

Planning & Zoning Commission Minutes

May 19, 2021

This is a regular meeting of the Park County Planning & Zoning Commission held at 1:00pm in the EOC Room of the County Courthouse at 1002 Sheridan Ave., Cody, WY.

Commission Members Present:

Kimberly Brandon-Wintermote, Chairman
Duncan Bonine, Vice Chairman
Richard Jones
Marion Morrison

Staff Present:

Joy Hill, Planning Director
Kim Dillivan, Planner II
Patti Umphlett, Planner I
Jenny Cramer, Planning Technician
Jolene Brakke, Office Assistant III (by virtual means)
Brian Edwards, County Engineer (by virtual means)
Ben McDonald, Public Works (by virtual means)
Mary McKinney, Weed and Pest

Chairman Brandon-Wintermote opened the meeting at 1:00pm.

APPROVAL OF MINUTES

Chairman Brandon-Wintermote asked the Commission for comments or changes to the April 21, 2021 meeting minutes. A MOTION was made by Commissioner Jones to approve the minutes; the motion was SECONDED by Commissioner Bonine to approve the minutes as corrected. Motion was carried unanimously.

CONSENT AGENDA

Chairman Brandon-Wintermote introduced the commission members and staff, acknowledged that a public hearing was not required and addressed Consent Agenda qualifications.

Chairman Brandon-Wintermote asked if any member of the Commission wished to remove any of the items or wished to make a statement. Chairman Brandon-Wintermote asked if all the commission members received the staff reports and had time to review the materials as well as having all concerns addressed by the staff.

Pony Trail SS-273: Tye Whitlock requests approval of the application and Sketch Plan for the Pony Trail SS-273. The proposed subdivision is comprised of two lots ranging from approximately 14 acres to 21 acres, designated for residential use. This proposed subdivision is located within a 35.20 acre parcel described as all of Lot 38-W and the north 708.91 feet of Lot 38-K, Lot 38, T55N, R99W of the 6th P.M., Park County, Wyoming, in a General Rural Powell (GR-P) zoning district.

Commissioner Morrison made a MOTION TO APPROVE Pony Trail SS-273 Sketch Plan. SECONDED by Commissioner Jones. Commissioner Morrison mentioned that she had communication with staff about a road maintenance agreement for Pony Trail, not that it is required, but her recommendation.

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54 Pony Trail SS-273 sketch plan was recommended for approval by Resolution 2021-14 with the
55 following conditions:

- 56
- 57 1. The applicant shall provide all easements as requested by applicable utilities and
58 special districts, irrigation districts or public agencies providing services. The width of
59 any utility easement shall be sufficient to allow adequate maintenance of the system,
60 but in no case shall such utility easement be less than 20 feet in width. Easements
61 must be identified on the final plat;
 - 62 2. A Long-Term Noxious Weed Management Plan must be approved by Park County
63 Weed & Pest prior to final plat review by the Board of County Commissioners;
 - 64 3. The applicant shall comply with the requirements of the Willwood Irrigation District;
 - 65 4. The applicant shall place a note on the final plat indicating that any development in
66 the mapped floodplain requires review by the County Floodplain Administrator and
67 may require a Floodplain Development Permit;
 - 68 5. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of
69 1991;
 - 70 6. The applicant shall include the following statement on the final plat in bold, capital
71 letters: "Seller does not warrant to the purchaser that there any rights to the natural
72 flow of any stream within or adjacent to the proposed subdivision. Wyoming law does
73 not recognize any riparian rights to the continued natural flow of a stream or river for
74 persons living on the banks of the stream or river."; and
 - 75 7. The applicant shall otherwise comply with standards in the Park County
76 Development Regulations and the minimum subdivision requirements as set forth
77 in Wyoming Statute 18-5-306.

78 Due to the fact that a response was received from Public Works, the condition requiring a
79 response was removed.

80
81 See Resolution 2021-14 attached hereto and incorporated herein.
82

83 REGULAR AGENDA

84
85 PUBLIC HEARING CONTINUED – Bighorn Estates MS-47 Sketch Plan: Tod Polson requests
86 approval of the application and Sketch Plan for the Bighorn Estates Minor Subdivision (MS-47)
87 (Applicant: Tod Polson). The proposed subdivision is comprised of three lots; one 1.82-acre lot,
88 one 7.28-acre lot and one 28.3-acre lot, each designated for residential and/or agricultural use.
89 The proposed subdivision is located in Lot 50-J and Lot 50-O, Resurvey, T55N, R99W of the 6th
90 P.M., Park County, Wyoming, in a General Rural Powell (GR-P) zoning district, with an address
91 of 850 Lane 11 ½.

92
93 Chairman Brandon-Wintermote reviewed the rules of a public meeting and continued the public
94 hearing at 1:07pm.
95

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96 Acting Chairman Brandon-Wintermote asked if any member of the Commission had any
97 comments. There being no comments from Commission members, Acting Chairman Brandon-
98 Wintermote asked if Staff had any updates.

- 99
- Kim Dillivan provided a brief history of hearings. He indicated that the latest sketch plan showed three lots and noted changes that were made from the sketch plan prior. Staff has received subsurface evaluation information. Items still outstanding include a title report and irrigation information on the sketch plan.
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104 Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.

- 105
- Chairman Brandon-Wintermote asked if an agreement from NWRD has been provided. Staff indicated it had not.
 - Commissioner Morrison asked about the location of the home with regard to the lot changes. Staff explained the lot adjustment that occurred.
 - Ben McDonald of Public Works said he didn't have anything to add beyond what was in their letter of response.
 - Mary McKinney with Weed and Pest said she has not yet received the Long-Term Noxious Weed Management Plan.
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114 Chairman Brandon-Wintermote asked if the applicant had any questions or comments.

- 115
- Mr. Tod Polson said he is the owner. He said this is an active hay-growing field and each year he buys the chemicals from Weed and Pest.
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118 Chairman Brandon-Wintermote asked if any Commission members had questions for the
119 applicant.

- 120
- Chairman Brandon-Wintermote asked about a title report. Mr. Polson said they were backed up and he will need to double-check.
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123 Chairman Brandon-Wintermote asked if there were comments from any members of the public.
124 There were no comments from those in attendance.

