

1 **Planning & Zoning Commission Minutes**

2 March 17, 2021

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4 This is a regular meeting of the Park County Planning & Zoning Commission held at 1:00pm in
5 the EOC Room of the Public Works Building at 1131 11th St., Cody, WY.

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7 **Commission Members Present:**

8 Kimberly Brandon-Wintermote, Chairman
9 Duncan Bonine, Vice Chairman
10 Linda Putney (participating virtually)
11 Richard Jones
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13 **Staff Present:**

14 Kim Dillivan, Planner II
15 Patti Umphlett, Planner I
16 Jenny Cramer, Planning Technician
17 Brian Edwards, County Engineer (participating virtually)
18 Ben McDonald, Public Works (participating virtually)
19 Mary McKinney, Weed and Pest
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21 Chairman Brandon-Wintermote opened the meeting at 1:00 pm. and introduced the Board and
22 Staff.
23

24 **APPROVAL OF MINUTES**

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26 Chairman Brandon-Wintermote asked the Commission for comments or changes to the February
27 17, 2021 meeting minutes. A MOTION was made by Commissioner Jones to approve the
28 minutes; the motion was SECONDED by Commissioner Bonine to approve the minutes as
29 corrected. Motion was carried unanimously.
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31 **CONSENT AGENDA**

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33 Chairman Brandon-Wintermote acknowledged that a public hearing was not required and
34 addressed Consent Agenda qualifications.
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36 Chairman Brandon-Wintermote asked if any member of the Commission wished to remove any
37 of the items or wished to make a statement.
38

- 39 • Commissioner Putney asked to remove Big Sky Sunrise SS-271 from the consent agenda
40 due to questions she has regarding domestic water.
- 41 • Chairman Brandon-Wintermote stated that she assisted the Harshman's in the purchase
42 of their property and recommended an Engineer. As Chairman she does not have a vote;
43 however, she did want to disclose the information.
44

45 **Harshman SS-268:** Curt and Lisa Harshman request approval to create two lots consisting of
46 one 21.79-acre lot and one 30.63-acre lot from an existing 52.42-acre parcel for residential and
47 agricultural use. The proposed subdivision is located within part of Lot 2 of Section 21, Lot 2, Lot
48 3, and the N1/2NW1/4 of Section 28 and Tract 1 of Lot 77, T55N, R98W, 6th P.M., Park County,
49 Wyoming in a General Rural-Powell (GR-P) zoning district.
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51 Commissioner Bonine made a MOTION to approve the consent agenda as amended by the
52 removal of Big Sky Sunrise SS-271.
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1. The applicant shall provide all easements as requested by applicable utilities and special districts, irrigation districts or public agencies providing services. The width of any utility easement shall be sufficient to allow adequate maintenance of the system, but in no case shall such utility easement be less than 20 feet in width. Easements must be identified on the final plat;
 2. The applicant shall provide to the Planning and Zoning Department a response from the Park County Public Works prior to Final Plat review by the Board of County Commissioners;
 3. A note on the final plat shall indicate the possibility of seasonally high groundwater and nonconventional septic systems may be required;
 4. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991 (W.S. §11-44-101); and
 5. The applicant shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306.

69 The motion was SECONDED by Commissioner Putney. The motion carried. (Note: A resolution
70 number was not assigned at the time of approval; therefore, the next available resolution number
71 has been utilized) See Resolution 2021-07 attached hereto and incorporated herein.
72

73 REGULAR AGENDA

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75 Big Sky Sunrise SS-271: Stephen Deroche requests approval to create two lots; one 8.34-acre
76 lot and one 11.73-acre lot from an existing 20.07-acre parcel for residential use. The propose
77 subdivision is located in a parcel described as W1/2SW1/4SW1/4, Section 5, T51N, R102W, 6th
78 P.M., Park County, Wyoming and is located in a General Rural 5-Acre (GR-5) zoning district.
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80 Chairman Brandon-Wintermote acknowledged that a public hearing was not required and directed
81 Planning and Zoning staff to commence with the staff report at 1:07 pm.
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83 There being no comments from Commission members, Kim Dillivan, Planner II, presented the
84 Staff Report.
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86 Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.

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- Commissioner Putney noted that the response from Northwest Rural Water District indicated that a service agreement and payment of fees was required in order for the District to provide water. She asked if proof of the agreement should be required prior to Board of County Commissioner review to ascertain that domestic water is available. She is concerned that a well may be used instead and no water quality testing was performed.
 - Kim Dillivan responded that the Regulations specify that a water quality test is required only when domestic wells are proposed. In this case, wells are not proposed; therefore, a water analysis was not required.
 - Commissioner Jones indicated it could be placing an undue burden on the developer to either provide proof of service by NWRD and/or have to provide a water analysis. They are showing that domestic water is available and what a potential buyer does beyond that is not within their control.
 - Patti Umphlett stated that NWRD is stating that they have the capacity to serve, just as the other utility providers state that they have the capacity to serve. It is not required to

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- 101 have a finalized agreement with the other utility providers, so why should one be required
102 regarding domestic water.
- 103 • Mary McKinney, Park County Weed and Pest, indicated that the applicant has indicated
104 the intention to revegetate the previously disturbed areas to assist in mitigating any weed
105 issues.
 - 106 • Public Works indicated they had no comments at this time.

107
108 Commissioner Bonine made a MOTION to approve Big Sky Sunrise SS-271 by Resolution 2021-
109 04 based on the findings presented and including the following conditions:

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- 111 1. The applicant shall provide all easements as requested by applicable utilities and
112 special districts, irrigation districts or public agencies providing services. The width of
113 any utility easement shall be sufficient to allow adequate maintenance of the system,
114 but in no case shall such utility easement be less than 20 feet in width. Easements
115 must be identified on the final plat;
 - 116 2. A note on the final plat shall detail entities responsible for maintenance and snow
117 removal for the driveway to serve both lots;
 - 118 3. The applicant shall comply with the requirements of Lakeview Irrigation District; and
 - 119 4. The applicant shall otherwise comply with standards in the Park County Development
120 Regulations and the minimum subdivision requirements as set forth in Wyoming
121 Statute 18-5-306.

122 The motion was SECONDED by Commissioner Jones. The motion carried. See Resolution 2021-
123 04 attached hereto and incorporated herein.

124
125 **PUBLIC HEARING CONTINUED: – Buck Creek Estates Major Sketch Plan:** Buck Creek
126 Development, LLC, and Steve & Tracy Bush request approval of the sketch plan for Buck Creek
127 Estates Major Subdivision. The proposed subdivision is comprised of two parcels to be split into
128 a total of 23 lots ranging in size from 4.36 to 8.14 acres, each designated for residential and
129 possible agricultural use. The properties to be split are centrally located between Cody and Powell
130 along the south side of US Highway 14A, at 1566 US Highway 14A, and are described as Lots
131 17 & 18 and a portion of Lot 43, Section 18, T54N, R100W of the 6th P.M., Park County, Wyoming,
132 in a General Rural Powell (GR-P) zoning district.

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134 Chairman Brandon-Wintermote reviewed the rules of a public meeting and opened the public
135 hearing at 1:32 pm.

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137 Acting Chairman Brandon-Wintermote asked if any member of the Commission had any
138 comments.

- 139 • Commissioner Bonine disclosed that following the February meeting he received a phone
140 call from a neighbor, Brian Duyck, who expressed his concerns regarding the continued
141 development of ag lands and irrigation concerns.

142 There being no comments from Commission members, Acting Chairman Brandon-Wintermote
143 asked if Staff had any updates.

