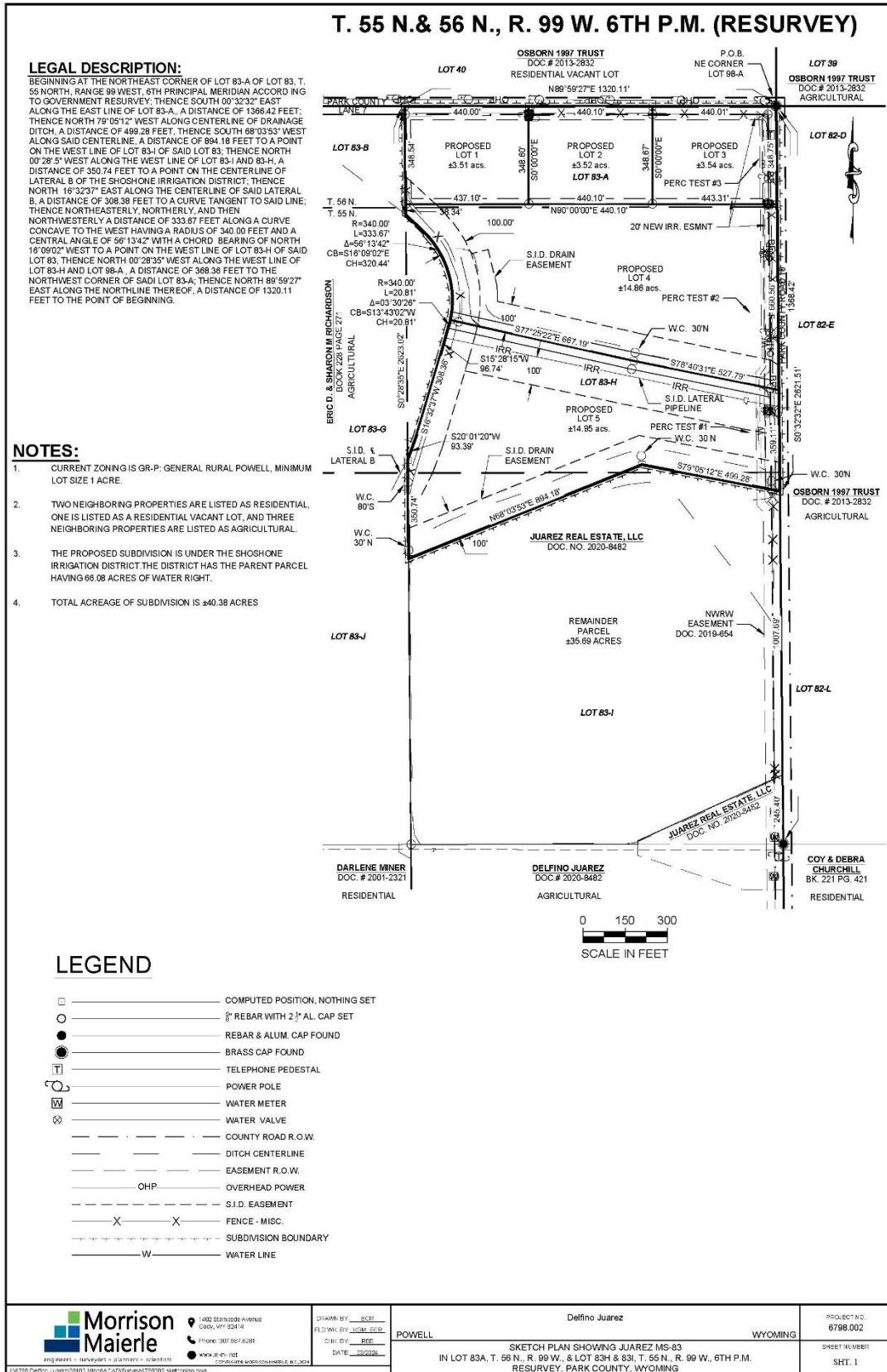
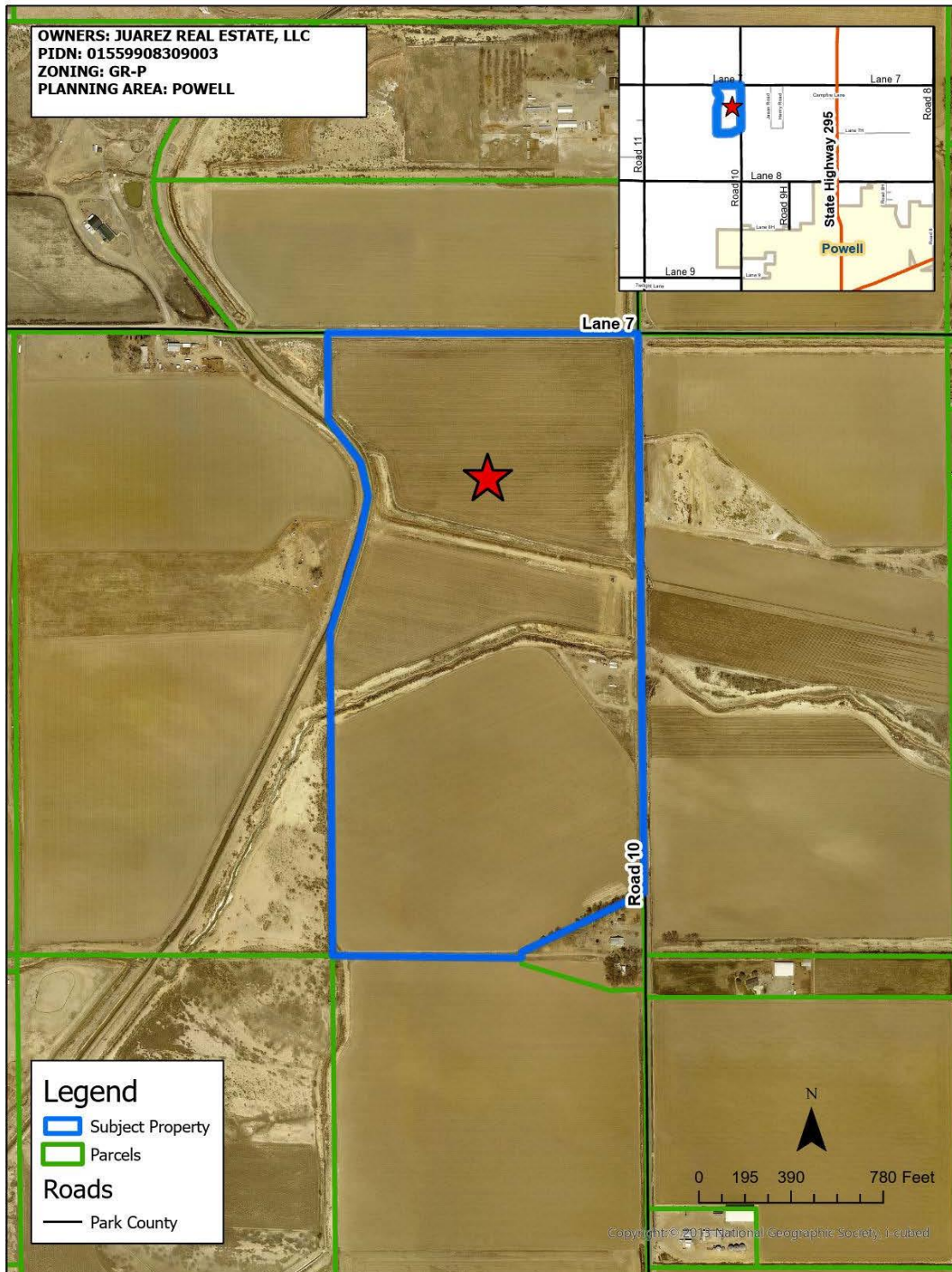


Figure 1: Juarez MS-83 Sketch Plan

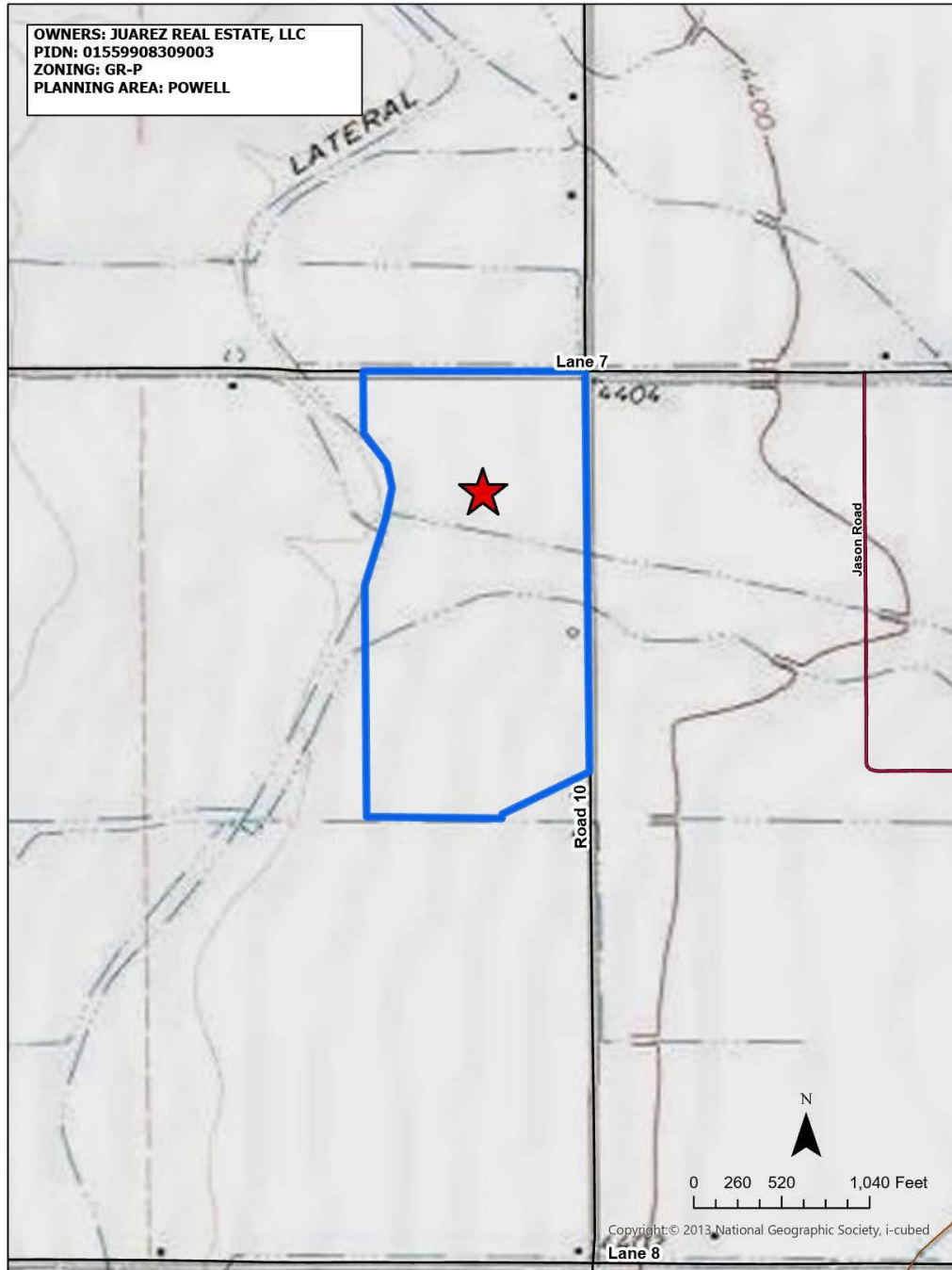
96 **Location:** As shown in Figure 2, the proposed subdivision is located approximately one
97 mile north of the City of Powell on the west side of County Road 10, and the south side
98 of County Lane 7.



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Figure 2: Juarez MS-83 Location

100 **Site Characteristics:** The property is vacant, irrigated cropland. Shoshone Irrigation
101 District Lateral B runs along the western boundary, a buried lateral pipeline runs midway
102 west to east, and an irrigation drain bounds the south line of proposed Lot 4. The
103 topography is relatively flat, as shown in Figure 3.



104 **Figure 3: Topographic Map of the Property and Surrounding Area**

105 **Neighboring Land Use:** As shown in Figure 4, neighboring land uses are a combination
 106 of agricultural, residential and residential vacant lands. Osborn SS-191 is north of the
 107 property and the Henry Subdivision is east of the proposed subdivision.



Figure 4. Juarez MS-83 Neighboring Land Use

109 **Municipal Review:** This property is within one mile of a municipality; therefore, municipal
110 review is required. The City of Powell has been notified and they have sent a preliminary
111 response.