- 125
- Commissioner Morrison asked what the outstanding items are aside from Weed Plan and title report. Chairman Brandon-Wintermote asked the applicant about a water user's agreement. Mr. Polson said things are not finalized. He is waiting for this to go through and he will pay and finish the agreement with the District.
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131 Chairman Brandon-Wintermote mentioned that Ginny Southwick had concerns about irrigation.
132 She asked if Mr. Polson had discussed that with the district. Mr. Polson said nothing needs to be
133 changed. He said Ms. Southwick owns the property on the south. Obviously, there is a
134 coordination problem with several users. Chairman Brandon-Wintermote indicated that it doesn't
135 appear that the requirements of the irrigation district have been addressed on the sketch plan.
136 Mr. Polson said the property is sprinkler irrigated and there are well-draining soils. He put in an
137 irrigation well to irrigate separately from the district. There is a pipeline buried across both lots.
138 Mr. Polson indicated that [domestic water] taps are reserved for him until completion/construction,
139 or up to 24 months. He hit shale at 15 feet when he tried to drill a well and it went to considerable
140 depth.

- 141
- Chairman Brandon-Wintermote proposed that condition #3 be revised to state that no agreement has been provided and water quality analysis may be required.
 - Finding z, comments and recommendations have been received from the irrigation district.
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- Add a condition that the applicant shall provide a copy of the water agreement with NWRD for the taps to provide domestic water to the subdivision or, in the absence of said agreement, the applicant shall provide evidence that water quality analysis has been conducted.
 - Change finding *m* to show that NWRD is proposed, but no water agreement has been provided.
 - Finding *ee* should be changed to show that SWW requirements have been met.
 - Finding *ff* should be stricken as all requirements pertaining to domestic water have not been met.

155 Commissioner Morrison made a MOTION to close the hearing at 1:30pm; SECONDED by
156 Commissioner Bonine. The motion was carried unanimously.

157

158 Chairman Brandon-Wintermote asked Commission members if they had any discussion.

159

- Commissioner Bonine asked about condition #4 since comments have been received from
160 the irrigation district and no water distribution plan has been submitted. The Planning Director
161 indicated that staff would send the latest sketch plan to the District.

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163 Commissioner Bonine made a MOTION to approve Bighorn Estates MS-47 by Resolution 2021-
164 15 based on the findings presented and including the following conditions:

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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 a current Title Report to the Planning & Zoning Department prior to Sketch Plan review by the Board of County Commissioners;
 3. A revised Sketch Plan showing all irrigation facilities, including waste ditches and unground drains, must be submitted to the Planning & Zoning Department prior to Sketch Plan review by the Board of County Commissioners;
 4. Applicant shall provide a water distribution plan to Shoshone Irrigation District and comments and recommendations from the District shall be received prior to Sketch Plan review by the Board of County Commissioners;
 5. Prior to Sketch Plan review by the Board, the applicant shall provide to the Planning and Zoning Department a copy of the water user agreement for domestic water taps to be provided by NWRD, or in the absence of said agreement, the applicant shall provide evidence that a water quality analysis was conducted;
 6. The applicant shall provide an approved Long Term Noxious Weed Management Plan to the Planning & Zoning Department prior to final plat review by the Board of County Commissioners; and
 7. The applicant shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth

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187 in Wyoming Statute 18-5-306.

188 The motion was SECONDED by Commissioner Jones. The motion carried. See Resolution 2021-
189 15 attached hereto and incorporated herein. Commissioner Morrison would like to highlight that
190 regulations require all lighting to be down shielded. All in favor. Motion carried.

191
192 **PUBLIC HEARING – Wapiti Red Barn Kiosk Addition SUP-217:** Fred & Manda Siebert request
193 approval of the application for Wapiti Red Barn Kiosk Addition SUP-217. The project proposes a
194 Highway Commercial Use to operate a food kiosk/truck. The proposed use will be located on a
195 1.62-acre parcel located approximately 20 miles west of Cody, with an address of 2924 North
196 Fork Highway. The parcel is described as Green Creek Subdivision, Lot 6, T52N, R105W of the
197 6th P.M., Park County, Wyoming in a General Rural 5-Acre (GR-5) zoning district.

198
199 Chairman Brandon-Wintermote reviewed the rules of a public meeting and opened the public
200 hearing at 1:38pm.

201
202 There being no comments from Commission members, Kim Dillivan, Planner II, presented the
203 Staff Report. Kim indicated that Public Works had provided comments, mostly related to parking
204 and access.

205
206 Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.

- 207 • Commissioner Morrison asked if the applicant indicated this is a seasonal or year-round
208 use in the application. Kim Dillivan indicated it does not appear to be listed in the staff
209 report. Chairman Brandon-Wintermote indicated that the application states it would
210 operate from Memorial Day to Labor Day. Commissioner Morrison asked if, in the past,
211 has the County approved the use of chemical toilets for an ongoing use.
- 212 • Commissioner Morrison asked how we will know they will be outside of the highway right-
213 of-way. Staff indicated that the concrete pad is located outside of the right-of-way.
- 214 • Commissioner Jones mentioned some existing portable toilets on the site. There appears
215 to be a fifth wheel located nearby that appears to possibly be occupied (electric connected,
216 near septic). Could there be hazards with those temporary type hook-ups. He recalls a
217 discussion about the nearby campground down the road that had mentioned use of the
218 restroom facilities at Red Barn. Staff indicated that it is unknown whether the RV is
219 connected or occupied. Also unsure of the use of the portable toilets.
- 220 • Commissioner Morrison said when they heard the application for the campground to the
221 east, there was a request to use chemical toilets there that was denied.
- 222 • Brian Edwards, Public Works, said they don't have much to add beyond what was already
223 stated. It appears there is adequate parking; but, noted concern about high-profile vehicles
224 blocking visibility and will there be adequate space for them. Chairman Brandon-
225 Wintermote indicated she has similar concerns about parking. Commissioner Morrison
226 said she shares similar concerns about parking for RVs. Commissioner Jones said he saw
227 several rigs parked there simultaneously, with surprising amounts of space to do so.
- 228 • Mary McKinney, Weed and Pest, had no further comments. It is an area that she monitors
229 quite heavy due to proximity with public lands, including that specific location.

230
231 Chairman Brandon-Wintermote asked if the applicant had any questions or comments.