- 144
- 145 • Kim Dillivan indicated the following had occurred since the first meeting:
 - 146 ○ Received a copy of the report that was sent to DEQ
 - 147 ○ Received Access Permit from WYDOT
 - 148 ○ Received additional Public Works response

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- 149 ○ Received a Long-Term Noxious Weed Management Plan
150 ○ Received an updated sketch plan updating the access from Highway 14A and
151 expanding the agriculture impact statement in the notes
152

153 Planner Dillivan then reviewed rules for approval of sketch plan by Planning and Zoning
154 Commission

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156 Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.
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- 158 • Public Works indicated they had no further comment at this time
159 • Mary McKinney, Park County Weed and Pest, indicated a Long-Term Noxious Weed
160 Management Plan has been received.
161

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

- 163 • Scott Lewis, Engineering representative of applicant, expressed that it can become
164 aggravating working through the process, but also feels that he does see that as they work
165 through the process, the outcome becomes a better product and they do respect the
166 process. They have attempted to address all concerns expressed from the last meeting
167 regarding ag and ag use, DEQ, WYDOT, State Engineers Office, Heart Mountain Irrigation
168 District, Road & Bridge, etc.
169 ○ WYDOT request for additional ROW between access and fence. This has been
170 addressed and approved by WYDOT.
171 ○ Plan submitted to DEQ and waiting on final approval
172 ○ Right to Farm vs. Property Rights; understands ag use concerns; however, the
173 applicant also has the right to utilize his property and appears to have met all of
174 the regulatory requirements.
175 ○ Concern regarding number of the wells in the area. There are 37 wells; they all
176 flow toward Buck Creek or toward the Shoshone River. Impact would be to the
177 development, not from the development.
178 ○ Concern regarding utilizing prime ag land; If Class I & Class II are considered prime
179 ag land, then 32.4% of the site is prime ag land and 67.6% is not.
180 ○ Historically, there appears to be a continuous corridor of subdivisions which have
181 been approved in ag land between Cody and Powell. They request the same
182 respect for their request as was provided to the previous subdivisions. They have
183 met the regulatory requirements. They could do several minor subdivisions vs.
184 this major; a major has more scrutiny, therefore should be less impactful than
185 several minor subdivisions.
186

187 Chairman Brandon-Wintermote asked if any Commission members had questions for the
188 applicant.

- 189 • Commissioner Jones wished to point out that there can be significant differences in lot
190 size that may determine the impact from a minor subdivision vs. a major subdivision.
191

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

- 193 • Scott George farms near the subdivision and he is also concerned regarding the
194 development of agricultural land. He feels extensive residential development will
195 adversely affect neighboring farms. He has experienced issues from residential neighbors
196 regarding water runoff issues, irrigation water concerns regarding residential customers
197 not wishing to pay irrigation fees, complaints regarding utilizing manure for fertilizer, lights
198 from machinery. Right to Farm act is loose language and does not protect neighboring
199 farmers from complaints and legal repercussions from those complaints. He feels we

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- 200 need to protect our ag lands and our wildlife corridors and wildlife migration routes. Market
201 values on property make it difficult for farmers to purchase more ag land.
- 202 • Larry French from Powell has a farm out in Willwood. He stated he wonders when the
203 private property rights of one person will override the property rights of another. Will the
204 rights of a three-generation farmer become secondary to the rights of new people? Feels
205 this is a bad idea and will set a poor precedent.
 - 206 • Alex Murphy is an upcoming farmer from the Ralston area. He feels this will be a horrible
207 precedent to convert good farmland. No new farmland available due to water issues, so
208 to convert currently irrigated farmland will have an adverse effect on those trying to get
209 into farming.
 - 210 • Lyle Evelo farms by Powell. Wished to clarify the ag classification; much of this was done
211 many years ago and the land has since changed and become more productive, yet the
212 lands have not been reclassified. Therefore; it is not necessarily accurate to state that
213 much of the proposed subdivision land is not productive land. There is not a lot of good
214 ag land available in the valley but there is a lot of land available for subdivisions; so, it is
215 a shame to use good ag land for development. The potential to subdivide land is driving
216 market value up and new farmers are not able to afford to purchase the good ag land.
217 Irrigation water availability is a large factor in determining good ag land and may need to
218 be considered when deciding if land is appropriate for subdividing. Utilizing land with
219 existing water rights puts an undue burden on the irrigation districts due to the issues that
220 are caused by so many property owners.
 - 221 • Brian Duyck indicated he is wearing three hats today;
 - 222 ○ From farm standpoint, he believes we need to save the farmland. Subdivisions
223 should be restricted to unproductive ground which is adjacent to towns where
224 water and sewer are already available.
 - 225 ○ From irrigation standpoint, he disagrees with how Scott Lewis made Class VI ag
226 land to sound as if it is terrible ag land, as it is not.
 - 227 ○ From Irrigation District standpoint, this development is going to cause the irrigation
228 districts to have to hire more people just to handle the complaints. The Bureau of
229 Reclamation intended this land to be subsidized ag property to feed the persons
230 of the United States; was not intended to be 5 acres to feed a horse but this has
231 not been enforced and is out of control. Water causes a lot of fighting and arguing
232 and even violence, at times. Ditch rider roads are being utilized as access and this
233 has been allowed to happen in the past and could cause issues.
 - 234 • Dennis Reed has been farming outside of Cody for 22 years and is the president of the
235 Cody Canal. There are now only 3 farms left on the Cody Canal, all else is now
236 subdivisions and the City of Cody. This is the direction that the other irrigation districts will
237 be going now with this influx of development. There will be little or no farm ground left.
 - 238 • Kelly Spiering wishes to correct something from the last meeting; he spoke to the fire
239 department in Powell, which is what district this is in. They indicated that they would like
240 the subdivision to have a cistern for fire fighting capability. The regulations state large
241 subdivisions should have a cistern of 3,000 gallons per residence up to 30,000 gallons for
242 the total subdivision. This development will stretch fire-fighting capabilities. He has been
243 studying the regulations and the Land Use Plan and he sees over and over again that
244 impact to agriculture should be mitigated. This is a huge impact to agriculture and he feels
245 it should be mitigated. He also feels that there should be accountability to the developers
246 after the fact to assure that the requirements are continued to be met. This development
247 should not be approved.
 - 248 • Brian Duyck has heard that irrigation districts have been sued over water getting into
249 peoples' basements or crawl spaces when they have built below the lateral. The

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250 government limited liability insurance will not cover the districts for this and will now cause
251 a lot of liability for the irrigation districts.
252 • Lyle Evelo asked if there have ever been areas designated as no longer allowing large
253 development. Staff responded that they are only aware of the zoning districts that restrict
254 lot size that would potentially be considered a restriction. He feels Park County needs to
255 consider a restriction on the development of ag land.
256 • Brian Shumard responded to the issue of zoning restrictions. This property is zoned GR-
257 P, which can be developed down to 1-acre lots. They have met all of the application
258 requirements and are following the zoning requirements and restrictions in this zoning
259 district. He is within the rights to subdivide. The property is not in the middle of an ag
260 overlay, is actually on the border and part of it isn't in the overlay at all. This is located on
261 a major corridor where the majority of development occurs. Scott George is concerned
262 about this subdivision; however, his family has done multiple family exemptions dividing
263 their property. Yet, he doesn't feel this should be able to be done. This is hypocritical. In
264 response to the young farmer, he is all for that. There are programs through the USDA to
265 assist with this. It is expensive to get into farming. This property sat on the market for two
266 years. He feels they have met the regulatory requirements and he intends to be sensitive
267 to concerns and try to keep this a nice development. They will be following the sprinkler
268 system requirements and plan to follow any other requirements. Asked that the
269 Commission recognize that they have met all requirements for this step in the process and
270 approve the sketch plan.
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272 Commissioner Jones made a MOTION to close the hearing at 2:27 pm; SECONDED by
273 Commissioner Bonine. The motion was carried unanimously.
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275 Chairman Brandon-Wintermote asked Commission members if they had any discussion.