112
113 **Notices:** A Notice of Intent to Subdivide was published March 12, 2024 and March 26,
114 2024 in the *Powell Tribune* as required in Ch. III Sec. 3. The Planning Department
115 published a Notice of Public Hearing as required in Appendix 1 of the Regulations
116 including the following information: applicant name; proposed project description and
117 location; legal description; public hearing date, time, and place; and how additional
118 information can be obtained. The notice was published in the *Powell Tribune* on April 23,
119 2024 and April 30, 2024, with one notice at least 14 days before the hearing. On April 22,
120 2024, certified notice was mailed to the owners of all properties within 660 feet of the
121 subject property which were identified using the property ownership records of the County
122 Assessor. The Staff Report was sent to the applicant/applicant's representative and the
123 Planning & Zoning Commission prior to the scheduled public hearing as specified in Ch.
124 III, Sec. 4e of the Regulations.

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126 **Agency Referrals:** County Regulations Ch. III, Sec. 4a specifies that the Planning
127 Department forward all subdivision applications to the Park County Treasurer, Public
128 Works, the Fire District, the Weed & Pest Control District, the Small Wastewater
129 Administrator, the Wyoming Game & Fish Department and any other county official or
130 agency the Planning Director deems appropriate. Relevant agencies were notified by the
131 applicants, as well as by staff, and responses were received as follows:

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133 Montana-Dakota Utilities Company: In a letter dated January 19, 2022, MDU
134 stated they have gas service available by an existing gas main on the north side
135 of Lane 7 and an existing gas main on the east side of Road 10. MDU can install
136 service lines once a structure is erected and service is requested. (Attached)
137 In an email dated April 16, 2024, MDU provided an updated response and
138 confirmed they have capacity to serve the proposed subdivision, and although gas
139 service has not been stubbed to each lot, they will not bring service across the
140 road until a structure is erected and service is requested. (Attached)

141
142 Park County Fire Protection District #1: In a letter dated January 20, 2022, PCFD1
143 stated they can provide fire suppression to the proposed subdivision and
144 requested that all access points are constructed to accommodate the fire
145 equipment. (Attached)

146
147 Shoshone Irrigation District: In an email dated January 24, 2022, SID provided the
148 applicant water right information for the property. (Attached)

149
150 United States Postal Service (USPS): In a letter dated January 24, 2022, USPS
151 stated they can deliver mail to the proposed lots and the placement of mailboxes
152 will be determined when the new residents request mail delivery. (Attached)

153

154 Park County Weed & Pest Control District (W&P): In a letter dated February 8,
155 2022, W&P stated they have completed their initial inspection of the proposed
156 subdivision and noxious weed species were found. A Long-Term Noxious Weed
157 Management Plan will be required. (Attached)
158

159 Powell Clarks Fork Conservation District: The District provided a cover letter dated
160 March 1, 2022 (attached) together with a soils report that identified the following:

- 161 ➤ Five soil types were identified on the proposed subdivision; Clifsand
162 gravelly loam, 0 to 3 percent slopes (2.8% of the area), Youngston-like-
163 Lostwells-like complex, 0 to 3 percent slopes, occasionally flooded
164 (6.8% of the area), Lostwells-like sandy clay loam, 0 to 3 percent slopes
165 (83.3% of the area), Greybull clay loam, 0 to 10 percent slopes (6.5% of
166 the area), and Persayo-Greybull complex, 0 to 30 percent slopes (.5%
167 of the area).
- 168 ➤ The primary soil type is rated “not limited” regarding dwellings with or
169 without basements and small commercial buildings.
- 170 ➤ The primary soil type is rated “somewhat limited” regarding septic tank
171 absorption fields, due to slow water movement and seepage. The
172 secondary soil types are rated “very limited”, due to slow water
173 movement, seepage, filtering capacity, depth to bedrock and flooding.
- 174 ➤ The primary soil type is considered prime farmland, if irrigated.

175
176 Park County School District #1 (PSCD1): In a letter dated March 21, 2024, the
177 PSCD1 stated this proposed subdivision is in the District boundary, and they will
178 have bus stops at all exit points onto Lane 7 and Road 10. (Attached)
179

180 Park County Treasurer (PCT): In an email dated April 12, 2024, the PCT stated
181 the property taxes are paid in full. (Attached)
182

183 Wyoming Department of Environmental Quality (DEQ): In an email dated April 15,
184 2024, DEQ summarized the notifications, permits, and certificates required for
185 various construction activities that may impact surface or groundwater. (Attached)
186

187 Wyoming Game & Fish Department (G&F): In an email dated April 15, 2024, G&F
188 stated they have no terrestrial wildlife comments but offer their standard
189 subdivision recommendations to help mitigate wildlife issues. (Attached)
190

191 Northwest Rural Water District (NRWD): In an email dated April 15, 2024, NRWD
192 confirmed that a water service has been installed to each of the proposed lots.
193 (Attached)
194

195 City of Powell: In an email dated April 16, Ben Hubbard stated he will get the
196 subdivision proposal in front of the City of Powell Planning & Zoning for formal
197 review and comment. He stated that typically the City asks for platted road rights-
198 of-way to be wide enough for a projected future street. 60' would coincide with
199 existing Tower Boulevard (running N/S into County Road 10). (Attached)

200
 201 Garland Light & Power (GLP): In an email dated April 16, 2024, GLP confirmed
 202 power service is adjacent to each of the proposed lots. (Attached)
 203

204 TCT: In a letter dated April 26, 2024, TCT stated they may have the availability to
 205 provide terrestrial wireless internet and VOIP phone service to the proposed
 206 subdivision, providing line of sight to a TCT tower exists. (Attached)
 207

208 Park County Public Works (PW): PW has not provided a response.
 209

210 **Public Comments:** No public comments have been received.
 211

212 ***CONCLUSION: Based upon the above findings, all notice requirements have***
 213 ***been met.***
 214

215 **Application Submissions for Sketch Plan Review:** As required in Ch. III, Sec. 3 of the
 216 County Regulations.
 217

218 a. **Pre-application meeting:** Pre-application meetings are required for all
 219 subdivisions unless waived by the Planning Director: **A pre-application**
 220 **meeting occurred on April 8, 2022 and was attended by the applicant, his**
 221 **surveyor and Planning Department staff.**
 222

223 b. **Applications:** Initial application submissions for all subdivisions shall include
 224 the following:

225 (1) Fees: **\$300 paid on April 1, 2024 (Receipt #240400).**

226 (2) Application and required submittals, including:

227 A. Proof that a “Notice of Intent to Subdivide” has been published in a
 228 local newspaper in the legal notice section once each week for two
 229 (2) weeks within 30 days prior to filing the application. The notice
 230 shall include the name of the subdivider, general location of the land
 231 to be subdivided, number and size of lots proposed and intended
 232 uses within the subdivision. **Proof was provided that the notice of**
 233 **Intent to Subdivide was published on March 12, 2024 and March**
 234 **26, 2024.**

235 B. Title report: **A title report dated September 18, 2023 has been**
 236 **received.**

237 C. Identification of entities responsible for road construction and
 238 maintenance including snow removal and drainage facilities: **No new**
 239 **roads or shared driveways are proposed.**

240 D. Garbage disposal availability: **Solid waste disposal services are**
 241 **available through private providers.**

242 E. Fire protection availability: **Fire protection is available from Park**
 243 **County Fire Protection District #1.**

244 F. Postal service and mail delivery points: **Mail delivery will be**
 245 **available to this subdivision.**

- 246 G. School bus stop/pullout locations: **Park County School District #1**
247 **will have school bus stops on County Lane 7 and County Road**
248 **10.**
- 249 H. Information on availability of service providers for cable TV,
250 telephone, gas and electricity with addresses and phone numbers,
251 indicating which of these services has been extended to the lots in
252 the subdivision.
- 253 ➤ **Garland Light & Power has confirmed they have capacity**
254 **to serve the lots, and power service is adjacent to each**
255 **lot.**
 - 256 ➤ **MDU has confirmed they have the capacity to serve the**
257 **proposed subdivision.**
 - 258 ➤ **TCT service is available, providing the lots have line of**
259 **sight to a TCT tower.**
- 260 I. Any known information concerning landslides, steep slopes, rock
261 falls, high water tables, polluted or non-potable water supply, high
262 voltage lines, high pressure gas lines, danger from fire or explosion
263 or other hazardous features on the property: **No known landslides,**
264 **steep slopes, rockfalls or other hazardous features are known**
265 **to exist on the property.**
- 266 J. Evidence that a soils report has been requested from the Local
267 Conservation District: **The Powell-Clarks Fork Conservation**
268 **District has provided a soils report.**
- 269 K. Evidence the Irrigation District has been contacted: **The Shoshone**
270 **Irrigation District has been contacted.**
- 271 L. Evidence the Weed & Pest District has been contacted: **Weed &**
272 **Pest has been contacted.**
- 273 M. Proof of ownership showing encumbrances of record: **Ownership**
274 **has been affirmed and a title report dated September 18, 2023**
275 **has been provided.**
- 276 (3) Legible and reproducible 11" x 17" Sketch Plan for the proposed
277 subdivision showing: **Sketch Plan was provided with the application.**
- 278 A. Legal description; **Included.**
 - 279 B. Boundaries of the area to be subdivided; **Included.**
 - 280 C. Lot layout indicating the approximate dimensions and acreage of lots,
281 total acreage of the subdivision, size of recreational, open and/or
282 dedicated spaces and the current county zoning classification;
283 **Included.**
 - 284 D. Existing structures, wells and septic facilities; **Existing structures,**
285 **wells and septic facilities are shown on the sketch plan.**
 - 286 E. Irrigation facilities including laterals, head gates and waste ditches,
287 and direction of flow where flood irrigation is proposed; **Laterals and**
288 **ditches are shown on the sketch plan.**
 - 289 i. Means of access from the lots to the public road system;
290 **Access to each proposed lot is directly from County Lane**
291 **7 and County Road 10.**

- 292 ii. All lots and parcels shall have legally enforceable access.
- 293 iii. In the case of direct access to a county or state road, the
- 294 applicants shall submit a valid state or county right-of-way
- 295 permit or a letter from the governing body indicating favorable
- 296 “access review” where the specific point of access has not yet
- 297 been determined.

298 F. Existing uses of adjoining properties. **Included.**

299
 300 ***CONCLUSION: Based upon the above findings, application submission***
 301 ***requirements for sketch plan review have been met.***
 302

303 c. **Wastewater Requirement:** Ch. III Sec. 3c (5) On-site wastewater systems for
 304 Simple and Minor Subdivisions: Prior to sketch plan review, the applicant shall
 305 submit the following to the Small Wastewater Administrator:

306 A. Subsurface Evaluations: **A subsurface evaluation was completed**
 307 **on proposed Lots 3, 4 and 5 on March 15, 2024.**

308 i. At least one percolation test must be performed on a minimum of
 309 half of the proposed lots according to the procedures described
 310 in Chapter 11, Part D, Appendix A of Wyoming Water Quality
 311 Rules and Regulations (Appendix 13). Raw data from those
 312 percolation tests must be tabulated and submitted with the
 313 application; **A percolation test was completed on proposed**
 314 **Lots 3, 4 and 5 on December 9, 2023. Percolation rates were**
 315 **found to be 42 minutes per inch (mpi), 28 mpi and 28 mpi,**
 316 **respectively.**

317 ii. The depth to groundwater and/or impervious soils or rocks must
 318 be determined on a minimum of half the proposed lots by
 319 excavating trenches to a depth of at least ten (10) feet, or the first
 320 occurrence of saturated soil; **Groundwater exploration cuts**
 321 **were made to a depth of approximately 10 feet on proposed**
 322 **Lots 3, 4 and 5 on December 9, 2023. Groundwater was not**
 323 **discovered in either excavation. Shallow groundwater**
 324 **depths have been witnessed on nearby properties during**
 325 **times of active irrigation. As such, it is possible that these**
 326 **lots may exhibit higher groundwater levels when irrigation**
 327 **practices are occurring.**

328 iii. The applicant must demonstrate that the separation of the base
 329 of the proposed drain fields relative to groundwater, impervious
 330 soils and/or rock types will meet or exceed the minimum
 331 standards established in Chapter 11, Part D, Section 36(c) (as
 332 amended) of Wyoming Water Quality Rules and Regulations
 333 (Appendix 13). **Based upon evidence from the excavation**
 334 **cuts, adequate separation distance exists. However,**
 335 **because the groundwater exploration cuts were conducted**
 336 **during the off-season for irrigation, the Small Wastewater**
 337 **Administrator recommends 1) the applicant shall provide**

338 **new data from exploration cuts taken on the proposed**
339 **subdivision lots at a time when active irrigation is occurring**
340 **on or near the property to confirm the presence or absence**
341 **of groundwater; or 2) the applicant be required to place the**
342 **following note on the final plat: High groundwater conditions**
343 **may be present and engineered systems may be required.”**
344

345 B. Diagrams:

346 i. A map showing lot configurations and their surface topographies
347 and the locations of proposed septic systems and domestic water
348 sources for each lot; **Sketch plan shows lot configurations.**
349 **Locations of future structures, septic system(s) and well(s),**
350 **if any, have yet to be determined.**

351 ii. A map showing the locations of percolation tests performed as a
352 component of the application and their stabilized rates. This map
353 shall also show the location and depth to seasonal high
354 groundwater discovered in the trenches excavated for subsurface
355 evaluation. **Locations have been shown on the sketch plan.**

356 C. The above information will be utilized, in part, to determine the type
357 of wastewater treatment system necessary that may include a
358 wastewater treatment solution engineered by a Wyoming Registered
359 Engineer.