- 232 • Manda Siebert, owner, stated that she has since shut down the public restroom due to the
233 public being not courteous in their use of the restroom. They do provide two portable
234 potties and have gone up to at least three so the public is not using their backyard. As of
235 right now, there is no public restroom. Chairman Brandon-Wintermote asked where they
236 propose to dispose of the graywater. Manda said at this time she does not have a kiosk

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237 or food truck to purchase. They can have graywater hauled off. They get an annual permit
238 from Buffalo Bill State Park to dump if they go camping and they can go down there.

- 239 • Manda said the RVs on site are their personal RVs.

240
241 Chairman Brandon-Wintermote asked if any Commission members had questions for the
242 applicant.

- 243 • Commissioner Jones asked if the kiosk/food truck would be there at all times. Fred Siebert
244 said the kiosk would be permanent, but for seasonal use.
- 245 • Commissioner Morrison asked about employees and if those listed are specific to the kiosk
246 or if they are general to the site. Manda said the resident employees are her family
247 members (2 owners) and then 3 additional, non-resident/off-site employees.

248
249 Chairman Brandon-Wintermote asked if there were comments from any members of the public.

- 250 - Philip Campbell said his head is starting to hurt. They have been in business for over 50
251 years. What they are proposing is adding up to almost no impact. He said it feels like we
252 have a bunch of bureaucrats here that want to limit business. He doesn't think they will
253 add a lot more business. As far as bathroom use, he feels it will be minimum. We could
254 come up with all kinds of what-ifs. We need to cut planning and zoning budgets in half.
- 255 - Marjorie Tallen indicated she lives close to the red barn. Addressing the bathroom issue,
256 it is usually the owner that has to clean the mess. She understands not wanting it on the
257 premises when the public doesn't always respect bathroom usage. The use of chemical
258 toilets could be serviced and not put a burden on the Red Barn.
- 259 - Manda Siebert mentioned the campground. At the meeting with the County
260 Commissioners, they were aware of the chemical toilet use at the Red Barn and were in
261 favor of them having them.
- 262 - Mary McKinney added that, every year for several decades, the applicants and owners
263 have graciously allowed Weed and Pest to host a North Fork Spray Day there. You can fit
264 quite a few people in that location.

265
266 Commissioner Morrison mentioned that DEQ said the system is undersized. For this to go forward
267 there would need to be positive review or reparations made. The Planning Director indicated that
268 DEQ wanted co-review due to the use being a combination of commercial and residential. The
269 system was originally designed for residential use, not commercial use. The applicant has now
270 indicated that they are not using the system for commercial use so, DEQ will be notified of that.
271 The issue now is the usage of chemical toilets; should they be allowed and, if so, how many
272 should be allowed. It is her suggestion that if chemical toilets are allowed, they be enumerated in
273 the special use permit as has been done with other permits in the past.

274
275 Commissioner Jones said the use of chemical toilets is usually allowed on a temporary basis.

276
277 Manda said the restroom in the store is closed when the chemical toilets are on the site, but it is
278 open in the winter; the use is maybe 20 people per day on a busy day. Not all those use the
279 restroom. Commissioner Jones added that if we condition somehow that the indoor restroom
280 facility will not be used for the public during the season of kiosk use, and will only be used for
281 winter use, the issue of the septic system may go off the table. Then the use of chemical toilets
282 in the summer season would take care of the concerns.

283
284 Chairman Brandon-Wintermote asked if there should be a minimum number of chemical toilets.

285

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286 Commissioner Morrison asked that there be a condition that graywater be disposed of off-site.
287 The Planning Director added that it should be considered that no inputs are allowed to the septic
288 system through the cleanout.

289
290 Chairman Brandon-Wintermote asked if they are required to get DEQ review. Staff will notify DEQ
291 of the applicant's statement about closing the public restroom to see if co-review is still needed.
292

293 Discussion about conditions and findings.

- 294 - Change finding 29 to show that graywater will be disposed of off-site.
- 295 - Add finding that the applicant states that the restroom in the convenience store is closed
296 to the public from Memorial Day to Labor Day.
- 297 - Finding 2, the applicant proposes to use up to 4 chemical toilets on the property to serve
298 public needs.
- 299 - Finding 24 a response has been provided.

300
301 Commissioner Bonine made a MOTION to close the hearing at 2:41pm; SECONDED by
302 Commissioner Jones. The motion was carried unanimously.
303

304 Commissioner Morrison made a MOTION to approve the Wapiti Red Barn Kiosk by Resolution
305 2021-16 based upon the findings presented and including the following conditions:

- 306 1. The applicant shall provide evidence of favorable review from the Wyoming
307 Department of Environmental Quality prior to the application being reviewed by the
308 Board of County Commissioners, if DEQ review is deemed necessary;
- 309 2. The applicant shall comply with the requirements of the Wyoming Department of
310 Transportation;
- 311 3. The applicant shall comply with the requirements of the Wyoming Department of
312 Agriculture;
- 313 4. There shall be no new inputs introduced to the existing septic system;
- 314 5. The indoor restroom will not be available for public use and the applicant shall be
315 allowed up to four (4) chemical toilets on the property during the operation of the kiosk;
- 316 6. The applicant shall otherwise comply with standards in the Park County Development
317 Standards and Regulations.

318
319 The motion was SECONDED by Commissioner Jones. The motion carried. See Resolution 2021-
320 16 attached hereto and incorporated herein.

321
322 **PUBLIC HEARING – Country Roads MS-51 Sketch Plan:** Jason and Jamie Bunker request
323 approval of the application and Sketch Plan for the Country Roads Minor Subdivision (MS-51).
324 The proposed subdivision is comprised of three lots; two 5-acre lots and one 6.84-acre lot, each
325 designated for residential use. The proposed subdivision is located approximately 4.25 miles
326 southwest of Powell, at 1310 Road 19 in Lots 10 & 11, Sec. 1, T54N, R101W of the 6th P.M., Park
327 County, Wyoming, in a General Rural Powell (GR-P) zoning district.

328
329 Chairman Brandon-Wintermote reviewed the rules of a public meeting and opened the public
330 hearing at 2:51pm.
331

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

334
335 Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.

- 336 • Brian Edwards, Public Works, said they don't have any substantial comments or concerns.
337 Low volume use. Not requiring anything else.
- 338 • Mary McKinney with Weed and Pest said during her inspection the land was in good ag
339 production. With the split, it is planned to be family members building. They did discuss
340 the Canada Thistle problem and they are required by State Statute to control the weed.
341 There will be no need for a weed plan. She will stop by occasionally to make sure
342 mitigation is an ongoing process to control the noxious species.