276 • Commissioner Jones indicated the issue of subdivision versus agriculture is coming to a
277 head not only in the county but throughout the country. Sees a huge conflict of interest.
278 He is empathetic to the farmers and those in the ag industry. As development is allowed,
279 the speculative value of the land goes up. Past decisions to allow subdivisions on
280 agricultural land then leads to people to view ag land as potential land for subdivisions. It
281 is a priority to follow the Land Use Plan and prioritize preserving the ag land. Due to past
282 actions, we are now in this conflict between development and preservation of agriculture.
283 This is a big deal and we need to take it very seriously. He hears what everyone is saying.
284 • Commissioner Putney agrees with Commissioner Jones.
285 • Commissioner Bonine interprets the ag overlay district language from the regulations to
286 be protection of the existing agricultural businesses and their operations, but not
287 necessarily to protect the land from development. There is potential upcoming legislation
288 that could restrict local planning from utilizing a Land Use Plan as regulation. In our area
289 there is a disconnect between the Land Use Plan and zoning. Much of GR-P may be
290 some of the best ag land in our county and this current zoning allows development down
291 to 1-acre. That is the current zoning and the applicant is well within the regulations to do
292 what he is proposing.
293 • Kim Brandon-Wintermote did a lot of research and there is currently nothing in state statute
294 or our regulations to stop this. There are other areas throughout the country that are
295 putting agricultural protection zones in place; however, this would only come into play
296 upon reconstruction of the Land Use Plan. The farmers are the ones that need to step up

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297 to stop this by instituting deed restrictions or not selling the land. This won't stop until
298 there is some type of regulation in place to do so.

- 299 • Commissioner Jones stated the lack of forward thinking on the part of past commissioners
300 and legislators have resulted in this situation. He understands that the farmers are not
301 wanting this development to happen, but it will be something that they will need to follow
302 up with and work toward changing regulations and legislation in order to resolve the issue.
- 303 • Commissioner Bonine believes this may be fixed through a change in zoning, but this is
304 not something that can be done immediately. As the applicant has met all conditions
305 required at this sketch plan phase, there is no basis to deny the application.

306

307 Findings:

308 Finding #27: change to reflect response received from Irrigation District

309 Finding #28: change to reflect public comments were received; verbal comments

310 Finding #12: correct spelling of "responded"

311 Finding #2: received revised sketch plan on March 12, 2021

312 Conditions:

313 Condition #2: Revise to state that applicant shall comply with Park County Public Works
314 letter dated February 18, 2021

315 Condition #6: Strike

316 Add Condition: Correct legal descriptions for the property must be shown on the
317 preliminary and final plat.

318

319 Commissioner Bonine made a MOTION to approve Buck Creek Estate Major Sketch Plan by
320 Resolution 2021-05 based on the findings presented and including the following conditions:

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322 1. The applicant shall provide all easements as requested by applicable utilities and
323 special districts, irrigation districts or public agencies providing services. The width of
324 any utility easement shall be sufficient to allow adequate maintenance of the system,
325 but in no case shall such utility easement be less than 20 feet in width. Easements
326 must be identified on the final plat;

327 2. The applicant shall comply with requirements as set forth in Park County Public
328 Works Department's letter dated February 18, 2021;

329 3. The applicant shall submit to the Planning and Zoning Department a letter of "no
330 adverse recommendation" from DEQ regarding the feasibility of on-site septic
331 systems prior to preliminary plat review by the Planning & Zoning Commission;

332 4. The applicant shall submit to the Planning and Zoning Department a letter of "no
333 adverse recommendation" from DEQ regarding the feasibility of on-site domestic
334 water systems prior to preliminary plat review by the Planning & Zoning Commission;

335 5. A draft Homeowners Association Agreement (and draft covenants if proposed) must
336 be submitted to the Planning & Zoning Department prior to preliminary plat review by
337 the Planning & Zoning Commission;

338 6. The applicant shall provide to the Planning and Zoning Department approval from the
339 Road Naming Committee for the proposed road name, "Buck Creek Way," prior to

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- 340 final plat review by the Board of County Commissioners;
- 341 7. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of
342 1991;
- 343 8. The applicant shall submit to the Planning and Zoning Department approval of the
344 irrigation and water distribution plan, and Petition for Change of Place of Use that
345 was submitted to the Wyoming State Engineer's Office prior to final plat review by the
346 Board of County Commissioners;
- 347 9. The applicant shall note on the final plat the existence of steep slopes on the lots
348 adjacent to Buck Creek;
- 349 10. The applicant shall submit to the Planning and Zoning Department a draft Subdivision
350 Improvements Agreement prior to final plat review by the Board of County
351 Commissioners and shall not commence the physical layout or construction of the
352 subdivision prior to Board approval; and
- 353 11. The correct legal description for the property must be shown on the preliminary plat
354 and the final plat; and
- 355 12. The applicant shall otherwise comply with standards in the Park County Development
356 Regulations and the minimum subdivision requirements as set forth in Wyoming
357 Statute 18-5-306.

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359 The motion was SECONDED by Commissioner Jones. Commissioners Bonine and Jones
360 approved and Commissioner Putney Opposed. The motion carried. See Resolution 2021- 05
361 attached hereto and incorporated herein.

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363 **PUBLIC HEARING CONTINUED –Southfork Mountain Retreat SUP-215:** Boomer Investment
364 Properties, LLC requests approval of the application for a Special Use Permit with site plan review
365 for Southfork Mountain Retreat SUP-215. The project proposes a Dude Ranch and Resort Use
366 to operate a vacation retreat offering accommodations and event space along with painting
367 classes and guided hikes. The proposed use will be located on a 4.73-acre parcel located
368 approximately 23 miles southwest of Cody in the Middle Southfork planning area, with an address
369 of 32 Josie Lane. The parcel is described as part of Lot 37 in Tract 55, T50N, R104W of the 6th
370 P.M., Park County, Wyoming in a General Rural 20-Acre (GR-20) zoning district.

371
372 Chairman Brandon-Wintermote reviewed the rules of a public meeting and continued the public
373 hearing at 1:55 pm.

374
375 There being no comments from Commission members, Planner II Kim Dillivan, requested further
376 continuance of the public hearing at the request of the County Attorney.

377
378 Commissioner Bonine made a MOTION to continue the hearing to the April 21, 2021 regular
379 meeting; SECONDED by Commissioner Jones. The motion was carried unanimously.

380
381 **PUBLIC HEARING – Bighorn Estates MS-47 Sketch Plan:** Tod Polson requests approval of
382 the application and Sketch Plan for the Bighorn Estates Minor Subdivision (MS-47) (Applicant:
383 Tod Polson). The proposed subdivision is comprised of three lots; one 1.82-acre lot, one 7.28-
384 acre lot and one 28.3-acre lot, each designated for residential and/or agricultural use. The
385 proposed subdivision is located in Lot 50-J and Lot 50-O, Resurvey, T55N, R99W of the 6th P.M.,

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386 Park County, Wyoming, in a General Rural Powell (GR-P) zoning district, with an address of 850
387 Lane 11 ½.

388
389 Chairman Brandon-Wintermote reviewed the rules of a public meeting and opened the public
390 hearing at 3:05 pm.

391
392 There being no comments from Commission members, Kim Dillivan, Planner II, presented the
393 Staff Report.

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

- 396 • Commissioner Bonine inquired about septic permits for the existing residences on both lot
397 1 & 2. Staff indicated that there is a recently approved system on lot 2 and the data from
398 this system is being utilized for the application. Perc data will be required on an additional
399 lot.
- 400 • Brian Edwards with Public Works indicated they had submitted their comments on 3/1. He
401 would point out that the road name, "Ramshorn Drive", should not be shown on the sketch
402 plan as it is not being utilized for this subdivision and does not yet exist.
- 403 • Mary McKinney with Weed and Pest did not anticipate any issues. A Long-Term Noxious
404 Weed Management Plan is required but has not yet been received.