360 D. Prior to sketch plan review, the Small Wastewater Administrator shall
361 submit a letter to the Planning Director indicating that septic systems
362 are feasible on the lots and noting any special conditions that may
363 apply. **This has been completed. (Attached) The Small**
364 **Wastewater Administrator recommends: 1) the applicant shall**
365 **provide new data from exploration cuts taken on the proposed**
366 **subdivision lots at a time when active irrigation is occurring on**
367 **or near the property to confirm the presence or absence of**
368 **groundwater; or 2) the applicant be required to place the**
369 **following note on the final plat: High groundwater may be**
370 **present and engineered systems may be required.”**

371 E. The Planning Director may consult with a qualified professional to
372 determine the potential for adverse effects on groundwater as a
373 result of the proposed simple or minor subdivision. The Planning
374 Director may make a determination whether or not the applicant's
375 plan for septic facilities shall be reviewed by the Department of
376 Environmental Quality (DEQ) pursuant to W.S. §18-5-306(c). If DEQ
377 review is required, the applicant shall proceed through major
378 subdivision review.

379 F. Plat language: The words “NO PROPOSED CENTRALIZED
380 SEWAGE SYSTEM” in bold capital letters shall appear on all offers,
381 solicitations, advertisements, contracts, agreements and plats
382 relating to the subdivision. **Standard applies.**
383

CONCLUSION: Based upon the above findings, all wastewater requirements pertaining to sketch plan review have been met.

d. **Domestic Water Requirement:** Ch. III Sec. 3d (4) On-site wells for Simple and Minor Subdivisions: Prior to sketch plan review, the following water analysis must be submitted to the Planning Office:

A. Ambient groundwater quality must be established by means of the analysis of one or more representative water wells in the same formation as the area of the proposed subdivision, but no more than 1/2 mile away. If existing sample results are not publicly available, new representative samples must be collected and analyzed. At a minimum, analytical laboratory results must be provided for the elements and compounds listed in Chapter 23, Section 7(C)(III) of Wyoming Water Quality Rules and Regulations. In certain circumstances, this condition may be waived based on other available data. **The subdivision will be served by NRWD, and individual services have been installed to each lot.**

i. When there are no wells within the 1/2 mile radius, it must be stated on the final plat **“NO WATER ANALYSIS WAS CONDUCTED AND THE AVAILABILITY AND QUALITY OF POTABLE WATER IS UNKNOWN. CISTERNS MAY BE REQUIRED”**. **Not applicable.**

B. The estimated total number of gallons per day required for the subdivision; **Not available.**

C. Plans for the mitigation of water right conflicts resulting from the use of water within the proposed subdivision. **Not applicable.**

D. All wells shall meet all requirements of the Wyoming State Engineer. **If on-site wells will serve any of the lots in the subdivision for any purpose, the landowners must comply with the requirements of the Wyoming State Engineer’s Office in establishing new wells and getting the appropriate permits for them.**

CONCLUSION: Based upon the above findings, domestic water requirements pertaining to sketch plan review have been met.

e. **Agricultural Impacts**

(1) Impact Mitigation: Subdivisions shall be designed to mitigate adverse impacts to agricultural operations including, but not limited to, control of weeds, pests and litter; confinement of domestic pets that may threaten livestock; and protection and maintenance of irrigation facilities and ditches that cross private property. Fences or restrictive covenants may be required to control adverse impacts. **The applicants will be required to comply with the recommendations of County Weed and Pest regarding the control of weeds. Existing irrigation facilities/ditches are shown on the sketch plan and the applicants will be required to comply with the recommendations of Shoshone Irrigation District. The applicant has**

not addressed control of pests or litter, or the confinement of domestic pets.

(2) Right to Farm and Ranch: Subdivisions shall be designed to minimize problems resulting from exposure to legal and generally accepted agricultural practices in the vicinity. The plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991 (W.S. §11-44-101) and shall be subject to Ch. IV Section 5c (1) Agricultural Overlay District review.

Standard applies.

(3) Existing Irrigation Facilities: Existing irrigation structures and easements may not be relocated or otherwise disturbed without the approval of the owner of the structure or easement. Existing ditches and facilities may be subject to the right of access for other water right holders.

Standard applies.

(4) Irrigation Easements: Subdivision plats shall provide irrigation easements prohibiting building construction and allowing access for maintenance as provided by state law.

Standard applies.

CONCLUSION: Based upon the above findings, agricultural impacts have been addressed.

f. **Water Rights:** With respect to any water rights appurtenant to lands to be subdivided, the subdivider shall provide:

(1) A plan, a copy of which was submitted to and approved by the state engineer prior to the final approval of the subdivision application, for the distribution of the water rights appurtenant to the land to be subdivided. The plan shall specify the distribution of the water to the lots within the subdivision and shall include all appropriate applications for change of use, change of place of use or change in point of diversion or means of conveyance in accordance with W.S. §41-3-103, 41-3-104 or 41-3-114; and

A. If the subdivision is located within lands served by or crossed by a ditch, irrigation company or association, or by an unorganized ditch, evidence that the plan has been submitted to the company, or association, or the remaining appropriators in the case of an unorganized ditch for their review and recommendations. **This subdivision is within the Shoshone Irrigation District and the District has been notified. A water distribution plan is required.**

B. Evidence that the subdivider will specifically state on all offers and solicitations relative to the subdivision the intent to comply with this paragraph and that the seller does not warrant to a purchaser that there are any rights to the natural flow of any stream within or adjacent to the proposed subdivision. It shall further be stated that Wyoming law does not recognize any riparian rights to the continued natural flow of a stream or river for persons living on the banks of the stream or river. **No stream or river is within or adjacent to the proposed subdivision, standard does not apply.**

- 475 C. If the subdivision is located within the boundaries of an area that is
 476 subject to the provisions of W.S. §41-7, the application shall include
 477 a review and recommendations from the irrigation district regarding
 478 the attached water rights and the irrigation district's easements. If
 479 there is a conflict with the irrigation district's recommendations, the
 480 applicants shall certify they have met with and made a good faith
 481 effort to resolve any conflicts with the irrigation district. **Standard**
 482 **applies; a review and recommendations of a Water Distribution**
 483 **Plan is required by Shoshone Irrigation District.**
- 484 D. If the subdivision will create a significant additional burden or risk of
 485 liability to the irrigation district, company, association or remaining
 486 appropriators, including appropriators on an unorganized ditch, the
 487 applicant shall provide an adequate and responsible plan to reduce
 488 or eliminate the additional burden or risk of liability. **Not applicable.**
- 489 E. Subdivisions retaining all water rights with no change of use are
 490 exempt from state review. **State review is not required.**

491
 492 ***CONCLUSION: Based upon the above findings, water rights requirements***
 493 ***pertaining to sketch plan review have been met.***

- 494
- 495 g. **Utilities:** Minor subdivisions shall install electrical power service adjacent to
 496 the lot lines. Natural gas, if available within 400 ft., shall also be stubbed to the
 497 lot lines. Telephone service shall be stubbed with a service connection to the
 498 edge of each lot unless quality consistent wireless cell service is available. All
 499 utility installation at a minimum shall meet requirements of the utility providing
 500 the service. All utilities shall be located underground.
 - 501 ➤ **Garland Light & Power has the capacity to serve the**
 502 **proposed lots, and service is adjacent to each of the lots.**
 - 503 ➤ **MDU service is available, and although gas service has**
 504 **not been stubbed to each lot, MDU will not bring service**
 505 **across the road until a structure is erected and service is**
 506 **requested.**
 - 507 ➤ **TCT does have the ability to provide terrestrial wireless,**
 508 **internet or VOIP phone service in this area.**

509

510 ***CONCLUSION: Based upon the above findings, utility requirements***
 511 ***pertaining to sketch plan review have been met.***

- 512
- 513 h. **Design and Improvement Standards:** Ch. III Sec. 3h: All subdivisions must
 514 comply with Section 8 except: Simple and minor subdivisions need not submit
 515 covenants or a Homeowners Association Agreement (HOA) unless the
 516 proposal includes roads or other common facilities maintained by the lot-
 517 owners. If common maintenance of facilities is proposed, a Homeowners
 518 Association must be formed to address terms of common maintenance.
 519 **No common maintenance of facilities is proposed. No sidewalks, street**
 520 **lighting, alleys, or open spaces are proposed. An HOA will not be required**

521 **unless common facilities maintained by lot owners (e.g., irrigation**
 522 **facilities) are proposed.**

523
 524 **Wyoming Statute § 18-5-319. Fencing Requirements for Subdivision**
 525 **Permits. [Effective July 1, 2023]:**

526
 527 **(a)** Each subdivider seeking to create or divide a subdivision that is adjacent to
 528 lands upon which livestock can be legally run at large shall comply with all of
 529 the following:

530 **(i)** The subdivider shall be responsible for the construction of a perimeter fence
 531 on any part of the subdivision that is adjacent to lands upon which livestock can
 532 be legally run at large unless a legal perimeter fence already exists at that
 533 location or all adjacent landowners' consent that a perimeter fence is not
 534 necessary;

535 **(ii)** The perimeter fence required under this subsection shall be a lawful fence
 536 as prescribed by W.S. 11-28-102;

537 **(iii)** The subdivider shall be responsible for all costs of the original construction
 538 for the perimeter fence.

539 **(b)** Upon completion of the construction of a perimeter fence required under
 540 this section, the subsequent landowner or, if the subdivided parcel has not been
 541 sold, the subdivider shall:

542 **(i)** Be responsible for the costs of maintaining the perimeter fence provided that
 543 the adjoining landowner shall be responsible for half of the costs of maintaining
 544 the perimeter fence, not to exceed the reasonable costs to maintain the fence
 545 if the fence was a fence under W.S. 11-28-102(a)(i);

546 **(ii)** Not be liable for any damage caused by or arising from livestock pastured
 547 on adjoining land that may breach the perimeter fence and wander on the
 548 subdivided land, provided that the perimeter fence is maintained in accordance
 549 with this section.

550 **(c)** The adjoining landowner shall not be liable for any damages caused by, or
 551 arising from, livestock pastured on the adjoining land that may wander onto the
 552 subdivided land except as provided in W.S. 11-28-108.

553 **(d)** Before receiving a subdivision permit under this article, a subdivider shall
 554 provide information and evidence of the construction or plans to construct any
 555 perimeter fence required by this section in accordance with W.S. 18-5-
 556 306(a)(xiii).

557 **Statute applies. It appears that livestock can be run at large on lands**
 558 **adjacent to the proposed subdivision. Applicant will need to provide**
 559 **evidence of (1) an existing legal perimeter fence as prescribed by W.S.**
 560 **11-28-102, (2) written consent from all adjacent landowners a perimeter**
 561 **fence is not necessary, or (3) design plans to construct a perimeter fence**
 562 **as required by this section in accordance with W.S. 18-5-306(a)(xiii). If**
 563 **plans to construct a perimeter fence are necessary, a Subdivision**
 564 **Improvements Agreement will be required.**

565
 566 **Overlay Districts:** The subdivision is not located within an Overlay District.

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Approval Standards: In conducting review of the sketch plan, the Planning & Zoning Commission should:

- A. Give particular attention to the arrangement, location and dimensions of the lots and the means of access, their relationship to the topography of the land, relationship to the geologic and hydrologic setting, sewage disposal, drainage, arrangement for domestic water, the potential future development of adjoining land, and the goals and objectives of the County's Land Use Plan; **The proposed lots appear to be adequately sized to allow for development. Should the subdivision be approved and developed, domestic water will be provided by NRWD. Engineered small wastewater systems may be required.**
- B. Review whether the design and development of subdivisions makes every effort to retain the natural terrain, natural drainage, existing topsoil, trees, wildlife and fish habitats; **Drainage, topsoil and wildlife are not expected to be significantly impacted by the proposed subdivision.**
- C. Review impacts to agriculture; **The proposed subdivision will reduce acreage available for agricultural uses.**
- D. Review whether land subject to hazardous conditions such as landslides, rock falls, possible subsidence, shallow water table, open quarries, floods, and polluted or non-potable water supply has been identified and that the hazards have been eliminated or will be eliminated by the subdivision and construction plans; **No known information concerning landslides, steep slopes, rock falls, polluted or non-potable water supply, high voltage lines, danger from fire or explosion has been revealed.**
- E. Review whether land subject to flooding has been set aside for uses which will not aggravate the danger of flood hazard, will not be endangered by flooding, or will not endanger the general health, safety or welfare of the public; **No portion of the proposed subdivision falls within the mapped special flood hazard area.**
- F. Review whether land for natural areas, schools, parks, open spaces, and future road rights-of-way are reserved and located according to good planning practices and principles; **No open spaces, natural areas, schools or parks are proposed or required. No future road plans are foreseen specific to this subdivision, therefore particular attention to future rights-of-way are unnecessary.**
- G. Make specific written requirements for changes in the subdivision to address identified problems and ensure compliance with these regulations. The applicant shall incorporate any required changes in the next submission to the County; **To be completed by the Planning and Zoning Commission, if necessary.**
- H. Subdivisions may be reclassified by the Commission to receive additional evidence and testimony for good cause shown. **The subdivision is classified as a minor subdivision with no known unusual characteristics warranting reclassification to a major subdivision.**

CONCLUSION: Based upon the above findings, approval standards requirements pertaining to sketch plan review have been met.