343
344 Chairman Brandon-Wintermote asked if the applicant had any questions or comments.

345
346 Chairman Brandon-Wintermote asked if any Commission members had questions for the
347 applicant.

- 348 • Chairman Brandon-Wintermote asked about the frozen water sample. Jamie Bunker,
349 applicant, indicated that she has results from a second test and will send them to staff.
- 350 • Commissioner Morrison mentioned that, if this goes forward, there is a rule regarding
351 down shielding lighting.

352
353 Chairman Brandon-Wintermote asked if there were comments from any members of the public.

- 354 • Jim Ownbey, neighbor to the east, asked if there are to be separate entrances for each
355 lot. The applicant said yes. There will only be one added – there are already two.
- 356 • Mr. Ownbey asked about irrigation being sorted out. Mr. Bunker said they haven't worked
357 it out yet aside from the sprinkler being required. Chairman Brandon-Wintermote added
358 that there is an approved irrigation plan
- 359 • Mr. Ownbey asked if there are any USACE field drains buried on the property. He said the
360 irrigation district may know about them. He added that it can cause problems. Mr. Bunker
361 said he wasn't aware of any on the property; he thought they were on the adjacent
362 property.
- 363 • Mr. Ownbey is concerned about high groundwater in the area.
- 364 • Mr. Ownbey asked if there will be any covenants for the three separate lots. The applicant
365 indicated there would be no covenants.
- 366 • Mr. Ownbey asked if there is an easement across the property for Shumard to the west.
367 The applicant showed on the sketch plan where there is a 30-foot easement for utilities.
- 368 • Chairman Brandon-Wintermote asked for clarification on the easements. There is a 30-
369 foot easement on the south side and then there is a 30-foot easement to the headgate on
370 the south side.
- 371 • Paul Blough has property just south of this, part of Randy Smith's property. His main
372 concern is that there should be protective covenants to protect values of adjacent
373 properties. Right now, there will be relatives, but you never know what subsequent owners
374 may put on the property.
- 375 • Mel Parker, at 1347 Road 20, one mile north. There is a huge irrigation line that crosses
376 his lower field and it may be close to running through the subdivision. It likely ends up
377 somewhere through there. There is a manhole just west of Road 20 on Rod Morrison's
378 property and from there it goes nearly northeast across his farmland.
- 379 • Jan Parker asked about the perc tests done for septic. She said they have standing water
380 down in this area all the time. It may not perc as well during the irrigation season. They
381 have had to redo their septic system.

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- Jan Parker also asked about the easement related to her fence. Ms. Bunker said they are planning to run ditches around the property.
 - Commissioner Morrison said it sounds like there is a concern about high groundwater and wanted to know if depth to groundwater should be required during irrigation season. Staff typically makes that recommendation; however, it is not required. Commissioner Morrison then asked if there should be something placed on the final plat that above ground systems may be required.
 - Commissioner Morrison wanted to ask Public Works about the first access to the north; is it an acceptable distance from the 90-degree turn? Brian Edwards said he did some rough measuring and it is about 300 feet. With low speed and sight distance, they do not have concerns.

394 Commissioner Morrison made a MOTION to close the hearing at 3:20pm; SECONDED by
395 Commissioner Jones. The motion was carried unanimously.
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- Finding #28 – “No” should be changed to “a”
 - Add a condition that the applicant shall revisit HMID to inquire about the location of any underground drains on the property and if anything is found it shall be shown on the sketch plan and final plat.
 - Add a note on the final plat indicating that nearby agricultural practices may cause shallow groundwater conditions in the area. Shallow groundwater conditions may lead to the requirement for engineered small wastewater systems.
 - Add a condition that the applicant shall comply with the County Road and Bridge Standards.
 - Add a condition that all wells shall be comply with the requirements of the Wyoming State Engineer’s Office.
 - Finding #35, removed everything after “have been met.”
 - Commissioner Morrison asked to add a finding that public comments from neighbors reveal concerns that there is seasonal high groundwater in the area.

412 Commissioner Bonine made a MOTION to approve Country Roads MS-51 Sketch Plan by
413 Resolution 2021-17 based upon the findings presented and including the following conditions:

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1. The applicants 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 applicants shall comply with the Park County Road and Bridge Standards;
 3. The applicants shall provide the results from a water analysis for Total Coliform prior to sketch plan review by the Board of County Commissioners;
 4. The applicants shall provide a soils report from the Powell-Clarks Fork Conservation District prior to final plat review by the Board of County

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- 426 Commissioners;
- 427 5. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch
428 Act of 1991;
- 429 6. The applicant shall have Heart Mountain Irrigation District review the property
430 to determine if any underground drains exist on the property and have the
431 locations shown on the sketch plan prior to Board of County Commissioners
432 review;
- 433 7. The applicant shall place a note on the plat regarding the potential for high
434 groundwater in the area due to nearby agricultural practices;
- 435 8. The applicant shall place a note on the plat regarding the requirement for
436 wells on the property to be permitted according to the requirements of the
437 State Engineer's Office; and
- 438 9. The applicant shall otherwise comply with standards in the Park County
439 Development Regulations and the minimum subdivision requirements as
440 set forth in Wyoming Statute 18-5-306.

441
442 The motion was SECONDED by Commissioner Jones. The motion carried. See Resolution 2021-
443 17 attached hereto and incorporated herein.
444

445 **PUBLIC HEARING – Kisgen MS-52 Sketch Plan:** Mark Kisgen requests approval of the
446 application and sketch plan for the Kisgen Minor subdivision (MS-52). The proposed subdivision
447 is comprised of two lots, each approximately 20 acres and designated for residential use. The
448 proposed subdivision is located approximately 23 miles northwest of Powell in the Clark Planning
449 Area, at 168 Road 8VE in the NW1/4SE1/4, Sec. 11, Resurvey, T57N, R102W of the 6th P.M.,
450 Park County, Wyoming, in a General Rural 20-Acre (GR-20) zoning district.
451

452 Chairman Brandon-Wintermote reviewed the rules of a public meeting and opened the public
453 hearing at 3:38pm. Commissioner Bonine disclosed that in 2018 he assisted the buyer in
454 obtaining the property. He only represented him in the purchase of the property.
455

456 Kim Dillivan, Planner II, presented the Staff Report.
457

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

- 459 • Commissioner Morrison asked where the person who wrote the letter lives in regard to the
460 subdivision. Staff was unsure. She is across the street to the east according to Chairman
461 Brandon-Wintermote.
- 462 • Commissioner Morrison asked about no response from the fire district. Staff indicated that
463 their response is important; if they do not provide protection then a note is required on the
464 plat.
- 465 • Ben McDonald, Public Works, had no additional comments beyond the letter sent.
- 466 • Mary McKinney, Weed and Pest, said the weeds in the area continue to get worse and so
467 the weed plan is required.