405
406 Chairman Brandon-Wintermote asked if the applicant had any questions or comments.

- 407 • Tod Polson is the owner and a licensed engineer. He did not realize three holes were
408 required for perc data, feels one hole should be sufficient. Due to the fact that this is
409 required by the regulations, Staff recommended a condition on the resolution that three
410 total perc holes be required prior to sketch plan review by the Board of County
411 Commissioners. The applicant indicated he may do further subdividing in the future and
412 the proposed road is intended for that purpose.

413
414 Chairman Brandon-Wintermote asked if any Commission members had questions for the
415 applicant.

- 416 • Chairman Brandon-Wintermote asked if there is a well and septic on the lot with the older
417 home. The applicant responded that there is an existing, shallow well and has a septic
418 system but he is unsure of the age of the system. Chairman Brandon-Wintermote advised
419 that these items need to be shown on the sketch plan.
- 420 • Chairman Brandon-Wintermote asked if the applicant knows the location of the
421 underground drains mentioned by the irrigation district. The applicant indicated he has
422 "witched" the locations and has a general idea of the location.

423
424 Chairman Brandon-Wintermote asked if there were comments from any members of the public.

- 425 • Ginny Southwick sold the property to the applicant. She is concerned about access to the
426 28-acre lot. Chairman Brandon-Wintermote indicated that the applicant is proposing a 60'
427 access between lots 2 and 3. She is also concerned about irrigation. With the addition of
428 these lots, it will total five lots on one headgate. She is also concerned with wastewater
429 possibly coming onto her lot if Lot 1 flood irrigates. Chairman Brandon-Wintermote
430 indicated that Shoshone irrigation has expressed concern about the waste ditches also
431 and this would need to be resolved with the irrigation district. She was also concerned as
432 to whether there would be a structure on Lot 3; will there be covenants, will someone be
433 able to put a mobile home on the property. Weed management is a concern and she
434 would like to see a weed plan required. How many more times can the property be
435 subdivided? Staff indicated that in GR-P zoning district, lots may be as small as 1-acre.

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- Tod Polson responded to the irrigation concerns by indicating that his intention is to sell Lot 1 but to develop an agreement with the future owner to share the sprinkler irrigation. As far as future development, he does intend to further subdivide; however, he does not intend for small lots. Covenants are not intended at this time but mobile homes are not his intent.
 - Nick Hummel stated that the water distribution plan has been submitted to the irrigation district, it has not yet been approved. Drain lines will be added and he feels it is likely that the irrigation district will restrict to sprinkler irrigation only.

445 Commissioner Bonine called for discussion.

446 Findings:

- 447
- Letter Z: Comments have been received from Shoshone Irrigation District

448 Conditions:

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- Remove "Ramshorn Drive" from sketch plan. Access to remain but is not a constructed and named road at this point.
 - Add to Condition #3 "including location of waste ditches and underground drains"

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455 Upon request by Commissioner Bonine to clarify lot information on the sketch plan, it was determined that there have been changes to the lots and the most current sketch plan has not been received by Planning and Zoning.

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459 Commissioner Putney recommended the hearing be continued due to the need for an updated sketch plan.

460

461

462 Commissioner Bonine inquired of the applicant why he is not doing the entire subdivision at this time. The applicant responded that his intent is to do a small portion at a time and do much of the construction himself and at this time he does not want to invest the capital into the required improvements for a major subdivision. As he does not wish to sell lots immediately, he has no motivation to do it all at once.

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468 Commissioner Putney made a MOTION to continue the public hearing to the next regular Planning and Zoning Commission meeting on April 21, 2021; SECONDED by Commissioner Jones. The motion was carried unanimously.

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472 **PUBLIC HEARING – North End Acres Major Sketch Plan:** William Cramer requests approval of the application and Sketch Plan for the North End Acres Major Subdivision. The proposed subdivision is comprised of nine lots, ranging from 3.89-acres to 6.05-acres, each designated for residential use. The proposed subdivision is located approximately 1.5 miles north of Powell along County Road 6 on a 44.99-acre parcel owned by Joann Cramer, described as the E1/2NW1/4 of Lot 38, T56N, R99W of the 6th P.M., Park County, Wyoming, excepting the north 1155.20 feet, in a General Rural Powell (GR-P) zoning district.

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480 Chairman Brandon-Wintermote reviewed the rules of a public meeting and opened the public hearing at 4:10 pm.

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

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

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- Brian Edwards, County Engineer, indicated that the road construction plans have been received and reviewed and look good. The drainage plan was received March 12th but he has not yet had a chance to review it.
 - Commissioner Putney asked for clarification on whether Kangal Lane would serve both this subdivision and the Cramer MS-44 subdivision. Brian indicated it was his understanding that Kangal Lane would serve only this subdivision and would not be utilized by Cramer MS-44.
 - Mary McKinney, Weed and Pest, stated that this parcel was a hay field and her only concern is that once production ceases, mitigation of weeds will be important. A Long-Term Noxious Weed Management Plan has not yet been received.

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

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- Will Cramer clarified that Kangal Lane will only serve North End Major. There will be a drain ditch between the Cramer MS-44 lots and Kangal Lane.

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502 Chairman Brandon-Wintermote had the following questions for the applicant:

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- Status of Northwest Rural Water analysis. Nick Hummel, Engineering Associates responded that the analysis has been paid for but not yet received to his knowledge. He is not aware of any potential issues. Will Cramer indicated they may be required to make a loop through the subdivision but he understood that there was enough water for the nine lots. There will be a main line (loop) through the subdivision that will serve all nine lots plus Lots 1 & 2 of Cramer MS-44. A response from NRWD approving the hydraulic modeling was received March 3rd but not yet submitted to Planning and Zoning office.
 - Are there any Shoshone Irrigation District concerns? Nick indicated that the water distribution plan and the petition to detach water rights has been sent to SID and will go to the State Engineers Office next week. All lots are retaining water rights with the exception of Lots 7 & 8. Will added that sprinkler irrigation would also be a requirement.
 - Has the application been submitted to DEQ? Nick indicated it was sent last week.

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

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518 There were no comments from those in attendance.

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520 Commissioner Bonine asked for discussion.

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522 Findings:

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- Finding# 31: change to reflect that a water distribution plan has been submitted
 - Finding# 30: add "has been submitted" to clarify
 - Finding# 19: correct spelling of "indicated" and "noxious"
 - Finding# 12: add "and" between confirmed/approved

527 Conditions:

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- Condition #2 should be "septic systems" rather than domestic water
 - Add condition requiring a response from NRWD prior to preliminary plat (verbal received, but need written confirmation)
 - Condition#6 to state that Public Works approval of the comprehensive drainage plan is required prior to final plat review.