Summary of Findings:

1. Delfino Juarez (applicant), on behalf of Juarez Real Estate, LLC submitted a Minor Subdivision Application on April 1, 2024, including payment, sketch plan, a copy of the Notice of Intent to Subdivide and other supporting documentation;
2. A revised sketch plan was received on April 12, 2024;
3. The applicant requests review and approval of a five-lot subdivision consisting of one 3.51-acre lot, one 3.52-acre lot, one 3.54-acre lot, one 14.86-acre lot, and one 14.95-acre lot, each for residential use;
4. The subdivision will leave an approximately 35.69-acre exempt remainder parcel;
5. Ownership is affirmed by Quitclaim Deed, dated December 10, 2020, (Doc# 2020-8482) to Juarez Real Estate, LLC, a Wyoming close limited liability company;
6. Applicable Regulations are the *Park County, Wyoming, 2015 Development Standards and Regulations* adopted September 15, 2015 (“Regulations”);
7. This subdivision is classified as a minor subdivision;
8. The property is in a General Rural Powell (GR-P) zoning district;
9. The lot sizes as proposed are consistent with the GR-P zoning district;
10. The parcel is described as Farm Unit “A”, according to the Farm Unit Plat, or Lots 83-A, 83-H and 83-I of Lot 83, excepting therefrom that portion conveyed in Quitclaim Deed recorded March 2, 2022 as Doc #2022-1142, Township 55 and 56 North, Range 99 West, Park County, Wyoming;
11. The proposed subdivision is located approximately one mile north of the City of Powell on the west side of County Road 10, and the south side of County Lane 7;
12. The property is vacant, irrigated cropland. Shoshone Irrigation District Lateral B runs along the western boundary, a buried lateral pipeline runs midway west to east, and an irrigation drain bounds the south line of proposed Lot 4;
13. The property topography is relatively flat;
14. Neighboring land uses are a combination of agricultural, residential and residential vacant lands. Osborn SS-191 is north of the property and the Henry Subdivision is east of the proposed subdivision;
15. This property is located within one mile of any municipality; therefore, municipal review is required;
16. Public notice requirements have been met;

- 652 17. Relevant agencies were notified as required;
- 653 18. MDU has gas service available by an existing gas main on the north side of
654 Lane 7 and an existing gas main on the east side of Road 10, however they
655 will not stub and install service lines until a structure is erected and service is
656 requested;
- 657 19. Park County Fire Protection District #1 can provide fire suppression to the
658 proposed subdivision and requested that all access points are constructed to
659 accommodate the fire equipment;
- 660 20. Shoshone Irrigation District provided water right information to the applicant;
- 661 21. USPS can deliver mail to the proposed lots and the placement of mailboxes
662 will be determined when the new residents request mail delivery;
- 663 22. Park County Weed and Pest has inspected the property and a Long-Term
664 Noxious Weed Management Plan will be required;
- 665 23. Powell Clarks Fork Conservation District provided a soils report and identified
666 the following:
- 667 ➤ Five soil types were identified on the proposed subdivision.
 - 668 ➤ The primary soil type is rated “not limited” regarding dwellings with or
669 without basements and small commercial buildings.
 - 670 ➤ The primary soil type is rated “somewhat limited” regarding septic tank
671 absorption fields, due to slow water movement and seepage. The
672 secondary soil types are rated “very limited”, due to slow water
673 movement, seepage, filtering capacity, depth to bedrock and flooding.
 - 674 ➤ The primary soil type is considered prime farmland, if irrigated.
 - 675
- 676 24. Park County School District #1 will have bus stops at all exit points onto Lane
677 7 and Road 10;
- 678 25. The Park County Treasurer confirmed property taxes have been paid in full;
- 679 26. The Wyoming DEQ summarized the notifications, permits, and certificates
680 required for various construction activities that may impact surface or
681 groundwater;
- 682 27. The Wyoming Game & Fish Department has no terrestrial wildlife comments,
683 but offer standard subdivision recommendations to help mitigate wildlife
684 issues;
- 685 28. NRWD confirmed water service has been installed to each of the proposed
686 lots;
- 687 29. The City of Powell Planning & Zoning has not submitted formal review and
688 comment. However, they reported that typically, the City asks for platted road
689 rights-of-way to be wide enough for a projected future street. 60 feet would
690 coincide with existing Tower Boulevard (running N/S into County Road 10);
- 691 30. Garland Light & Power confirmed power service is adjacent to each of the

- 692 proposed lots;
- 693 31. TCT has the ability to provide service, as long as line of sight to one of their
694 towers exists;
- 695 32. Park County Public Works has not provided comment;
- 696 33. No public comments have been received;
- 697 34. A pre-application meeting was held on April 8, 2022;
- 698 35. A title report has been received;
- 699 36. No new roads or shared driveways are proposed;
- 700 37. Solid waste disposal services are available through private companies;
- 701 38. No hazardous features are known to exist on the property;
- 702 39. Access to each lot will be directly from County Lane 7 and County Road 10;
- 703 40. Application submission requirements for sketch plan have been met;
- 704 41. A percolation test was completed on proposed Lots 3, 4 and 5 on December
705 9, 2023. Percolation rates were found to be 42 minutes per inch (mpi), 28 mpi
706 and 28 mpi, respectively;
- 707 42. Groundwater exploration cuts were made to a depth of approximately 10 feet
708 on proposed Lots 3, 4 and 5 on December 9, 2023. Groundwater was not
709 discovered in either excavation;
- 710 43. Shallow groundwater depths have been witnessed on nearby properties
711 during times of active irrigation. As such, it is possible that these lots may
712 exhibit higher groundwater levels when irrigation practices are occurring;
- 713 44. The Small Wastewater Administrator recommends 1) the applicant shall
714 provide new data from exploration cuts taken on the proposed subdivision
715 lots at a time when active irrigation is occurring on or near the property to
716 confirm the presence or absence of groundwater; or 2) the applicant be
717 required to place the following note on the final plat: High groundwater
718 conditions may be present and engineered systems may be required;
- 719 45. Domestic water requirements pertaining to sketch plan review have been
720 met;
- 721 46. Agricultural impacts to the subdivision have been addressed, as well as
722 impacts of surrounding agricultural activities on the subdivision, with the
723 exception of addressing the control of pests or litter and the confinement of
724 domestic pets;
- 725 47. The proposed subdivision is within the Shoshone Irrigation District;
- 726 48. Irrigation water rights are tied to the property and a review and
727 recommendations of a Water Distribution Plan is required by Shoshone
728 Irrigation District;
- 729

- 730 49. No stream or river is within or adjacent to the proposed subdivision;
- 731 50. Water rights requirements pertaining to sketch plan have been met;
- 732 51. Electric service is adjacent to each lot;
- 733 52. MDU service is available, and although gas service has not been stubbed to
- 734 each lot, MDU will not bring service across the road until a structure is erected
- 735 and service is requested;
- 736 53. Utility requirements pertaining to sketch plan have been met;
- 737 54. Lot standards have been met;
- 738 55. Common maintenance of facilities is not proposed;
- 739 56. No sidewalks, street lighting, alleys, or open spaces are proposed;
- 740 57. An HOA will not be required unless common facilities maintained by lot
- 741 owners are proposed;
- 742 58. It appears that livestock can be legally run at large on lands adjacent to the
- 743 proposed subdivision. The subdivision is subject to Wyoming Statute § 18-
- 744 5-319;
- 745 59. The applicant will be required to provide evidence of 1) an existing legal
- 746 perimeter fence as prescribed by W.S. 11-28-102; 2) written consent from all
- 747 adjacent landowners a perimeter fence is not necessary; or 3) plans to
- 748 construct a perimeter fence as required by statute and in accordance with
- 749 W.S. 18-5-306(a)(xiii);
- 750 60. The subdivision is not within an Overlay District;
- 751 61. A note regarding the Wyoming Right to Farm & Ranch Act of 1991 will be
- 752 placed on the final plat;
- 753 62. No open spaces, natural areas, schools, or parks are proposed or required;
- 754 and
- 755 63. Approval standards requirements pertaining to sketch plan review have been
- 756 met.

757

758 **Conditions Recommended by Staff:**

- 759 1. The applicants shall provide all easements as requested by applicable utilities
- 760 and special districts, irrigation districts or public agencies providing services.
- 761 The width of any utility easement shall be sufficient to allow adequate
- 762 maintenance of the system, but in no case shall such utility easement be less
- 763 than 20 feet in width. Easements must be identified on the final plat;
- 764 2. Prior to Sketch Plan Review by the Board of County Commissioners, the
- 765 applicants shall provide a response from Park County Public Works to the
- 766 Planning and Zoning Department;
- 767 3. Prior to Sketch Plan Review by the Board of County Commissioners, the

768 applicant shall provide formal comment from the City of Powell, to the Planning
769 and Zoning Department;

770 4. Prior to submitting a Final Plat Application, the applicant shall provide
771 evidence of 1) an existing legal perimeter fence as prescribed by W.S. 11-28-
772 102; 2) written consent from all adjacent landowners a perimeter fence is not
773 necessary; or 3) plans to construct a perimeter fence as required by statute
774 and in accordance with W.S. 18-5-306(a)(xiii);

775 5. With the Final Plat Application, the applicants shall submit an appropriate
776 Subdivision Improvements Agreement, if required, addressing all applicable
777 required improvements (i.e., fencing, irrigation etc.) for review by staff and
778 approval of the County Attorney and the Board;

779 6. Prior to Final Plat Review by the Board of County Commissioners, the
780 applicants shall place the following note on the final plat: "Any proposed water
781 wells on these subdivision lots shall be permitted by the Wyoming State
782 Engineer's Office prior to installation";

783 7. Prior to Final Plat Review by the Board of County Commissioners the applicant
784 shall 1) provide new data from exploration cuts taken on the proposed
785 subdivision lots at a time when active irrigation is occurring on or near the
786 property to confirm the presence or absence of groundwater; or 2) place the
787 following note on the final plat: "High groundwater may be present and
788 engineered systems may be required.";

789 8. Prior to Final Plat Review by the Board of County Commissioners, the
790 applicants shall place a notice of the Wyoming Right to Farm and Ranch Act
791 of 1991 on the plat; and

792 9. The applicants shall otherwise comply with standards in the Park County
793 Development Regulations and the minimum subdivision requirements as set
794 forth in Wyoming Statute 18-5-306.

795 **Next Step:** Whether the Planning and Zoning Commission recommends approval or
796 denial, the applicants may proceed with the subdivision process by requesting Sketch
797 Plan Review by the Board of County Commissioners.

798 **Photo 1: From the southeast corner of proposed Lot 5 on County Road 10,**
799 **facing northwest along the southern boundary of proposed Lot 5.**



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801 **Photo 2: From the southeast corner of proposed Lot 5 facing northwest across**
802 **the subdivision.**



803 **Photo 3: From the northeast corner of proposed Lot 5, facing west, northwest**
804 **across the boundary between Lot 4 and Lot 5.**

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819 **Photo 4: From the southeast corner of proposed Lot 4, facing northwest across**
820 **the subdivision.**

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822 **Photo 5: From the northeast corner of proposed Lot 3, facing west across the**
823 **subdivision.**



824 **Photo 6: From the north boundary between proposed Lot 1 and Lot 2, facing south**
825 **across the subdivision.**

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Park County Planning & Zoning

1002 Sheridan Ave. Suite 109, Cody, WY 82414
Phone: 307-527-8540 | Fax: 307-527-8515
E-mail: planning@parkcounty-wy.gov

Rec. By:	<u>ECO</u>
Date:	<u>4/11/24</u>
Receipt #:	<u>240400</u>
App. #: MIN	<u>20240401-1</u>

MINOR SUBDIVISION PERMIT APPLICATION (4 pages) Fee: \$300.00*

A minor subdivision permit application is required to obtain a permit to divide a tract of record into three to five lots, each lot being smaller than 35 acres. All minor subdivisions require a subdivision permit per Wyoming State Statute. No land subject to subdivision shall be transferred or sold before a subdivision plat has been approved and recorded. Please contact the Planning and Zoning Department for any assistance needed to complete this application. **The applicant is required to hold a pre-application meeting with Planning and Zoning Staff and Public Works prior to submitting this application. Further, the applicant must also provide proof that a "Notice of Intent to Subdivide" was published in the legal section of the local newspaper once each week for two weeks within 30 days prior to submitting this application.** * Additional fees apply.