468
469 Chairman Brandon-Wintermote asked if the applicant had any questions or comments.

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- 470 • Nick Hummel, Engineering Associates, represents the applicant. The applicant plans to
471 work on the weed plan. Regarding the fire district; he hunted down someone with the
472 district and will have a response soon.
473

474 Chairman Brandon-Wintermote asked if any Commission members had questions for the
475 applicant.

- 476 • Commissioner Morrison asked about the existing address and wondered which lot it
477 pertains to – Lot 1.
478

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

- 480 • Brenda Gettinger said her main concern was the access points because she resides on
481 private Antelope Trail. She assumes that the accesses proposed will not change, so her
482 concern is addressed.
483

484 Discussion about conditions and findings.

- 485 • Commissioner Morrison asked to combine findings 26 and 31.
486 • Finding 40, change an to any.
487 • Finding 28, one public comment has been received.
488 • Finding 11, the majority of the property is currently vacant...
489 • Add a condition for the wells shall be permitted according to SEO.
490 • Add a condition regarding the requirement for a response from the fire district.
491

492 Commissioner Morrison wanted to add a reminder that all exterior lighting shall be down shielded
493 per County regulations.
494

495 Commissioner Jones made a MOTION to close the hearing at 3:58pm; SECONDED by
496 Commissioner Bonine. The motion was carried unanimously.
497

498 Commissioner Morrison made a MOTION to approve Kisgen MS-52 Sketch Plan by Resolution
499 2021-18 based upon the findings presented and including the following conditions:

- 500 1. The applicant shall provide all easements as requested by applicable utilities and
501 special districts, irrigation districts or public agencies providing services. The width of
502 any utility easement shall be sufficient to allow adequate maintenance of the system,
503 but in no case shall such utility easement be less than 20 feet in width. Easements
504 must be identified on the final plat;
- 505 2. The applicant shall provide an approved Long-Term Noxious Weed Management
506 Plan to the Planning and Zoning Department prior to final plat review;
- 507 3. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of
508 1991;
- 509 4. The applicant shall provide a response from the Clark Fire District prior to final plat
510 review;
- 511 5. The applicant shall place a note on the final plat indicating that wells must be
512 permitted according to the requirements of the Wyoming State Engineer's Office; and
- 513 6. The applicant shall otherwise comply with standards in the Park County
514 Development Regulations and the minimum subdivision requirements as set forth

Planning & Zoning Commission Minutes

May 19, 2021

515 in Wyoming Statute 18-5-306.

516
517 The motion was SECONDED by Commissioner Bonine. The motion carried. See Resolution
518 2021-18 attached hereto and incorporated herein.

519
520 Chairman Brandon-Wintermote delivered the Chair's report.

521
522 The Planning Director delivered a report for the Planning and Zoning Department.

523
524 There being no other business, a MOTION was made by Commissioner Jones to adjourn the
525 meeting at 4:33pm. The motion was seconded by Commissioner Bonine. All in favor.

526
527 Respectfully submitted,

528
529 
530 _____
Jolene Brakke, Secretary

**RESOLUTION 2021-14
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
PONY TRAIL SIMPLE SUBDIVISION-273 (SS-273) SKETCH PLAN**

WHEREAS, Tye and Jayme Whitlock propose to create two lots (one 14.67-acre lot and one 20.34-acre lot) from an existing 35.01-acre parcel for residential use. The subdivision is located 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 meeting on May 19, 2021 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision Permit Application, including payment, was received from Tye and Jayme Whitlock on March 10, 2021;
2. The applicants propose to create a two lots consisting of one 14.67-acre lot and one 20.34-acre lot from an existing 35-acre parcel for residential use;
3. Applicable regulations are the *Park County Wyoming 2015 Development Standards and Regulations*, adopted September 15, 2015;
4. The subdivision classification meets the standards of a simple subdivision;
5. Ownership is affirmed by Warranty Deed dated June 4, 2002 (Document # 2002-4201) to Tye H. Whitlock and Jayme R. Whitlock, husband and wife as tenants by the entirety from Delfino Juarez and Celedina Juarez, husband and wife;
6. A parcel of land located in Lot 38-K and Lots 38-W of Lot 38, T.55N., R.99W., of the 6th P.M., Park County, Wyoming;
7. The proposed subdivision is located approximately 2.66 miles south of the City of Powell, at the terminus of Pony Trail and approximately 0.4 miles north of State Highway 295;
8. The property is located in a GR-P zoning district, and in the Powell planning area;
9. Surrounding land uses are residential, residential vacant and agricultural;
10. The proposed subdivision is not within a mile of any municipality;
11. All public notice requirements have been met, including Notice of Intent to

Subdivide;

12. All agency referral requirements have been met;
13. Park County Fire Protection District #1 can provide fire protection to the proposed subdivision;
14. Park County School District #1 has bus service available to serve this subdivision;
15. Powell-Clark's Fork Conservation District provided a soils report;
16. USPS has confirmed mail delivery is available to this proposed subdivision;
17. Montana Dakota Utilities states they have the capabilities of serving this development from the gas main located in the right of way of Pony Trail;
18. Northwest Rural Water District stated they have no comment as the applicant is proposing to use wells for domestic water;
19. The Park County Treasurer's office confirmed the property taxes are paid current on this property;
20. The Willwood Irrigation District requested the applicant create an easement and assign a Water Master;
21. The Willwood Irrigation District indicated they are satisfied with the irrigation water distribution plan;
22. Wyoming Game & Fish Department stated they have no specific concerns with this proposed subdivision;
23. Rocky Mountain Power will be able to provide residential service to the available lots with their existing facilities;
24. Park County Weed & Pest stated a Long-Term Noxious Weed Management plan is required;
25. A Long-Term Noxious Weed Management plan has not been submitted;
26. A response has been received from Park County Public Works;
27. No response has been received from TCT;
28. No public comments have been received;
29. A pre-application meeting was held on May 13, 2020;
30. Application submission requirements for sketch plan have been met;
31. No roads are proposed as a part of this subdivision;
32. Access to both lots will be directly from Pony Trail Road;
33. All wastewater requirements pertaining to sketch plan review have been met;
34. All domestic water requirements pertaining to sketch plan review have been met;
35. Agricultural impacts have been sufficiently addressed;