534 Commissioner Bonine made a MOTION to close the hearing at 4:43pm; SECONDED by

535 Commissioner Jones. The motion was carried unanimously.

536

Planning & Zoning Commission Minutes

March 17, 2021

- 537
538 Commissioner Jones made a MOTION to approve North End Acres Major Subdivision Sketch
539 Plan by Resolution 2021-06 based on the findings presented and including the following
540 conditions:
541
- 542 1. The applicant shall provide all easements as requested by applicable utilities and
543 special districts, irrigation districts or public agencies providing services. The width of
544 any utility easement shall be sufficient to allow adequate maintenance of the system,
545 but in no case shall such utility easement be less than 20 feet in width. Easements
546 must be identified on the final plat;
 - 547 2. The applicant shall submit to the Planning and Zoning Department a letter of “no
548 adverse recommendation” from DEQ regarding the feasibility of on-site septic
549 systems prior to preliminary plat review by the Planning & Zoning Commission;
 - 550 3. A draft Homeowners Association Agreement (and draft covenants if proposed) must
551 be submitted to the Planning & Zoning Department prior to preliminary plat review by
552 the Planning & Zoning Commission;
 - 553 4. The applicant shall provide to the Planning and Zoning Department an approved
554 Long-Term Noxious Weed Management Plan prior to final plat review by the Board
555 of County Commissioners;
 - 556 5. The applicant shall comply with all conditions and considerations stated in the Park
557 County Public Works formal review letter dated March 1, 2021, prior to final plat
558 review by the Board of County Commissioners;
 - 559 6. A response from the Park County Public Works Department regarding the submitted
560 comprehensive drainage plan shall be received prior to final plat review by the Board
561 of County Commissioners;
 - 562 7. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of
563 1991;
 - 564 8. The applicant shall submit to the Planning and Zoning Department approval of the
565 irrigation and water distribution plan, that was submitted to the Wyoming State
566 Engineer’s Office prior to final plat review by the Board of County Commissioners;
 - 567 9. The applicant shall submit to the Planning and Zoning Department a draft Subdivision
568 Improvements Agreement prior to final plat review by the Board of County
569 Commissioners and shall not commence the physical layout or construction of the
570 subdivision prior to Board approval;
 - 571 10. The applicant shall submit to the Planning and Zoning Department an analysis from
572 Northwest Rural Water District indicating that they have the capacity to serve the
573 subdivision prior to preliminary plat review by the Planning and Zoning Commission;
574 and
 - 575 11. The applicant shall otherwise comply with standards in the Park County Development
576 Regulations and the minimum subdivision requirements as set forth in Wyoming
577 Statute 18-5-306.

Planning & Zoning Commission Minutes

March 17, 2021

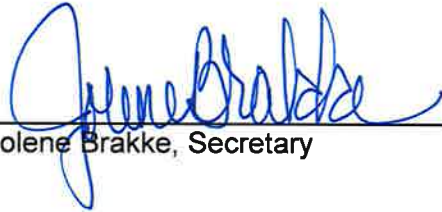
578 The motion was SECONDED by Commissioner Bonine. The motion carried. See Resolution
579 2020-06 attached hereto and incorporated herein.

580
581 Chairman Brandon-Wintermote delivered the Chair's report.

582
583 The Planning Director delivered a report for the Planning and Zoning Department.

584
585 There being no other business, a MOTION was made by Commissioner Putney to adjourn the
586 meeting at 5:08pm. The motion was seconded by Commissioner Jones. All in favor.

587
588 Respectfully submitted,



Jolene Brakke, Secretary

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**RESOLUTION 2021 - 04
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
BIG SKY SUNRISE SIMPLE SUBDIVISION-271 (SS-271) SKETCH PLAN**

WHEREAS, Stephen Deroche proposes to create two lots, one 8.34-acre lot and one 11.73-acre lot, from an existing 20.07-acre parcel for residential use in a General Rural 5-Acre (GR-5) zoning district;

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

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

WHEREAS, the Planning & Zoning Commission held a duly noticed public hearing on March 17, 2021 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision Permit Application, including payment, was received from Stephen Deroche on February 10, 2021;
2. The applicant proposes to create a two lots consisting of one 8.34-acre lot and one 11.73-acre from an existing 20.07-acre parcel for residential use;
3. The subdivision classification meets the standards of a simple subdivision;
4. Ownership is affirmed by Warranty Deed (dated August 20, 2019 (Document # 2019-4296) to Stephen P. Deroche, a married man dealing with his sole and separate property from Gregory Don Paris, a single person, as Sole Owner;
5. The parcel of land described as W1/2SW1/4SW1/4, Section 5, T.51N., R.102W., 6th P.M., Park County, Wyoming. Said parcel being 20.07-acres;
6. The proposed subdivision is located approximately 7.5 miles southwest of Cody, Wyoming, and south of the intersection of County Road 6UU and County Road 6SR. This parcel is addressed as 24 Big Sky Road;
7. Applicable regulations are the *Park County Wyoming 2015 Development Standards and Regulations*, adopted September 15, 2015;
8. Surrounding land uses are residential, residential vacant, agricultural, and exempt land;
9. The proposed subdivision is not within a mile of any municipality;
10. All public notice requirements have been met;
11. Notice of Intent to Subdivide was published in the Powell Tribune on January

- 28, 2021 and February 4, 2021;
12. All agency referral requirements have been met;
 13. Park County School District #6 has bus service available to this subdivision;
 14. Park County Fire Protection District #2 can provide fire protection to the proposed subdivision;
 15. Rocky Mountain Power has the capacity to provide electrical service to this proposed 2-lot subdivision;
 16. Northwest Rural Water District has the capacity to provide water to this proposed subdivision;
 17. TCT has the capacity to provide internet and VOIP phone service to this location;
 18. Lakeview Irrigation District has approved the water distribution plan;
 19. Park County Weed & Pest indicated a Long-Term Noxious Weed Management plan is required;
 20. A Long-Term Noxious Weed Management plan has been submitted and approved;
 21. USPS has confirmed mail delivery is available to this proposed subdivision;
 22. Park County Public Works has stated the existing 50' wide access easement across proposed Lot 2, for the benefit of proposed Lot 1, is adequate for the proposed use;
 23. An existing driveway will provide access to Lots 1 and 2 from Big Sky Road;
 24. The applicant indicates there will be no road construction and maintenance is the responsibility of the owner;
 25. The Park County Treasurer has stated there are no taxes owed on this parcel;
 26. Wyoming Game & Fish has responded and has concerns because this subdivision is proposed in crucial mule deer winter range;
 27. Wyoming Game & Fish has responded and has no concerns pertaining to aquatic resources;
 28. No public comments have been received;
 29. Application submission requirements for sketch plan have been met;
 30. A pre-application meeting was held on January 8, 2021;
 31. Solid waste disposal services are available from private service providers;
 32. No hazardous features are known to exist on the property;
 33. The Park County Small Wastewater Administrator reviewed subsurface evaluation data collected by the applicant and determined that conventional small wastewater systems are likely sufficient should this development be

approved;

- 34. The proposed subdivision lots meet lot size requirements;
- 35. The subdivision is not within an Overlay District; and
- 36. No open spaces, natural areas, schools or parks are proposed or required.

WHEREAS, the Planning & Zoning Commission concludes the proposed subdivision is generally consistent with the goals and policies of the Park County Land Use Plan and is consistent with the standards and procedures of the *2015 Park County Development Standards and Regulations*;

NOW, THEREFORE, BE IT RESOLVED based on the foregoing, the Planning & Zoning Commission hereby recommends approval of the sketch plan for Big Sky Sunrise SS-271, subject to the following conditions:

- 1. The applicant shall provide all easements as requested by applicable utilities and special districts, irrigation districts or public agencies providing services. The width of any utility easement shall be sufficient to allow adequate maintenance of the system, but in no case shall such utility easement be less than 20 feet in width. Easements must be identified on the final plat;
- 2. A note on the final plat shall detail entities responsible for maintenance and snow removal for the driveway to serve both lots;
- 3. The applicant shall comply with the requirements of Lakeview Irrigation District; and
- 4. The applicant shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306.

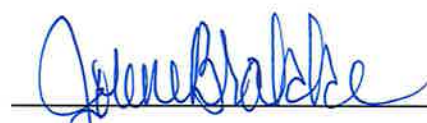
ADOPTED by the Park County Planning & Zoning Commission this 17th day of March, 2021.