SECTION 1: APPLICANT INFORMATION:	OWNER INFORMATION (if different from applicant):
Name: <u>Delfino Juarez</u>	Name: <u>Juarez Real Estate, LLC</u>
Mailing Address: <u>1001 Road 9</u> <u>Powell, WY 82435</u>	Mailing Address: <u>1001 Road 9</u> <u>Powell, WY 82435</u>
Phone: <u>James Seckman (Secondary Contact)</u>	Phone: <u>307-272-7945</u>
Email: <u>307-754-7039, jbseckmancpa@gmail.com</u>	Email: _____

SECTION 2: PROPERTY INFORMATION:
Physical Address: _____ <input checked="" type="checkbox"/> Not addressed
Property ID # or Deed Recording #: <u>01559908309003</u>
Property Identification # or Deed Recording #: <u>2020-8482</u>
Proposed Subdivision Name: <u>Juarez MS - 83</u>

SECTION 3: INCLUDE THE FOLLOWING WITH YOUR APPLICATION:
<input checked="" type="checkbox"/> Proof of "Notice of Intent to Subdivide"
<input checked="" type="checkbox"/> Title Report – full chain of title (back to patent) showing proof of ownership & encumbrances of record
<input checked="" type="checkbox"/> Letters or emails from the following service providers indicating 1) if they already provide service to the proposed lots and 2) if they have the capacity to serve the proposed lots:
<input checked="" type="checkbox"/> Fire Protection District / Fire Station <input type="checkbox"/> TV/ Telephone/internet
<input checked="" type="checkbox"/> US Postal Service mail delivery <input checked="" type="checkbox"/> Natural Gas
<input checked="" type="checkbox"/> School district - bus stop locations <input checked="" type="checkbox"/> Electricity
<input checked="" type="checkbox"/> Evidence that a subdivision soils review has been requested from the local conservation district.
<input checked="" type="checkbox"/> Evidence that the local irrigation district (if applicable) has been contacted.
<input checked="" type="checkbox"/> Evidence that the County Weed and Pest District has been contacted.
<input checked="" type="checkbox"/> Draft Disclosure Statement

SECTION 4: PROVIDE THE FOLLOWING INFORMATION:

- Identification of entities responsible for road construction and maintenance including snow removal and drainage facilities (if applicable): N/A

- Any known information concerning landslides, steep slopes, rock falls, high water tables, polluted or non-potable water supply, high voltage lines, high pressure gas lines, danger from fire or explosion or other hazardous features on the property: Nothing known.

SECTION 5: SUBMIT A LEGIBLE AND REPRODUCIBLE 11" x 17" SKETCH PLAN SHOWING:

- Legal Description
- Boundaries of the area to be subdivided
- Lot layout indicating the approximate dimensions and acreage of lots
- Total acreage of subdivision
- Size of recreational, open and/or dedicated spaces (if proposed)
- Current zoning district classification
- Existing structures, wells and septic facilities (to include utility lines)
- Irrigation facilities (e.g., laterals, head gates, waste ditches, direction of flow of flood irrigation)
- Existing uses of adjoining properties (e.g., residential, commercial, industrial, agricultural, public)
- Means of access from the lots to the public road system:
 - For County road access, proof of right-of-way permit from Public Works
 - For State highway access, proof of access permit from WYDOT
 - For access over private land outside of the subdivision, proof of recorded easement(s)
 - For access over public land outside of the subdivision, written evidence of verified access

SECTION 6: WASTEWATER AND DOMESTIC WATER

What is proposed for wastewater (check all that apply and identify for which proposed lots)?

- On-site, individual wastewater system(s): Lot(s) 3 (perc tests and GW cut required)
- On-site, shared wastewater system(s): Lot(s) _____ (DEQ review required)
- Connection to planned/existing municipal sewer line: Lot(s) _____
Name of provider: _____
- Other: _____

What is proposed for domestic water?

- Connection to existing water main connected to a water treatment plant
- On-site well(s) (requires well analysis, estimated total number of gallons per day needed, plans for mitigation of water right conflicts, State well permit)
- Other: _____

SECTION 7: IMPACTS TO AGRICULTURE

- How will you minimize negative impacts to agricultural operations (e.g., weed intrusion, pet disturbances, etc.), if applicable? This is a low intensity development in which each lot has plenty space to allow domestic animals to roam within the lot. A weed management plan will be in effect to manage weed intrusions, and current land owner is a farmer, so he knows and understands these issues.
- The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991.
- Address any changes to existing irrigation facilities or easements and address existing ditches and easements on the plat.
- Plats shall provide irrigation easements prohibiting building construction and allowing access for maintenance.

SECTION 8: WATER RIGHTS (IF APPLICABLE, IRRIGATION DISTRICT REVIEW MAY BE REQUIRED)

What do you intend to do with respect to existing water rights appurtenant to the land being subdivided? (check all that apply)

- Abandon/detach water rights (requires state review and approval)
- Retain all water rights on the property and distribute to each lot accordingly (no change in use; must submit water distribution plan to the irrigation district for review and approval)
- Change of use (e.g., flood irrigation to reservoir) (requires state review and approval)
- Change in place of use (e.g., to neighbor or other location) or change in point of diversion or means of conveyance (requires state review and approval of plan)

SECTION 9: GENERAL QUESTIONS

- Is the subdivision within an already platted subdivision lot? Yes No
- Who will conduct the survey work for the subdivision? Morrison-Maierle
- Who will complete any engineering work for the subdivision? Morrison-Maierle
- Are you proposing to have covenants or an HOA? YES NO

SECTION 10: CONFIRM EACH OF THE FOLLOWING (T for TRUE / F for FALSE):

- T / F There is not a financing agreement, mortgage or lien that could prevent this subdivision.
- T / F There are not existing conservation easements that could prevent this subdivision.**
- T / F This subdivision will not be served by a central water supply system not owned or operated by a public entity.**
- T / F This subdivision will not be served by a central sewer system not owned or operated by a public entity.**
- T / F There are no hazards listed in Section 4 of this application.**

**This condition, if false, may qualify the subdivision as a major subdivision.

SIGN HERE: In accordance with Wyo. Stat. §1-2-104, I certify under penalty of false swearing that the foregoing is true and the information provided in this application is accurate and complete. I agree that providing incomplete or inaccurate information may void or delay any and all permits authorized under this application. I further understand that any permit granted under this application by the Park County Board of Commissioners does not approve any continued or future violation of County regulations or State law. I further agree to comply with all County regulations and laws of the State of Wyoming pertaining to this application and authorize representatives of Park County to enter upon the abovementioned property for inspection purposes before, during and/or after the permitting process to ensure compliance. I further acknowledge that if signing on behalf of co-owners, multiple owners, a corporation, partnership, Limited Liability Company or similar entity, the undersigned hereby swear(s) that authorization is given, to the full extent required, with the necessary and appropriate approval, allowing the undersigned to act on behalf of such entity. I also understand that additional permitting may be necessary prior to or after the authorization of a Minor Subdivision Permit.

Delfino Juarez *Delfino Juarez* 3-28-24
 Owner's Name (required) Owner's Signature (required) Date

 Applicant's Name (if not the owner) Applicant's Signature Date

****** BELOW – FOR OFFICE USE ONLY ******

Zoning District (circle one):

GR-M	GR-P	GR-40	GR-35	GR-20	GR-5	RR-2	R-H	C	I	T
------	------	-------	-------	-------	------	------	-----	---	---	---

- Planning Area: Powell Within 1-mile of a city? YES NO
- Date of pre-application meeting: 4/8/22
- Confirm Subdivision Name: Juarez MS-83
- Is this a re-subdivision? YES NO If yes, note vacation notice requirements.
- In an ag overlay zone? YES NO - If yes, consult ag overlay regs & notify applicant of dust/noise considerations.
- In a flood overlay zone? YES NO - If yes, contact applicant regarding floodplain development reqs.
- In an airport overlay zone? YES NO - If yes, consult airport overlay regs.
- Notes: _____

• Date sketch plan reviewed by P&Z: _____ Resolution #: _____
 P&Z recommended: APPROVAL DENIAL - Reason: _____

• Date sketch plan reviewed by BCC: _____ Resolution #: _____
 BCC: APPROVED DENIED - Reason: _____

Staff Initials: _____



2324 Dry Ranch Road
Sheridan, WY 82801

January 19, 2022

Dear Mr. Reed,

Regarding the proposed Minor Subdivision near Lane 7 and Road 10 Powell, WY, Montana Dakota Utilities (MDU) does have gas service available. There is a gas main in the ROW on the north side of Lane 7 and a gas main in the ROW on the east side of Road 10. MDU would be able utilize the gas main in Road 10 to serve lots 3, 4 and 5, and the gas main in Lane 7 to serve lots 1-3. The natural gas service line installation can be initiated once a structure is erected that will use natural gas.

Please contact me at 307-674-3551 or David.Magee@MDU.com for any questions.

Sincerely,

Dave Magee
Field Operations Coordinator

From: [Magee, David](#)
To: [Jennifer Cramer](#)
Subject: RE: Agency Notice - Juarez Minor Subdivision (MS-83)
Date: Tuesday, April 16, 2024 4:21:43 PM

CAUTION: This email originated from outside of Park County Government.

Hi Jenny,

MDU still has capacity to serve these lots. Gas service has not been stubbed to these lots. MDU will bring service across the road once a structure is erected and service is requested.

Let me know if you need anything else.

Regards,

Dave Magee
Field Operations Coordinator, Sr.
Montana-Dakota Utilities
2324 Dry Ranch Rd.
Sheridan, WY 82801
Office: 307.674.3551
Cell: 307.752.8054
david.magee@mdu.com

From: Jennifer Cramer <Jennifer.Cramer@parkcounty-wy.gov>
Sent: Friday, April 12, 2024 5:00 PM
To: Magee, David <David.Magee@mdu.com>
Subject: FW: Agency Notice - Juarez Minor Subdivision (MS-83)

**** WARNING: EXTERNAL SENDER. NEVER click links or open attachments without positive sender verification of purpose. DO NOT provide your user ID or password on sites or forms linked from this email. ****

Hi David,

Below is more detailed information about this proposed subdivision and attached is the sketch plan and also a letter you provided the applicant back in 2022. At that time, gas was available from existing gas mains on the opposite sides of each county road fronting the lots. Can you confirm for us:

- Do you still have capacity to serve the lots
- Has gas service been “stubbed” to each lot at this time? If not, is it because MDU will not bring service across the county road until a structure is erected and service is requested? Or could the developer bring it across the road at this time?

PARK COUNTY FIRE PROTECTION DISTRICT #1

1101 E. South St.
Powell, WY 82435

Phone: 307-754-2211
Fax: 307-754-5227

1/20/2022

To whom it may concern,

With regard to the proposed Minor Subdivision for Delfino Juarez. Located at Park County Lane 7 , Road 10. The Park County Fire Protection District #1 along with the Powell Volunteer Fire Department can provide fire protection to said properties, as long as any and all accesses are constructed to accommodate our fire equipment.