36. Water right requirements pertaining to sketch plan review have been met;
37. The proposed subdivision lots meet lot size requirements;
38. The northernmost portion of proposed Lots 1 and 2 are located within an floodplain overlay district;
39. The Planning Director/Floodplain Administrator recommends that either the area designated as floodplain on the property be designated as open space or a note be placed on the final plat indicating that any development in the mapped floodplain requires review by the County floodplain administrator and may require a Floodplain Development Permit;
40. Impacts on the natural terrain are not expected to be significant;
41. Hazardous conditions are known to exist on the property, including somewhat shallow groundwater, steep slopes and areas subject to landslide;
42. The Shoshone River passes through the northernmost portion of the subdivision lots; and
43. 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 Pony Trail SS-273, 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 Long-Term Noxious Weed Management Plan must be approved by Park County Weed & Pest prior to final plat review by the Board of County Commissioners;
3. The applicant shall comply with the requirements of the Willwood Irrigation District;
4. The applicant shall place a note on the final plat indicating that any development in the mapped floodplain requires review by the County floodplain administrator and may require a Floodplain Development Permit;
5. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991;

6. The applicant shall include the following statement on the final plat in bold, capital letters: "Seller does not warrant to the purchaser that there any rights to the natural flow of any stream within or adjacent to the proposed subdivision. 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."; and
7. 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 19th day of May, 2021.

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

ATTEST:



Kimberly Brandon-Wintermote, Chairman



Jolene Brakke, Secretary

**RESOLUTION 2021 - 15
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
BIGHORN ESTATES MINOR SUBDIVISION-47 (MS-47) SKETCH PLAN**

WHEREAS, Tod Polson proposes to create a three-lot minor subdivision consisting of one 2.03-acre lot, one 7.28-acre lot, and one 28.09-acre lot for residential use in a General Rural Powell (GR-P) zoning district;

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

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

WHEREAS, the Planning & Zoning Commission held a duly noticed public hearing on March 17, 2021 to consider the sketch plan application, which was continued to April 21, 2021. With no additional information received from the applicant prior to April 21, 2021, the Commission continued this public hearing a second time, to May 19, 2021, at which time the Commission reviewed the application and made findings as follows:

- a. A subdivision application, including payment, was received on February 10, 2021;
- b. The applicant intends to create a 3-lot minor subdivision;
- c. This subdivision meets the requirements for the classification of Minor Subdivision;
- d. Ownership is affirmed by a Warranty Deed (dated May 23, 2017, Doc. # 2017-2418) to Tod E. Polson and Aida R. Polson, husband and wife, from Virginia R. Southwick, Trustee of the Virginia R. Southwick 2009 Revocable Living Trust dated September 25, 2009;
- e. The legal description is a portion of land located in that part of Farm Unit "G", according to the Farm Unit Plat described as follows: All of Lot 50-J and part of Lot 50-O;
- f. The proposed subdivision is located approximately 1.8 miles south of the City of Powell, approximately 0.5 miles east of State Highway 295, and south of County Lane 11H;
- g. Applicable Regulations for this development are the Park County Wyoming 2015 Development Standards and Regulations adopted September 15, 2015 ("Regulations");
- h. The lots are configured to conform to the GR-P zoning district where they are

located;

- i. Neighboring land uses surrounding this parcel of land are a mixture of residential, residential vacant land and agricultural. There is a commercial use bordering the northwest corner of proposed Lot 1. This commercial use is a mobile home park;
- j. This property is primarily flat irrigated land. There is a residence and 3 outbuildings located on the north end of proposed Lot 1. Proposed Lot 2 is vacant, irrigated land. Proposed Lot 3 has a residence located along County Lane 11H;
- k. This property is not located within one mile of a municipality; therefore, municipal review is not required;
- l. All notice requirements have been met;
- m. Domestic water from Northwest Rural Water District is proposed, but no water agreement has been submitted;
- n. Park County Fire District #1 is able to provide fire protection;
- o. Garland Light & Power has electricity adjacent to each lot and has the capacity to provide electrical service to this proposed 3-lot subdivision;
- p. Park County School District #1 was notified and responded that school bus service is available;
- q. TCT has the capacity to provide internet and VOIP phone service to this location;
- r. The United States Postal Service can provide mail service to this proposed subdivision;
- s. Montana Dakota Utilities has a gas line adjacent to each lot and has the capacity to provide natural gas service to this proposed 3-lot subdivision;
- t. Park County Weed & Pest indicated a Long-Term Noxious Weed Management plan is required;
- u. Powell-Clarks Fork Conservation District has submitted a soils report;
- v. The Park County Treasurer's Office confirmed the property taxes are paid current on this property;
- w. Park County Public Works has submitted an initial review and a formal review;
- x. Wyoming Game & Fish Department have no wildlife concerns on this development;
- y. The applicant has contacted Shoshone Irrigation District and a water distribution plan has been submitted and is being reviewed;
- z. Comments and recommendations have been received from the Shoshone Irrigation District;
- aa. One written public comment has been received;

- bb. A current Title Report has been ordered but not yet received;
- cc. No roads are proposed as a part of this subdivision;
- dd. Solid waste disposal services are available through private providers;
- ee. Wastewater requirements pertaining to sketch plan review have been met;
- ff. Utility requirements pertaining to sketch plan review have been met;
- gg. This subdivision is not located in any Overlay District;
- hh. Agricultural impacts have been sufficiently addressed; and
- ii. There are no apparent or identified hazardous conditions on the lots.