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

ATTEST:



Kimberly Brandon-Wintermote, Chair



Jolene Brakke, Secretary

**RESOLUTION 2021 - 05
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
BUCK CREEK ESTATES MAJOR SUBDIVISION SKETCH PLAN**

WHEREAS, Buck Creek Development, LLC proposes to create a 23-lot major subdivision consisting of lots varying in size from 4.03 to 8.14 acres, each for residential and possible agricultural use in Park County, Wyoming in a General Rural Powell (GR-P) zoning district;

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

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

WHEREAS, the Planning & Zoning Commission held a duly noticed public hearing on February 17, 2021 to consider the sketch plan which was continued;

WHEREAS, the Planning & Zoning Commission held a duly noticed public hearing on March 17, 2021 to consider the sketch plan application for Buck Creek Estates Major Subdivision, and made findings as follows:

1. In error, a Minor Subdivision Permit Application, including payment, was received on December 22, 2020. On January 28, 2021, the applicant submitted a corrected Major Subdivision Permit Application;
2. On March 12, 2021, a revised sketch plan was received;
3. The applicant intends to create a 23-lot subdivision;
4. This subdivision meets the requirements for classification as a Major Subdivision;
5. Owner is affirmed by Warranty Deed to Steve Bush and Tracy Bush, husband and wife as tenants by the entirety from Buck Creek Development, LLC, a Wyoming limited liability company, dated September 4, 2020 (Document # 2020-5768), and Warranty Deed to Buck Creek Development, LLC, a Wyoming limited liability company from Carol Sue Hart and Cindy Brokman, Successor Co-Trustees of the I.J. & Lola V. Frank Joint Trust, dated December 4, 1997, dated November 22, 2019 (Document # 2019-6440);
6. The proposed subdivision is located centrally between Powell and Cody, on the south side of U.S. Highway 14A, approximately 2.5 miles southwest of the intersection of State Highway 294 and Hwy 14A, and approximately 9.5 northeast of Cody;
7. The lots are configured to conform to the GR-P zoning district where they are located;
8. This property is generally flat and there is an existing residence and four outbuildings on proposed Lot 1. Proposed Lots 2 through 23 are currently vacant, irrigated land;
9. Neighboring land uses to the north and south are primarily agricultural. Directly to the west, and across US Highway 14A, is residential use with some agricultural use in the vicinity. The eastern boundary of the proposed subdivision borders land managed by the Bureau of Reclamation;
10. This property is not located within one mile of a municipality; therefore, municipal review is not required;
11. All notice requirements have been met;
12. Park County School District #1 was notified and responded that school bus service is available;

13. United States Postal Service can provide mail service to this proposed subdivision;
14. Black Hill's Energy has the capacity to provide natural gas service to this proposed subdivision;
15. Powell-Clark's Fork Conservation District provided a soils report identifying existing soils and potential limitations for septic systems and dwellings with basements;
16. Wyoming Department of Transportation provided approval for the applicant to relocate and reclassify the existing access along Highway 14A to serve the subdivision;
17. Park County Weed & Pest submitted their initial weed review and determined a Long-Term Noxious Weed Management Plan will be required;
18. An approved Long-Term Noxious Weed Management Plan has been submitted;
19. TCT has the capacity to provide internet and VOIP phone service depending on line of site and tower availability, though TV service is not available;
20. Park County Fire District #1 is able to provide fire protection;
21. Park County Fire District #2 was notified and responded that this subdivision is in the jurisdiction of Park County Fire Protection #1 and commented that it would be nice if a 3,000 gallon cistern could be installed;
22. Garland Light & Power has the capacity to provide electrical service to this proposed subdivision from the existing line running along Highway 14A;
23. Northwest Rural Water District was notified and have no comments as the developer is proposing on-site wells;
24. Park County Treasurer states property taxes are paid in full;
25. Wyoming Game & Fish has no wildlife concerns or comments on this development, other than possible hazards posed by deer congregating in subdivisions;
26. Park County Public Works was notified and they have responded;
27. Wyoming State Fire Inspector has been notified but no response has been received;
28. Heart Mountain Irrigation District has been notified and they have responded;
29. No written public comments have been received; however, public comments were heard during the public hearings on February 17, 2021 and March 17, 2021;
30. Application submission requirements for sketch plan have been met;
31. One road is proposed as a part of this subdivision: Buck Creek Way;
32. The proposed road name requires Road Naming Committee review and approval prior to final plat;
33. On-site wastewater systems are planned for this proposed subdivision; as a result, DEQ review is required. A letter of "no adverse recommendation" regarding on-site wastewater systems must be received from DEQ prior to preliminary plat review;
34. On-site domestic water systems are proposed for this use; as a result, DEQ review is required. A letter of "no adverse recommendation" regarding on-site domestic water systems must be received from DEQ prior to preliminary plat review;
35. The applicant provided water quality test results for water sampled from nearby domestic water wells. The water tested safe for coliform, with high TDS and sulfates;
36. DEQ commented on the water quality test results and recommended that homeowners consider point-of-use treatment units;

37. An irrigation and water distribution plan, and a Petition for Change of Place of Use, was submitted to the Wyoming State Engineer's Office;
38. Upon approval of said petition by the Board of Control, water rights will be distributed to all 23 lots in the subdivision;
39. All agricultural impacts have been sufficiently addressed;
40. The applicant will be required to provide utility services to each of the proposed lots;
41. The applicant has met lot standards as described in Ch. III Sec. 8 of the regulations;
42. The applicant is required to meet all applicable lot design and improvement standards as described in Ch. III Sec. 8 of the regulations;
43. It is unknown whether covenants will be developed for this subdivision;
44. A Subdivision Improvements Agreement is required for this subdivision;
45. This subdivision is located in an Agricultural Overlay District;
46. This subdivision is subject to shallow groundwater levels;
47. Some lots within this subdivision have steep slopes and a portion of some lots are located within the floodplain of Buck Creek; and
48. Other hazardous conditions such as landslides, rock falls, polluted or danger from fire or explosion or other hazardous features on the property are not known.

WHEREAS, the Planning & Zoning Commission concludes the proposed subdivision is generally consistent with the goals and policies of the Park County Land Use Plan and is consistent with the standards and procedures of the 2015 Park County Development Standards and Regulations;

NOW, THEREFORE, BE IT RESOLVED based on the foregoing, the Planning & Zoning Commission hereby recommends approval of the sketch plan for the Buck Creek Estates Major Subdivision, subject to the following conditions:

1. The applicant shall provide all easements as requested by applicable utilities and special districts, irrigation districts or public agencies providing services. The width of any utility easement shall be sufficient to allow adequate maintenance of the system, but in no case shall such utility easement be less than 20 feet in width. Easements must be identified on the final plat;
2. The applicant shall comply with requirements as set forth in Park County Public Works Department's letter dated February 18, 2021;
3. The applicant shall submit to the Planning and Zoning Department a letter of "no adverse recommendation" from DEQ regarding the feasibility of on-site septic systems prior to preliminary plat review by the Planning & Zoning Commission;
4. The applicant shall submit to the Planning and Zoning Department a letter of "no adverse recommendation" from DEQ regarding the feasibility of on-site domestic water systems prior to preliminary plat review by the Planning & Zoning Commission;
5. A draft Homeowners Association Agreement (and draft covenants if proposed) must be submitted to the Planning & Zoning Department prior to preliminary plat review by the Planning & Zoning Commission;
6. The applicant shall provide to the Planning and Zoning Department approval from the Road Naming Committee for the proposed road name, "Buck Creek Way," prior to final plat review by the Board of County Commissioners;
7. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991;

8. The applicant shall submit to the Planning and Zoning Department approval of the irrigation and water distribution plan, and Petition for Change of Place of Use that was submitted to the Wyoming State Engineer's Office prior to final plat review by the Board of County Commissioners;
9. The applicant shall note on the final plat the existence of steep slopes on the lots adjacent to Buck Creek;
10. The applicant shall submit to the Planning and Zoning Department a draft Subdivision Improvements Agreement prior to final plat review by the Board of County Commissioners and shall not commence the physical layout or construction of the subdivision prior to Board approval;
11. The correct legal description for the property must be shown on the preliminary plat and the final plat; and
12. The applicant shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306.