Thank-you,

Kenny Skalsky

Administrator

Edward C. Reed

From: Shoshone Irrigation District <shoshoneid@hotmail.com>
Sent: Monday, January 24, 2022 11:26 AM
To: Edward C. Reed
Subject: Re: Delfino Juarez proposed 5 lot minor subdivision
Attachments: Delfino minor sub2022.PNG; Delfino water right acres 2022.PNG


This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

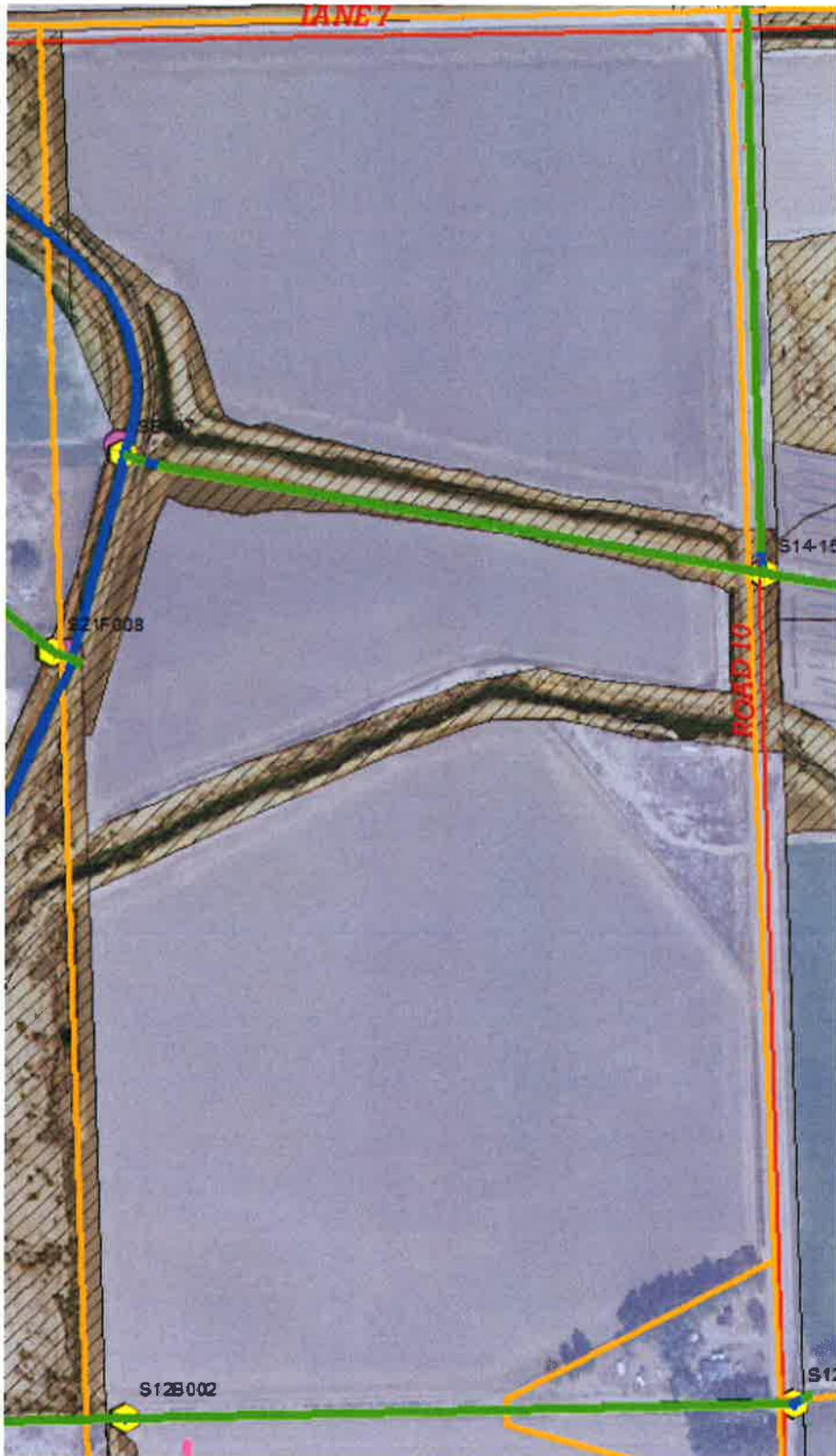
Ed,
This shows the area that have water and the other image show ow many water right are there on that property. if you have any other questions let me know.
Thanks

Trent Reed
Manager/Watermaster
Shoshone Irrigation District

From: Edward C. Reed <ereed@m-m.net>
Sent: Thursday, January 20, 2022 2:53 PM
To: Shoshone Irrigation District (shoshoneid@hotmail.com) <shoshoneid@hotmail.com>
Subject: Delfino Juarez proposed 5 lot minor subdivision

Trent,
Delfino Juarez is proposing a 5 lot minor subdivision to the southwest of the intersection of Lane 7 and Road 10 within Lot 83A of T. 56 N., R. 99 W., and Lots 83H & 83I of T. 55 N., R. 99 W., 6th P.M. (Resurvey), Park County, Wyoming. I have attached a PDF of the proposed lot configuration that will be submitted to the Park County Planning Office for review. Please send any water right information that the district has on the property and official policy regarding minor subdivision development within the district.
Thanks,
Ed

 **Edward C. Reed, PLS**
Professional Land Surveyor, Morrison-Maierle
+13075861550 direct | +13078996286 mobile
1402 Stampede Ave, Cody, WY 82414



Identify



Identify from: MasterLandandCounty

- [-] MasterLandandCounty
 - [-] JUAREZ REAL ESTATE, LLC

Location: 675,527.140 4,961,004.795 Meters

Field	Value
Accountno	R0020782
Accttype	Agricultural
Address	1001 ROAD 9
Addresscsz	POWELL, WY 82435
AREA_CALC_AC	66.08099
AREA_PREV_AC	71.38
Bookpage	2020 QCNS 8482
CLASSIFICATION	CL2
Condition	
COUNTYPARCELNUMBER	8309001
Descript	154.27 AC. DES. AS: LOT 83-A, T56 R99, LOTS 83-H, 83-I, 83-P & E
Effage	0
FID_LANDCLASSIFICATION	482
FID_ParkCountyOwnershipShIrDt2021	3683
G_NUMBER	250
ID	482
Impsval	0
Landval	316145
last_eight	0
Lea	AG0101
LOT_NUMBER	83A
MYLAR	G17
Name	JUAREZ REAL ESTATE, LLC
Nbhd	
Nbhext	
Netacres	154
Netsf	6708240
NOTES	<NULL>
OBJECTID	1567
Quality	

Identified 1 feature

Table Of Contents Identify



DATE: January 24, 2022

To Whom it May Concern,

Thank you for contacting the Powell Post Office about the new subdivision at the intersection of Lane 7 and Road 10 , Powell, WY 82435.

I am happy to let you know that, yes, the mail can be delivered for the new addresses and the placement of mailboxes will be determined when the new residents are ready for mail delivery.

If you have any questions please feel free to contact me (307) 754-2952.

Kris Skinner
Supervisor Customer Services

CC: File



Park County Weed & Pest Control District

**P.O. Box 626
1067 Road 13
Powell, WY 82435**

Phone: 307-754-4521 Powell

Phone: 307-527-8885 Cody

Fax: 307-754-9005

www.parkcountyweeds.org

Ed Reed
Morrison-Maierle
1402 Stampede Ave.
Cody, WY 82414

February 8, 2022

Dear Mr. Reed,

Park County Weed and Pest has completed the initial inspection of the proposed **Juarez Minor Subdivision** located at the intersection of Lane 7 and Road 10. Lot 83A of T.56N., R. 99W., and Lots 83H & 83I of T.55N., R. 99W. 6th P.M. Powell, WY. During this initial inspection, the following designated/declared noxious weed species were found to be present include but may not be limited to:

Canada thistle (*Cirsium arvense*)
Hoary cress (whiteweed) (*Cardaria draba*)
Russian knapweed (*Rhaponticum repens*)

Russian olive (*Elaeagnus angustifolia*)
Showy milkweed (*Asclepias speciosa*)

The property is currently I agriculture production-alfalfa hay. Infestations of the noted noxious species were located along irrigation ditches and fence lines. Some of the infestations were beginning to encroach into the production areas. Measures should be taken to control the identified species discovered during this inspection before any further ground disturbance commences and weather permits. In lieu of herbicide application due to timing, any topsoil disturbed should be stockpiled on site.

Due to the presence of these species and the potential for movement of them, a Long-Term Noxious Weed Management Plan **will be** required of the applicant. This "Plan" should address a prevention and control program to minimize the introduction or spread of these or any noxious weeds as defined in Wyoming Statutes §11-5-101 inclusive.

This Long-Term Noxious Weed Management Plan approved by Park County Weed and Pest Control District should be submitted before the final plat. (Be sure to include a statement on the final plat that there is a noxious weed plan in effect.) Templates of this required Integrated Weed Management Plan are included. Park County Weed and Pest Control District staff can provide technical assistance or referrals if necessary. We appreciate your cooperation in this matter.

Sincerely,

Assistant Supervisor

cc: Park County Planning and Zoning

Juarez Minor Subdivision



Park County Weed and
Pest Control District

Mary McKinney

February 8, 2022

Noxious Weed locations (approximate and many contiguous)

Canada thistle **X** Hoary Cress **X** Russian knapweed **X**

Russian olive **X** Showy milkweed **X**

Locations approximate and representative (More incidentals may be present)



Noxious species



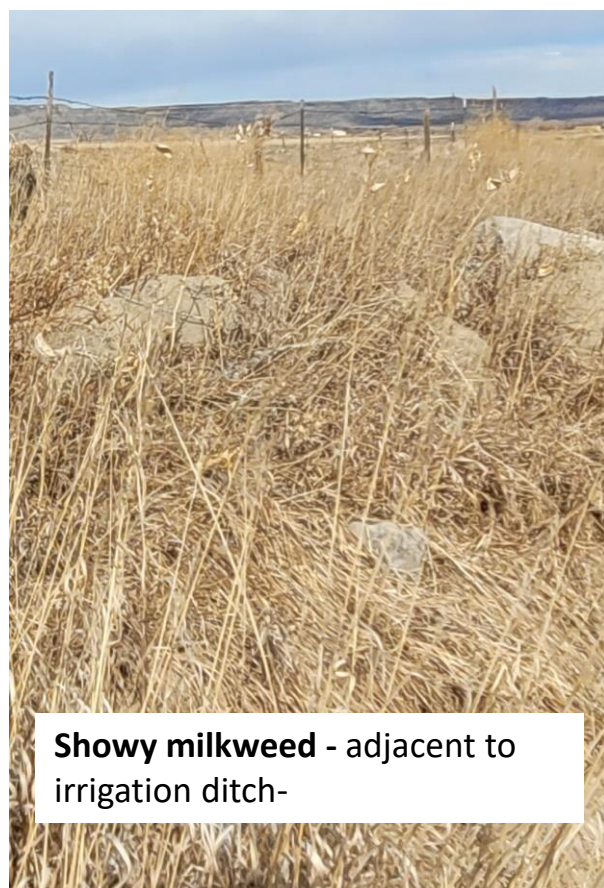
Canada thistle -along irrigation ditches



Whitetop



Russian knapweed along west fence line



Showy milkweed - adjacent to irrigation ditch-

Powell-Clarks Fork Conservation District

1017 Highway 14A Powell Wyoming 82435 • 307-754-9301 ext 3 • FAX 307-754-2761 • Email ann.trosper@wy.nacdn.net
March 1, 2022

To: Park County Planning and Zoning
Re: Minor Subdivision Delfino Juarez

The Conservation District Board of Supervisors has reviewed natural resource information for the Delfino Juarez minor subdivision. The project is located southwest of intersection of Lane 7 and Road 10, Powell Wyoming and will encompass 5 lots on 40.4 acres. We have included with this letter soils information and associated tables.

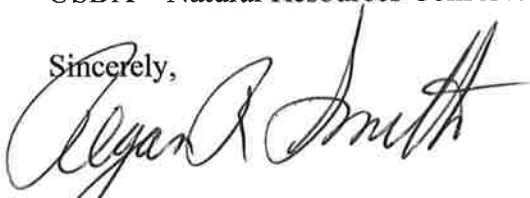
It is the policy of the Powell Clarks Fork Conservation District that agricultural land should stay in agriculture production. Under this policy we encourage you not to increase urban development on property under agriculture production. We also strongly suggest that the appropriate irrigation district review and approve an irrigation water management plan. Such plan should be attached to the property and reviewed upon sale of property to fully explain to future landowners the rights and responsibilities associated with irrigation water for both the new landowner and the irrigation district. A weed management plan should also be reviewed by Park County Weed and Pest. This plan should also be attached to the property and reviewed upon sale to property to fully explain to future landowners the need and legal requirements to manage the property for noxious weed control. Where wildlife/human encounters are anticipated, we also recommend that the Wyoming Game and Fish be contacted for wildlife management advice.

We emphasize the need for proper engineering and construction of sanitary facilities. Consultation with a knowledgeable entity, including proper permits by law, must occur before construction or installation. Appropriate measures must be taken to overcome the soils limitations for these uses.

Attached is the soils report for the property. If development occurs, we recommend not removing vegetation off the site prior to any construction activity to reduce the risk of wind and/or water erosion of the soil. During construction, the use of wind barriers is encouraged. Erosion control efforts should also include using adapted grass species to seed areas that have been disturbed to reduce bare areas. Good grass cover will also reduce weed problems.

If you have any additional natural resource information needs, please contact the District or the USDA – Natural Resources Conservation Service.

Sincerely,



Regan Smith
Chairman

cc: Edward C Reed Morrison Maierle 1402 Stampede Avenue Cody WY

Park County School District #1 Transportation

160 North Evarts Street
Powell, Wyoming 82435
Phone: 307-764-6189
Fax: 307-764-6178

Stephen Janes, Supervisor
Email: srjanes@pcsd1.org
Christy Schwartz, Administrative Assistant
Email: cdschwartz@pcsd1.org

March 21, 2024

Edward C. Reed, PLS, Morrison-Maierle
1402 Stampede Ave, Cody, WY 82414
+13075861550 direct | +13078996286 mobile

RE: Delfino Juarez -Proposed 5 Lot Minor Subdivision
PARK COUNTY, WYOMING

Mr. Reed, in regards to the proposed minor subdivision located northwest of Powell, south of Lane 7 and west of Road 10 the subdivision is in the Park 1 School District boundary. It will have school bus stops at all access points onto Lane 7 for lots 1, 2, 3. It will have school bus stops at all access points onto Road 10 for lots 4, 5. These stops would most likely be right hand stops, but may require crossing the road in the morning or afternoon. If you need any further information, feel free to email or call.