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 Bighorn Estates MS-47, 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 a current Title Report to the Planning & Zoning Department prior to Sketch Plan review by the Board of County Commissioners;
3. A revised Sketch Plan showing all irrigation facilities, including wastewater ditches and underground drains, must be submitted to the Planning & Zoning Department prior to Sketch Plan review by the Board of County Commissioners;
4. Applicant shall provide a water distribution plan to Shoshone Irrigation District and comments and recommendations from the District shall be received prior to Sketch Plan review by the Board of County Commissioners;
5. Prior to Sketch Plan review by the Board, the applicant shall provide to the Planning and Zoning Department a copy of the water user agreement for domestic water taps to be provided by NWRD, or in the absence of said agreement, the applicant shall provide evidence that a water quality analysis was conducted;
6. The applicant shall provide an approved Long Term Noxious Weed

Management Plan to the Planning & Zoning Department prior to final plat review by the Board of County Commissioners; and

7. 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.

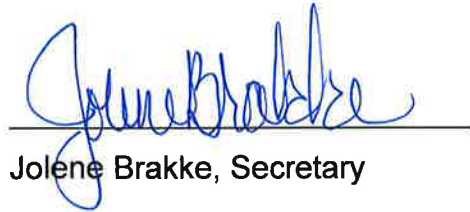
ADOPTED by the Park County Planning & Zoning Commission this 19th day of May, 2021.

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

ATTEST:



Kimberly Brandon-Wintermote, Chair



Jolene Brakke, Secretary

RESOLUTION 2021 – 16
PARK COUNTY PLANNING & ZONING COMMISSION

TITLE: RECOMMEND APPROVAL OF WAPITI RED BARN KIOSK ADDITION
SPECIAL USE PERMIT-217 (SUP-217)

WHEREAS, Fred and Manda Siebert submitted a Special Use Permit Application requesting permission to allow expansion of a pre-existing special use by the addition of a food kiosk/food truck to use for the sale of soft ice-cream, snow cones, snack foods, hotdogs, sandwiches, and possibly coffee. Hours of operation are proposed to be Monday through Sunday, 9:00 a.m. to 8:00 p.m. The kiosk/food truck will be placed on an existing 16' x 12' cement pad. The total number of workers employed by the business is 2 full-time resident employees and 3 part-time resident employees. The applicant proposes to provide 2 to 3 portable chemical toilets for use by the public;

WHEREAS, this project is defined by Park County as a Highway commercial business. A Highway commercial business is defined as a business that provides a substantial portion of its goods and services to tourists and travelers, including motels, hotels, restaurants, gift shops, automobile service stations, gasoline filling stations, and truck stops;

WHEREAS, the application and supporting documents are in substantial compliance with Park County Development Standards and Regulations pertaining to special use permits;

WHEREAS, the applicant submitted a statement on how compatibility can be achieved as required for a Special Use Permit – the proposed use will result in minimal noise and visual impacts, and is consistent with surrounding uses in this area, and adequate services and infrastructure are available, or will be made available, to serve the use;

WHEREAS, the Planning & Zoning Commission held a duly noticed public hearing on May 19, 2021, to consider the Special Use Permit application and made findings as follows:

1. A Special Use Permit Application, including payment, was received from Fred and Manda Siebert on March 11, 2021;
2. The applicants propose to expand an existing nonconforming unpermitted business by the addition of a food kiosk/food truck to use for the sale of soft ice-cream, snow cones, snack foods, hotdogs, sandwiches and possibly coffee. Hours of operation are proposed to Monday through Sunday, 9:00 a.m. to 8:00 p.m. The kiosk/food truck will be placed on an existing 16' x 12' cement pad. The total number of workers employed by the business is 2 full-time resident employees and 3 part-time resident employees. The applicants propose to provide 2 - 3 portable chemical toilets for use by the public;

3. The use is classified as a Highway Commercial Business, which is allowable in the GR-5 zoning district provided a Special Use Permit is approved;
4. Presently, the Red Barn Convenience Store and fueling station operates as a pre-existing special use;
5. Ownership is affirmed by Quitclaim Deed dated December 14, 1990, to Chester F. Lenik, Jr. from Victoria M. Lenik, recorded in Book 187 at Page 851;
6. The proposed use is located on Lot 6 of Green Creek Subdivision, located within Sections 21, 22, 27 and 29, T.52N., R105W., 6th P.M., Park County, Wyoming, approximately 20.0 miles west of the City of Cody and approximately 2.0 miles east of the Shoshone National Forest Border. The site address is 2924 Highway 14-16-20;
7. Applicable regulations are Park County Wyoming 2015 Development Standards and Regulations adopted September 15, 2015;
8. Neighboring land uses are a mixture of residential, residential vacant, commercial vacant and agricultural;
9. The site for the proposed expansion is located on Lot 6, Green Creek Subdivision next to an existing convenience store and fueling station;
10. The proposed use is not within a mile of a municipality;
11. All public notice requirements have been met;
12. All agency referral requirements have been met;
13. The applicants state that negative impacts from this use to the neighborhood/general area will be minimal;
14. Setback requirements are met;
15. No covenants exist or are proposed on this property;
16. No outdoor lighting is proposed for this use;
17. There are no known nonconformities on the property;
18. No nuisances have been reported at this location;
19. Wyoming Game & Fish responded they have no concerns with this project;
20. Wyoming Department of Agriculture stated that the applicants must complete a Food Plan Review Packet and apply for a Food License;
21. Park County Weed & Pest stated a Long-Term Noxious Weed Management Plan is not required;
22. Park County Treasure stated property taxes on this property are paid in full;
23. Legal access exists from Highway 14-16-20. WYDOT stated their only concern would be that the applicants provide ample parking to prevent backup onto the highway and that they keep any parking 20 feet away from the ROW line;
24. A response has been received from Park County Public Works;

25. No public comments have been received;
26. Domestic water (for cooking and cleaning) is proposed for this use;
27. The property is not located within an irrigation district;
28. Parking regulations do apply to this use and the proposed parking areas appear to be sufficient;
29. Grey water will be disposed of off-site;
30. Electricity will be provided by Rocky Mountain Power;
31. No signs are proposed;
32. Solid waste will be disposed of according to County regulations;
33. In an email dated May 10, 2021, the Wyoming Department of Environmental Quality (DEQ) indicated that the existing septic system appears to be undersized and, at a minimum, there should be joint review with DEQ [on this proposed use];
34. Site Plan Review is required for Highway Commercial Businesses; however, the use is exempt from this requirement because construction will not include new buildings exceeding 5,000 sq. ft. of floor area, and new development of the land does not exceed one acre in size;
35. This property is not located in any overlay district; and
36. The applicant states that the restroom in the convenience store is closed to the public from Memorial Day to Labor Day.