ADOPTED by the Park County Planning & Zoning Commission this 17th day of March, 2021.

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

ATTEST:



Kimberly Brandon-Wintermote, Chair



Jolene Brakke, Secretary

**RESOLUTION 2021 - 06
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
NORTH END ACRES MAJOR SUBDIVISION SKETCH PLAN**

WHEREAS, William Cramer proposes to create a 9-lot major subdivision consisting of lots varying in size from 4.13 to 6.05 acres, each designated for residential use in Park County, Wyoming in a General Rural Powell (GR-P) zoning district;

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

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

WHEREAS, the Planning & Zoning Commission held a duly noticed public hearing on March 17, 2021 to consider the sketch plan application for North End Acres Major Subdivision, and made findings as follows:

1. A Major Subdivision Permit Application, including payment, was received on February 2, 2021;
2. The applicant intends to create a 9-lot subdivision;
3. This subdivision meets the requirements for classification as a Major Subdivision;
4. Ownership is affirmed by a Transfer on Death Deed (dated January 29, 2019, Doc. # 2019-736) to William F. Cramer, Jr., from Joann Cramer, a single person;
5. The proposed subdivision is located 0.25 miles south of County Lane 6, 0.25 miles east of State Highway 295, and approximately 1.5 miles north of the City of Powell;
6. The applicable regulations for this development are the Park County Wyoming 2015 Development Standards and Regulations adopted September 15, 2015; (“Regulations”);
7. The lots are configured to conform to the GR-P zoning district where they are located;
8. The land is relatively flat, irrigated pasture with no existing structures;
9. Neighboring land uses are primarily agricultural. There is a newly approved subdivision for residential use directly to the west of this proposed subdivision;
10. This property is not located within one mile of a municipality; therefore, municipal review is not required;
11. All notice requirements have been met;
12. Park County Public Works has confirmed and approved access to this subdivision;
13. Park county Fire Protection District #1 is able to provide fire protection;
14. TCT has the capacity to provide internet and VOIP phone service to this location depending upon line of site and tower availability;
15. Garland Light & Power has the capacity to provide electrical service to this proposed subdivision;
16. Park County School District #1 was notified and responded that school bus service is available;
17. United States Postal service can provide mail service to this proposed subdivision;

18. Powell-Clarks Fork Conservation District provided a soils report dated February 2, 2021;
19. Park County Weed & Pest indicated a Long-Term Noxious Weed Management Plan is required;
20. Montana-Dakota Utilities has the capacity to provide natural gas service to this subdivision;
21. Northwest Rural Water District is conducting their engineer's review and will submit the results of their analysis once they are complete;
22. Wyoming Game & Fish Department has no comments pertaining to aquatic resources;
23. Park County Treasurer has confirmed property taxes are paid in full;
24. No response has been received from Shoshone Irrigation District;
25. No public comments have been received;
26. Application submission requirements for sketch plan review have been met;
27. Kangal Lane is the proposed access for this subdivision;
28. On-site wastewater systems are planned for this proposed subdivision; as a result, DEQ review is required. A letter of "no adverse recommendation" regarding on-site wastewater systems must be received from DEQ prior to preliminary plat review;
29. The applicant anticipates domestic water coming from NRWD;
30. It is unknown whether the applicant has submitted a report to DEQ evaluating the adequacy and safety of the proposed wastewater system;
31. An irrigation and water distribution plan has been submitted to the Wyoming State Engineer's Office;
32. Upon approval of said irrigation and water distribution plan by the Board of Control, water rights will be distributed to all 9 lots in the subdivision;
33. All agricultural impacts have been sufficiently addressed;
34. The applicant will be required to provide utility services to each of the proposed lots;
35. The applicant has met lot standards as described in Ch. III Sec. 8 of the regulations;
36. The applicant is required to meet all applicable lot design and improvement standards as described in Ch. III Sec. 8 of the regulations;
37. It is unknown whether covenants will be developed for this subdivision;
38. A Subdivision Improvements Agreement is required for this subdivision;
39. This subdivision is located in an Agricultural Overlay District; and
40. No hazardous conditions such as landslides, rock falls, polluted or danger from fire or explosion or other hazardous features on the property are not known.

WHEREAS, the Planning & Zoning Commission concludes the proposed subdivision is generally consistent with the goals and policies of the Park County Land Use Plan and is consistent with the standards and procedures of the 2015 Park County Development Standards and Regulations;

NOW, THEREFORE, BE IT RESOLVED based on the foregoing, the Planning & Zoning Commission hereby recommends approval of the sketch plan for the North End Acres Major Subdivision, subject to the following conditions:

1. The applicant shall provide all easements as requested by applicable utilities and special districts, irrigation districts or public agencies providing services. The width of any utility easement shall be sufficient to allow adequate maintenance of the system, but in no case shall such utility easement be less than 20 feet in width. Easements must be identified on the final plat;
2. The applicant shall submit to the Planning and Zoning Department a letter of “no adverse recommendation” from DEQ regarding the feasibility of on-site septic systems prior to preliminary plat review by the Planning & Zoning Commission;
3. A draft Homeowners Association Agreement (and draft covenants if proposed) must be submitted to the Planning & Zoning Department prior to preliminary plat review by the Planning & Zoning Commission;
4. The applicant shall provide to the Planning and Zoning Department an approved Long-Term Noxious Weed Management Plan prior to final plat review by the Board of County Commissioners;
5. The applicant shall comply with all conditions and considerations stated in the Park County Public Works formal review letter dated March 1, 2021, prior to final plat review by the Board of County Commissioners;
6. A response from the Park County Public Works Department regarding the submitted comprehensive drainage plan shall be received prior to final plat review by the Board of County Commissioners;
7. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991;
8. The applicant shall submit to the Planning and Zoning Department approval of the irrigation and water distribution plan, that was submitted to the Wyoming State Engineer’s Office prior to final plat review by the Board of County Commissioners;
9. The applicant shall submit to the Planning and Zoning Department a draft Subdivision Improvements Agreement prior to final plat review by the Board of County Commissioners and shall not commence the physical layout or construction of the subdivision prior to Board approval;
10. The applicant shall submit to the Planning and Zoning Department an analysis from Northwest Rural Water District indicating that they have the capacity to serve the subdivision prior to preliminary plat review by the Planning and Zoning Commission; and
11. The applicant shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306.

ADOPTED by the Park County Planning & Zoning Commission this 17th day of March, 2021.