Sincerely,



Stephen R. Janes
Transportation Supervisor
PCSD #1



From: [Anne Lawler](#)
To: [Jennifer Cramer](#)
Subject: RE: Agency Notice - Juarez Minor Subdivision (MS-83)
Date: Friday, April 12, 2024 4:48:21 PM

This parcel is paid in full!!

Have a good weekend

Anne Lawler
1st Deputy
Park County Treasurer
307-527-8630

-

Please note new e-mail

Anne.Lawler@parkcounty-wy.gov

From: Jennifer Cramer <Jennifer.Cramer@parkcounty-wy.gov>

Sent: Friday, April 12, 2024 4:42 PM

To: Anne Lawler <Anne.Lawler@parkcounty-wy.gov>; Ben McDonald <Ben.McDonald@parkcounty-wy.gov>; Brian Edwards <Brian.Edwards@parkcounty-wy.gov>; Corey Class <corey.class@wyo.gov>; Game and Fish - Jason Burckhardt <jason.burckhardt@wyo.gov>; Game and Fish - Laura Burckhardt <laura.burckhardt@wyo.gov>; Game and Fish - Tony Mong <tony.mong@wyo.gov>; Game and Fish - Sam Hochhalter <sam.hochhalter@wyo.gov>; Eric Hargett <eric.hargett@wyo.gov>; Nick Oliver <sid.archivist@gmail.com>; 'Shoshone Irrigation' <sid.secretary@outlook.com>; 'Trent Shoshone Irr' <shoshoneid@hotmail.com>; Stacy Southworth <stacy.southworth@tctstaff.com>; Ben Hubbard <bhubbard@cityofpowell.com>; jason.c.flint@usps.gov; Charlie Ziska <charlie@pvfd.net>

Subject: Agency Notice - Juarez Minor Subdivision (MS-83)

Good Afternoon,

Attached please find an application and Sketch Plan for the Juarez Minor Subdivision (MS-83) (Applicant: Delfino Juarez on behalf of Juarez Real Estate, LLC, landowner). The proposed five lot residential subdivision will create one 3.51-acre lot, one 3.52-acre lot, one 3.54-acre lot, one 14.86-acre lot and one 14.95-acre lot, from a 76.07-acre parcel. The creation of the subdivision will result in a 35.69-acre exempt remainder parcel. The proposed subdivision is within Lot 83A, Resurvey, T56N, R99W and Lot 83H and 83I, Resurvey, T55N, R99W of the 6th P.M., Park County, WY. The property is located in a GR-P zoning district in the Powell Planning Area, approximately 1 mile north of the City of Powell on the west side of County Road 10, and on the south side of County Lane 7, on an unaddressed parcel.

The Property Tax Identification Number is 01559908309003 . Here is a link to the parcel on Park County Mapserver: [Park County, Wyoming, MapServer \(greenwoodmap.com\)](https://greenwoodmap.com)

From: [Eric Hargett](#)
To: [Jennifer Cramer](#)
Cc: [Anne Lawler](#); [Ben McDonald](#); [Brian Edwards](#); [Corey Class](#); [Game and Fish - Jason Burckhardt](#); [Game and Fish - Laura Burckhardt](#); [Game and Fish - Tony Mong](#); [Game and Fish - Sam Hochhalter](#); [Nick Oliver](#); [Shoshone Irrigation](#); [Trent Shoshone Irr](#); [Stacy Southworth](#); [Ben Hubbard](#); jason.c.flint@usps.gov; [Charlie Ziska](#)
Subject: Re: Agency Notice - Juarez Minor Subdivision (MS-83)
Date: Monday, April 15, 2024 8:05:26 AM

CAUTION: This email originated from outside of Park County Government.

Jennifer,

If the development on this property is anticipated to result in the discharge of dredged or fill material, stormwater, or other pollutant into a surface water (stream, river, wetland, lake, pond, reservoir, ditch), please consult the following information:

For any dredged or fill activity associated with the proposed project that occurs on a water of the United States, the project proponent may need to secure a 404 permit from the U.S. Army Corps of Engineers and a 401 water quality certification from the Wyoming DEQ. For more information on determining whether a 404 permit and 401 water quality certification may be needed, the project proponent can click on 'How to Apply for a 401 Water Quality Certification for USACE Section 404 Permits' at <https://deq.wyoming.gov/water-quality/watershed-protection/cwa-section-401-turbidity-wetland/401-water-quality-certification/>.

If the dredged or fill activity occurs on a stream or wetland that is not considered a water of the United States, then the project proponent would need to work with the Wyoming DEQ to secure proper coverage for the activity.

For activities that will clear, grade or otherwise disturb 1 or more acres of land and there is a potential for discharge of storm water to surface waters of the state, coverage under a stormwater permit must be obtained from the Wyoming DEQ. More information regarding stormwater permits can be found at <https://deq.wyoming.gov/water-quality/wypdes/discharge-permitting/storm-water-permitting/>.

For any point source discharge to surface waters not related to stormwater runoff or dredged/fill material such as discharges from gravel crushing and washing operations, cofferdam or site dewatering, vehicle or machinery washing, drilling fluids or cuttings, or other material processing operations, coverage under a Wyoming DEQ WYPDES temporary discharge permit may be required. More information on temporary discharge permits can be found at <https://deq.wyoming.gov/water-quality/wypdes/discharge-permitting/>.

Eric

On Fri, Apr 12, 2024 at 4:42 PM Jennifer Cramer <Jennifer.Cramer@parkcounty-wy.gov> wrote:

Good Afternoon,

Attached please find an application and Sketch Plan for the Juarez Minor Subdivision (MS-83) (Applicant: Delfino Juarez on behalf of Juarez Real Estate, LLC, landowner). The proposed five lot residential subdivision will create one 3.51-acre lot, one 3.52-acre lot, one 3.54-acre lot, one 14.86-acre lot and one 14.95-acre lot, from a 76.07-acre parcel. The creation of the subdivision will result in a 35.69-acre exempt remainder parcel. The proposed subdivision is within Lot 83A, Resurvey, T56N, R99W and Lot 83H and 83I, Resurvey, T55N, R99W of the 6th P.M., Park County, WY. The property is located in a GR-P zoning district in the Powell Planning Area, approximately 1 mile north of the City of Powell on the west side of County Road 10, and on the south side of County Lane 7, on an unaddressed parcel.

The Property Tax Identification Number is 01559908309003 . Here is a link to the parcel on Park County Mapserver: [Park County, Wyoming, MapServer \(greenwoodmap.com\)](http://Park County, Wyoming, MapServer (greenwoodmap.com))

This subdivision application is not yet scheduled to be heard by the Planning & Zoning Commission, but will likely be heard on May 8th . If possible, please send any comments or concerns by April 19th by replying to Jennifer.cramer@parkcounty-wy.gov

If you have already provided your response, thank you and please disregard this request!

Thank you!

Jenny Cramer

Planner I

Park County Planning & Zoning

1002 Sheridan Avenue, Suite 109

Cody, WY 82414

Phone: 307-527-8540

Fax: 307-527-8515

Email: jennifer.cramer@parkcounty-wy.gov

Website: www.parkcounty-wy.gov

From: [Corey Class](#)
To: [Jennifer Cramer](#); [Tony Mong](#); [Luke Ellsbury](#); [Sam Hochhalter](#)
Subject: Re: Agency Notice - Juarez Minor Subdivision (MS-83)
Date: Monday, April 15, 2024 3:39:46 PM

CAUTION: This email originated from outside of Park County Government.

We have no terrestrial wildlife comments for this project but offer standard subdivision language to help mitigate wildlife issues.

1. Riparian/Wetland Habitat It is extremely important that existing riparian habitat be retained and/or enhanced. We recommend no construction within a 100-foot buffer along each side of live or intermittent streams. All wetland areas should be evaluated and protected before final approval is obtained. If protection is not possible, we recommend on or off-site mitigation (in-kind replacement) at a ratio of two acres for every acre lost. Enhancing wetlands for wildlife by improving water supply, pothole development and shallow water impoundment of suitable water sources should be considered.

2. Habitat Alteration Development should be minimized or avoided in mountain shrub communities, aspen stands and any other important plant communities. Burning or cutting may revitalize old, decadent stands of aspen. Standing dead trees and dead and downed plant material should be left to provide important habitat for small wildlife species and to replenish soil nutrients through decomposition. No filling, excavating, dredging, mining, drilling, or removing of topsoil, sand, gravel, rock, or other minerals should be done except when associated with approved development plans.

3. Non-native Plants Introduction of non-native shrubs and trees should be restricted to those species that are the least palatable to browsing wildlife animals and pose little risk of spreading to adjacent areas (e.g., Russian olive should never be planted). The developer should consult with our local wildlife biologist _____ when planning landscaping for the subdivision.

4. Bird Nesting/Perching Habitat Nesting and perching areas for raptors and some cavity nesting birds should be maintained and human disturbance minimized during incubation and rearing time frames. See [Raptors](#) for the appropriate time frames. Developments should be located to protect unique physical or vegetative features that provides important nesting habitat. Home construction should be discouraged in these areas.

5. Damage/Feeding When applicable, the subdivision covenants should explain to prospective purchasers that wildlife inhabits, winters and/or migrates through the area. It is very likely that wildlife may damage ornamental shrubs, trees, homes and fences. The land purchaser accepts this risk factor. We will not accept compensation claims for damages caused by wildlife to ornamentals, homes and fences. Supplemental feeding of ungulates or carnivores should not be allowed. Homeowners in elk range should protect hay, alfalfa and other stored livestock feed at their own expense. In most cases, protecting stored feed with elk-proof fencing is the most effective method for preventing elk damage. In addition, livestock feed such as grain, or other attractants including pet food, bird feeders or barbecue grills, should be stored in such a manner to make them inaccessible to bears.

6. Information on [Fences](#)

7. **Garbage** Garbage disposal must be strictly regulated. No open pits or landfills should be allowed. If black bears and/or grizzly bears are known to frequent the area, garbage collection and/or disposal rules must be formulated and enforced to minimize bear-human conflicts. Bear-proof garbage containers should be required in areas with resident bear populations.

8. **Pets** Domestic pets, especially dogs and cats, should be restrained and prevented from roaming at large. Unrestrained pets can harass and kill small and large birds and mammals.

9. **Migration Corridors and Crucial Habitats** Subdivisions in these habitats should be avoided. If avoidance is not possible, the developer should consider obtaining conservation easements to protect remaining important habitats. Where migration corridors are affected, the subdivision layout or plat should attempt to maximize an open-space, natural-habitat corridor.

10. **Agriculture** The pasturing of livestock (e.g., horses, sheep, cattle) should be confined to established agricultural meadows, and stocking rates should be limited to those that maintain adequate plant cover to prevent erosion. Livestock should not be allowed to graze forest and shrub habitats since these types are important to wildlife and can be seriously impacted. Overgrazing by livestock can cause significant damage to plants by direct consumption, trampling, soil compaction and erosion. Livestock can displace wildlife by directly competing for forage and degrading habitat.

11. **Roads** Construct the minimum standard and number of roads needed to serve the subdivision. Roads should be constructed to avoid watercourses, wetlands and other important wildlife habitats.

12. **Habitat Enhancement** Enhancements can improve the existing wildlife habitat and provide enjoyment for wildlife enthusiasts within the subdivision. Enhancements should be planned thoroughly and thoughtfully prior to any construction. The developer and/or homeowners association should review the plan before approval. We will assist developers or homeowners in designing habitat enhancements.

13. **Chemical Herbicides, Pesticides, Fertilizers** The use of chemical herbicides, pesticides and fertilizers is discouraged. Spot treatments with herbicides are acceptable for controlling noxious terrestrial weeds. Only licensed personnel should apply herbicides, pesticides, and fertilizers.

14. **Off-road Vehicles** Restricted use of off-road vehicles should be written into the covenant. Off-road vehicles include all-wheel drives, motorcycles, all-terrain vehicles, and snowmobiles.

15. **Land Use Plan** An integrated and comprehensive land use plan should be developed. The plan should consider natural resource values in the county for orderly, long-term development.

16. **Corridors** - Developers should preserve wildlife corridors by maintaining areas of undeveloped open or wooded habitat and reducing the density of dwellings or through cluster

development with undeveloped land between clusters. Corridors will help wildlife move through or around developments, provide protection for sensitive areas, and reduce many land use conflicts.