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

ATTEST:



Kimberly Brandon-Wintermote, Chair



Jolene Brakke, Secretary

**RESOLUTION 2021 - 07
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
HARSHMAN SIMPLE SUBDIVISION-268 (SS-268) SKETCH PLAN**

WHEREAS, Lisa Harshman proposes to create two lots consisting of one 21.79-acre lot and one 30.63-acre from an existing 52.42-acre parcel for residential and agricultural use in a General Rural Powell (GR-P) zoning district;

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

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

WHEREAS, the Planning & Zoning Commission held a duly noticed public hearing on March 17, 2021 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision Permit Application, including payment, was received from Lisa Harshman on January 28, 2021;
2. The applicant proposes to create a two-lot simple subdivision consisting of one 21.79-acre lot and one 30.63-acre lot for residential use;
3. The subdivision classification meets the standards of a simple subdivision;
4. Ownership is affirmed by Warranty Deed (dated October 15, 2020 (Document # 2020-9025) to Curt D. Harshman and Lisa D. Harshman, husband and wife as tenants by the entirety from Triple KB Ranch, LLC, a Wyoming limited liability company;
5. The parcel is located within part of Lot 2 of Section 21, Lot 2, Lot 3 and the N1/2NW14 of Section 28, and Tract 1 of Lot 77, T55N, R98W, 6th P.M., Park County, Wyoming. Said parcel being 52.42 acres;
6. The proposed subdivision is located approximately 5.5 miles southeast of Powell, Wyoming, and southeast of the intersection of County Road 5 and County Lane 11;
7. Applicable regulations are the *Park County Wyoming 2015 Development Standards and Regulations*, adopted September 15, 2015;
8. Surrounding land uses are primarily agricultural with a few residential uses along the north property line of proposed Lot 1;
9. The proposed subdivision is not within a mile of any municipality;
10. All public notice requirements have been met;
11. Notice of Intent to Subdivide was published in the Powell Tribune on January 19, 2021 and January 26, 2021;
12. All agency referral requirements have been met;
13. Park County Fire Protection District #1 can provide fire protection to the proposed subdivision;
14. Garland Light & Power has the capacity to provide electrical service to this proposed 2-lot subdivision;
15. Park County School District #1 has bus service at all access points onto Road 5 and Lane 11;
16. TCT has the capacity to provide internet and VOIP phone service to this location;
17. United States Postal Service can provide mail service to this proposed

- subdivision;
18. Park County Weed & Pest indicated a Long-Term Noxious Weed Management plan is required;
 19. A Long-Term Noxious Weed Management Plan has been approved;
 20. Elk Water Users Association has confirmed they have the capacity to provide water for irrigation. Their responsibility ends when irrigation water is provided to the high point on the parcel;
 21. Montana-Dakota Utilities has existing service available for proposed Lot 1 and provided 2 options to providing proposed Lot 2 with service;
 22. Northwest Rural Water District has no comment as the application proposed on-site wells for domestic water;
 23. Wyoming Game & Fish have no wildlife or aquatic resources concerns/comments on this development, other than deer attracted to subdivisions;
 24. Park County Treasurer's Office confirmed the property taxes are paid current on this property;
 25. Powell Clark's Fork Conservation District has submitted a soils report;
 26. No response has been received from Park County Public Works;
 27. No public comments have been received;
 28. Application submission requirements for sketch plan have been met;
 29. A pre-application meeting was held on September 17, 2020;
 30. Both proposed lots will have direct access from County Road 5;
 31. No roads are proposed as a part of this subdivision;
 32. Solid waste disposal services are available from private service providers;
 33. No hazardous features are known to exist on the property;
 34. The Park County Small Wastewater Administrator reviewed subsurface evaluation data collected by the applicant and determined that nonconventional small wastewater systems may be required should this subdivision be approved and lots developed;
 35. A water quality analysis of a neighboring well has been submitted;
 36. Results from the water quality analysis find the water safe for coliform and nitrogen (Nitrate+Nitrite as N). Those results also found Total Dissolved Solids levels above the maximum containment level of 500 mg/L;
 37. The proposed subdivision lots meet lot size requirements;
 38. The subdivision lots meet all design and improvement standards;
 39. The subdivision is not within an Airport Overlay District or Flood Overlay District;
 40. The subdivision is within an Agricultural Overlay District; however, it is not expected to impact neighboring agricultural operations; and
 41. No open spaces, natural areas, schools or parks are proposed or required.

WHEREAS, the Planning & Zoning Commission concludes the proposed subdivision is generally consistent with the goals and policies of the Park County Land Use Plan and is consistent with the standards and procedures of the 2015 Park County Development Standards and Regulations;

NOW, THEREFORE, BE IT RESOLVED based on the foregoing, the Planning & Zoning Commission hereby recommends approval of the sketch plan for Harshman SS-268, subject to the following conditions:

1. The applicant shall provide all easements as requested by applicable utilities and special districts, irrigation districts or public agencies providing services. The width of any utility easement shall be sufficient to allow adequate maintenance of the system, but in no case shall such utility easement be less than 20 feet in width. Easements must be identified on the final plat;
2. The applicant shall provide to the Planning and Zoning Department a response from the Park County Public Works prior to Final Plat review by the Board of County Commissioners;
3. A note on the final plat shall indicate the possibility of seasonally high groundwater and nonconventional septic systems may be required;
4. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991 (W.S. §11-44-101); and
5. The applicant shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306.


ADOPTED by the Park County Planning & Zoning Commission this 17th day of March, 2021.

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

ATTEST:



Kimberly Brandon-Wintermote, Chair



Jolene Brakke, Secretary



Park County Planning & Zoning Department

1002 Sheridan Avenue, Suite #109

Cody, Wyoming

(307) 527-8540

PARK COUNTY PLANNING & ZONING COMMISSION

Meeting **1:00 P.M., Wednesday, March 17, 2021** in the

Emergency Operations Center (EOC) in the basement of the Public Works Building at 1131 11th Street, Cody, WY. (PLEASE NOTE UPDATED LOCATION)

This is a regular meeting of the Park County Planning & Zoning Commission open to the public. For more information please contact the Park County Planning & Zoning Department at 527-8540, 754-8540, or 1-800-786-2844.

APPROVAL OF MINUTES

Approve minutes from February 17, 2021 meeting.

CONSENT AGENDA

Harshman SS-268

Big Sky Sunrise SS-271

REGULAR AGENDA

PUBLIC HEARING CONT. – Buck Creek Estates Major Sketch Plan

PUBLIC HEARING CONT. – Southfork Mountain Retreat SUP-215

PUBLIC HEARING – Bighorn Estates MS-47 Sketch Plan

PUBLIC HEARING – North End Acres Major Sketch Plan

OTHER BUSINESS

1. Regulation Amendment Update
2. Chair's Report
3. Planning Director's Report

ADJOURN

PLEASE SIGN IN

PLANNING and ZONING COMMISSION

REGULAR MEETING

March 17, 2021

		Buck Creek Estates Major Sketch Plan - Cont.	
		Southfork Mountain Retreat SUP-215 - Cont.	
		Bighorn Estates MS-47 Sketch Plan	
		North End Acres Major Sketch Plan	
	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	Roger EASUM		
2	Scott George	Asst Buck Creek	✓
3	Abby Shuler	Ⓞ Buck Creek	
4	Dennis Beed	Buck Creek	
5	Kelly Spiering	Buck Creek	yes
6	Rebekah Burns		
8	Brian Shumard	Buck Creek	yes
9	London Shumard	Buck Creek	NO
10	William Shumard	Buck Creek	NO
11	Gene Shuler	" "	NO
12	HARRY French	" "	yes
13	Ann Shumard		NO
14	Alex Murphy	Buck Creek	yes
15	Mary Murphy	Buck Creek	no
16	Lyle Erdo	Buck Creek	yes
17	Scott Lewis	Buck Creek	yes
18	BRIAN Dwyck	Buck Creek	yes
19	Stephen Dwyck	Big Sky	NO!
20	Travis Jackson	Buck Creek	
21	Ginny Southwick	Prison.	yes
22	Mary McKinney	all	
23	NICHOLAS HUNTER		IF NEEDED
24	Will Cramer	W-Cramer	no
25			
26			
27			
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29			
30			

PLEASE SIGN IN

**PLANNING and ZONING COMMISSION
REGULAR MEETING
March 17, 2021**

		Buck Creek Estates Major Sketch Plan - Cont.	
		Southfork Mountain Retreat SUP-215 - Cont.	
		Bighorn Estates MS-47 Sketch Plan	
		North End Acres Major Sketch Plan	
	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	KENNY DANIELS	SOUTH FORK MOUNTAIN RETREAT SUP	YES
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