Corey Class
Cody Wildlife Management Coordinator
Wyoming Game and Fish Department
NEW 2 Tilden Trail
Cody, WY 82414
NEW Office:(307)586-2858
Cell: (307)399-9241
corey.class@wyo.gov



wgfd.wyo.gov

On Fri, Apr 12, 2024 at 4:42 PM Jennifer Cramer <Jennifer.Cramer@parkcounty-wy.gov> wrote:

Good Afternoon,

Attached please find an application and Sketch Plan for the Juarez Minor Subdivision (MS-83) (Applicant: Delfino Juarez on behalf of Juarez Real Estate, LLC, landowner). The proposed five lot residential subdivision will create one 3.51-acre lot, one 3.52-acre lot, one 3.54-acre lot, one 14.86-acre lot and one 14.95-acre lot, from a 76.07-acre parcel. The creation of the subdivision will result in a 35.69-acre exempt remainder parcel. The proposed subdivision is within Lot 83A, Resurvey, T56N, R99W and Lot 83H and 83I, Resurvey, T55N, R99W of the 6th P.M., Park County, WY. The property is located in a GR-P zoning district in the Powell Planning Area, approximately 1 mile north of the City of Powell on the west side of County Road 10, and on the south side of County Lane 7, on an unaddressed parcel.

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This subdivision application is not yet scheduled to be heard by the Planning & Zoning Commission, but will likely be heard on May 8th . If possible, please send any comments or

From: [Tony Rutherford](#)
To: [Jennifer Cramer](#)
Cc: [Jolene Brakke](#); [Dan Nordland](#)
Subject: RE: Agency Notice - Juarez Minor Subdivision (MS-83)
Date: Monday, April 15, 2024 8:17:36 AM

CAUTION: This email originated from outside of Park County Government.

Good Morning Jenny,

Yes. We have installed services to each of the proposed lots consistent with the attachments you sent.

If you need anything else from us, please let us know.

Tony

Tony Rutherford
District Manager
Northwest Rural Water District
526 Stone Street
Cody, Wyoming 82414
307-527-4426
www.nrwdcodywy.com



From: Jennifer Cramer <Jennifer.Cramer@parkcounty-wy.gov>
Sent: Saturday, April 13, 2024 8:06 AM
To: Tony Rutherford <tony@nrwdcodywy.com>
Cc: Jolene Brakke <jolene@nrwdcodywy.com>
Subject: Agency Notice - Juarez Minor Subdivision (MS-83)

Hi Tony!

Below is the agency notice with detailed info. and attached is the application and sketch plan for Juarez minor subdivision. I think they may have already secured taps for each of the 5 lots from NRWD? Please let us know the current status, and if they have secured taps from you, have they also been installed to each lot?

Thank you! If you need more information, let me know!

Jenny Cramer

Planner I

Park County Planning & Zoning

1002 Sheridan Avenue, Suite 109

Cody, WY 82414

Phone: 307-527-8540

Fax: 307-527-8515

Email: jennifer.cramer@parkcounty-wy.gov

Website: [https://link.edgepilot.com/s/df18d013/o2WfYsf0DkCJL6u7Bbl2dQ?
u=http://www.parkcounty-wy.gov/](https://link.edgepilot.com/s/df18d013/o2WfYsf0DkCJL6u7Bbl2dQ?u=http://www.parkcounty-wy.gov/)

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If you have already provided your response, thank you and please disregard this request!

Thank you!

Jenny Cramer

Planner I

Park County Planning & Zoning

1002 Sheridan Avenue, Suite 109

Cody, WY 82414

Phone: 307-527-8540

Fax: 307-527-8515

Email: jennifer.cramer@parkcounty-wy.gov

Website: [https://link.edgepilot.com/s/df18d013/o2WfYsf0DkCJL6u7Bbl2dQ?
u=http://www.parkcounty-wy.gov/](https://link.edgepilot.com/s/df18d013/o2WfYsf0DkCJL6u7Bbl2dQ?u=http://www.parkcounty-wy.gov/)

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will

From: [Ben Hubbard](#)
To: [Jennifer Cramer](#)
Subject: RE: Agency Notice - Juarez Minor Subdivision (MS-83)
Date: Tuesday, April 16, 2024 9:57:05 AM

CAUTION: This email originated from outside of Park County Government.

I will get this in front of Powell P&Z. Is there a paper plat yet? At what point will County ask for City input on that plat? Or is this it?

Usually all we ask for is that rights of way are platted and are wide enough for a projected future street. In this case, the N/S road would become Tower Blvd. MapServer doesn't show any right of way there currently. The E/W lane is the same situation, un-platted right of way. I expect City would ask for 60' to coincide with the existing Tower Blvd right of way width to the south of this parcel.

From: Jennifer Cramer <Jennifer.Cramer@parkcounty-wy.gov>

Sent: Friday, April 12, 2024 4:42 PM

To: Anne Lawler <Anne.Lawler@parkcounty-wy.gov>; Ben McDonald <Ben.McDonald@parkcounty-wy.gov>; Brian Edwards <Brian.Edwards@parkcounty-wy.gov>; Corey Class <corey.class@wyo.gov>; Game and Fish - Jason Burckhardt <jason.burckhardt@wyo.gov>; Game and Fish - Laura Burckhardt <laura.burckhardt@wyo.gov>; Game and Fish - Tony Mong <tony.mong@wyo.gov>; Game and Fish - Sam Hochhalter <sam.hochhalter@wyo.gov>; Eric Hargett <eric.hargett@wyo.gov>; Nick Oliver <sid.archivist@gmail.com>; 'Shoshone Irrigation' <sid.secretary@outlook.com>; Trent Reed <shoshoneid@hotmail.com>; Stacy Southworth <stacy.southworth@tctstaff.com>; Ben Hubbard <bhubbard@cityofpowell.com>; jason.c.flint@usps.gov; Charlie Ziska <charlie@pvfd.net>

Subject: Agency Notice - Juarez Minor Subdivision (MS-83)

CAUTION: This email originated from outside of the Company. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report anything suspicious.

Good Afternoon,

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The Property Tax Identification Number is 01559908309003 . Here is a link to the parcel on Park County Mapserver: [Park County, Wyoming, MapServer \(greenwoodmap.com\)](https://greenwoodmap.com)

This subdivision application is not yet scheduled to be heard by the Planning & Zoning

To: Anne Lawler <Anne.Lawler@parkcounty-wy.gov>; Ben McDonald <Ben.McDonald@parkcounty-wy.gov>; Brian Edwards <Brian.Edwards@parkcounty-wy.gov>; 'Corey Class' <corey.class@wyo.gov>; 'Game and Fish - Jason Burckhardt' <jason.burckhardt@wyo.gov>; 'Game and Fish - Laura Burckhardt' <laura.burckhardt@wyo.gov>; 'Game and Fish - Tony Mong' <tony.mong@wyo.gov>; 'Game and Fish - Sam Hochhalter' <sam.hochhalter@wyo.gov>; 'Eric Hargett' <eric.hargett@wyo.gov>; 'Nick Oliver' <sid.archivist@gmail.com>; 'Shoshone Irrigation' <sid.secretary@outlook.com>; 'Trent Shoshone Irr' <shoshoneid@hotmail.com>; Stacy Southworth <stacy.southworth@tctstaff.com>; 'Ben Hubbard' <bhubbard@cityofpowell.com>; 'jason.c.flint@usps.gov' <jason.c.flint@usps.gov>; 'Charlie Ziska' <charlie@pvfd.net>
Subject: Agency Notice - Juarez Minor Subdivision (MS-83)

Good Afternoon,

Attached please find an application and Sketch Plan for the Juarez Minor Subdivision (MS-83) (Applicant: Delfino Juarez on behalf of Juarez Real Estate, LLC, landowner). The proposed five lot residential subdivision will create one 3.51-acre lot, one 3.52-acre lot, one 3.54-acre lot, one 14.86-acre lot and one 14.95-acre lot, from a 76.07-acre parcel. The creation of the subdivision will result in a 35.69-acre exempt remainder parcel. The proposed subdivision is within Lot 83A, Resurvey, T56N, R99W and Lot 83H and 83I, Resurvey, T55N, R99W of the 6th P.M., Park County, WY. The property is located in a GR-P zoning district in the Powell Planning Area, approximately 1 mile north of the City of Powell on the west side of County Road 10, and on the south side of County Lane 7, on an unaddressed parcel.

The Property Tax Identification Number is 01559908309003 . Here is a link to the parcel on Park County Mapserver: [Park County, Wyoming, MapServer \(greenwoodmap.com\)](http://Park County, Wyoming, MapServer (greenwoodmap.com))

This subdivision application is not yet scheduled to be heard by the Planning & Zoning Commission, but will likely be heard on May 8th . If possible, please send any comments or concerns by April 19th by [replying to Jennifer.cramer@parkcounty-wy.gov](mailto:replying.to.Jennifer.cramer@parkcounty-wy.gov)

If you have already provided your response, thank you and please disregard this request!

Thank you!

Jenny Cramer

Planner I

Park County Planning & Zoning

1002 Sheridan Avenue, Suite 109

Cody, WY 82414

Phone: 307-527-8540

Fax: 307-527-8515

Email: jennifer.cramer@parkcounty-wy.gov

Website: www.parkcounty-wy.gov

From: [Molly Lynn](#)
To: [Jennifer Cramer](#)
Subject: RE: Agency Notice - Juarez Minor Subdivision (MS-83)
Date: Tuesday, April 16, 2024 12:16:35 PM

CAUTION: This email originated from outside of Park County Government.

Jenny,

Yes. Power service is adjacent to each of the proposed lots.

Have a good week!

Molly Lynn | General Manager
Garland Light & Power Co.
755 HWY 14A | Powell, WY 82435
Office: 307.754.2881 | Fax: 307.754.5320 | Mobile: 307.202.0681

From: Jennifer Cramer <Jennifer.Cramer@parkcounty-wy.gov>
Sent: Friday, April 12, 2024 4:52 PM
To: Molly Lynn <mlynn@garlandpower.org>
Subject: Agency Notice - Juarez Minor Subdivision (MS-83)

Hi Molly,

I just need to confirm whether or nor power service is adjacent to each of the proposed lots. Below is more detailed information and attached is a sketch plan for reference.

Thank you very much! Have a super weekend!

Jenny Cramer

Planner I
Park County Planning & Zoning
1002 Sheridan Avenue, Suite 109
Cody, WY 82414
Phone: 307-527-8540
Fax: 307-527-8515
Email: jennifer.cramer@parkcounty-wy.gov
Website: www.parkcounty-wy.gov

From: Jennifer Cramer
Sent: Friday, April 12, 2024 4:42 PM



Basin Office
PO Box 310 - 405 S 4th St
Basin, WY 82410
307.568.3357

Billings Office
1321 Discovery Dr.
Billings, MT 59102
406.248.4204

Cody Office (Corporate)
1601 S. Park Dr.
Cody, WY 82414
307.586.3800

Lovell Office
451 Shoshone Ave
Lovell, WY 82431
307.548.2275

Powell Office
401 S Bent St, #4
Powell, WY 82435
307.754.9160

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April 26, 2024

RE: Juarez Minor Subdivision, north of Powell

Dear Jenny,

The purpose of this letter is to inform you that TCT may have the availability and capacity to provide terrestrial wireless internet and VOIP phone service to the simple subdivision for the Juarez Minor Subdivision, in Park County. Line of sight to one of our towers is required, however, so service is not guaranteed. All install and equipment fees are the responsibility of the customer.

Sincerely,

Stacy Southworth
TCT

Park County
Planning and Zoning Department
1002 Sheridan Avenue Ste 109
Cody, Wyoming 82414-3550
307-527-8540 or 307-754-8540



Memo

Date: April 15, 2024

Re: Juarez MS-83

Summary: A review of the subsurface evaluation data submitted on behalf of the applicants suggests that conventional septic systems will be adequate to serve the subdivision lots should this minor subdivision be approved. However, the subdivision is in an area prone to historic and ongoing flood irrigation practices. As a result, seasonal high groundwater levels may fluctuate significantly and engineered septic systems may be required.

Details: Percolation tests were completed on proposed subdivision Lots 3, 4 and 5 on December 9, 2023. Percolation rates were found to be 42 minutes per inch (mpi), 28 mpi and 28 mpi, respectively. On the same date, groundwater exploration cuts were made on the same lots, each cut done to a depth of approximately 10 feet. Groundwater was not discovered in the cuts on the lots, nor were impermeable layers encountered.

Recommendation: Because the groundwater exploration cuts were conducted during the off-season for irrigation, I recommend 1) the applicant shall provide new data from exploration cuts taken on the proposed subdivision lots at a time when active irrigation is occurring on or near the property to confirm the presence or absence of groundwater; or 2) the applicant be required to place the following note on the final plat: High groundwater may be present and engineered systems may be required.”

Site specific testing will be required for any new septic application, and any new septic system will be required to meet current county and/or Wyoming Department of Environmental Quality (DEQ) regulations.

Joy Hill
Planning Director
Delegated Local Official and Acting Small Wastewater Administrator