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

WHEREAS, the Planning & Zoning Commission concludes the following:

1. The use is in harmony and compatible with surrounding land uses and with the neighborhood and will not create a substantial adverse impact on adjacent properties with conditions;
2. Adequate services and infrastructure are available to serve the use, or adequate services and infrastructure will be provided;
3. The use complies with all specific criteria stated in these regulations for the use;
4. The use complies with additional requirements of overlay districts, if applicable.

NOW, THEREFORE, BE IT RESOLVED having heard and weighed the evidence, the Planning & Zoning Commission hereby recommends approval of the special use permit for the Wapiti Red Barn Kiosk Addition Special Use Permit-217, subject to the following conditions:

1. The applicant shall provide evidence of favorable review from the Wyoming Department of Environmental Quality prior to the application being reviewed by the Board of County Commissioners, if DEQ review is deemed necessary;
2. The applicant shall comply with the requirements of the Wyoming Department of Transportation;
3. The applicant shall comply with the requirements of the Wyoming Department of Agriculture;
4. There shall be no new inputs introduced to the existing septic system;
5. The indoor restroom will not be available for public use and the applicant shall be allowed up to four (4) chemical toilets on the property during the operation of the kiosk; and
6. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

ADOPTED by the Planning & Zoning Commission this 19th day of May, 2021.

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

ATTEST:



Kimberly Brandon-Wintermote, Vice Chairman



Jolene Brakke, Secretary

**RESOLUTION 2021 - 17
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
COUNTRY ROADS MINOR SUBDIVISION-51 (MS-51) SKETCH PLAN**

WHEREAS, Jason and Jamie Bunker request approval of a three-lot subdivision comprised of two 5.0-acre lots and one 6.84-acre lot, all for residential use. The property area is approximately 16.84 acres.

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

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

WHEREAS, the Planning & Zoning Commission held a duly noticed public hearing on May 19, 2021 to consider the sketch plan application and made findings as follows:

1. A Minor Subdivision Application, including payment, was received from Jason and Jamie Bunker on March 30, 2021;
2. The applicants intend to create a 3-lot subdivision comprised of two 5.0-acre lots and one 6.84-acre lot, all for residential use;
3. The property is approximately 16.84 acres;
4. Applicable Regulations for this development are the *Park County Wyoming 2015 Development Standards and Regulations* adopted September 15, 2015;
5. This subdivision meets the requirements for the classification of Minor Subdivision;
6. Ownership is affirmed by a Warranty Deed (dated November 24, 2020, Doc. # 2020-7876) to Jason Bunker and Jamie Bunker;
7. The legal description is a portion of land located in Tract 7 of Lot 69, T.54N., R100W., 6th P.M., Park County, Wyoming according to the Government Resurvey;
8. The proposed subdivision is located approximately 5.0 miles southwest of Ralston and approximately 2.6 miles northwest of U.S. Highway 14A, on the west side of County Road 19;
9. The lots are configured to conform to the GR-P zoning district where they are located;
10. Neighboring land uses are primarily agricultural with some residential and residential vacant property nearby;

11. Three subdivisions are located within a half-mile of the property;
12. The property is relatively level and primarily vacant irrigated land;
13. A new residence exists on proposed Lot 3;
14. This property is not located within one mile of a municipality; therefore, municipal review is not required;
15. All public notice requirements have been met;
16. All agency referral requirements have been met;
17. Park County Fire District #1 is able to provide fire protection;
18. Park County School District #1 was notified and responded that school bus service is available;
19. TCT has terrestrial wireless service available in this area and can provide internet and VOIP phone service to this location;
20. The United States Postal Service can provide mail service to this proposed subdivision;
21. Garland Light & Power has electricity adjacent to each lot and has the capacity to provide electrical service to this proposed 3-lot subdivision;
22. Park County Weed & Pest indicated a Long-Term Noxious Weed Management plan is not required;
23. Black Hills Energy has natural gas adjacent to each lot and has the capacity to provide service to this proposed 3-lot subdivision;
24. Heart Mountain Irrigation District indicated that they reviewed and approved a water rights distribution plan;
25. The Park County Treasurer's Office stated that no taxes are due for the property;
26. Wyoming Game & Fish Department stated they have no specific concerns with this proposed subdivision; however, the cumulative impacts of all recent subdivisions within Park County will likely have adverse impacts to mule deer populations in the future;
27. Powell-Clarks Fork Conservation District has been contacted but has not yet submitted a soils report;
28. A response has been received from Park County Public Works;
29. No public comments have been received;
30. A pre-application meeting was held on December 2, 2020;
31. Application submission requirements for sketch plan have been met;
32. Access to all lots will be directly from County Road 19;
33. No roads are proposed as a part of this subdivision;

34. Solid waste disposal services are available through private providers;
35. Wastewater requirements pertaining to sketch plan review have been met;
36. Domestic water requirements pertaining to sketch plan review have been met, except an analysis for Total Coliform has not yet been conducted;
37. Agricultural impacts have been sufficiently addressed;
38. All water rights requirements pertaining to sketch plan review have been met;
39. Utility requirements pertaining to sketch plan review have been met;
40. No roads or common facilities are proposed;
41. This proposed subdivision is located in an Agricultural Overlay District and impacts have been sufficiently addressed;
42. No known landslides, rockfalls or other hazardous features are known to exist on the property;
43. No portion of the property is in the mapped special flood hazard area;
44. No open spaces, natural areas, schools or parks are proposed or require; and
45. Public comments from neighbors reveal concerns that there is seasonal high groundwater in the area.

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 Country Roads Minor Subdivision-51 (MS-51), subject to the following conditions:

1. The applicants 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 applicants shall comply with the Park County Road and Bridge Standards;
3. The applicants shall provide the results from a water analysis for Total Coliform prior to sketch plan review by the Board of County Commissioners;
4. The applicants shall provide a soils report from the Powell-Clarks Fork Conservation District prior to final plat review by the Board of County Commissioners;

5. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991;
6. The applicant shall have Heart Mountain Irrigation District review the property to determine if any underground drains exist on the property and have the locations shown on the sketch plan prior to Board of County Commissioners review;
7. The applicant shall place a note of the final plat regarding the potential for high groundwater in the area due to nearby agricultural practices;
8. The applicant shall place a note on the final plat regarding the requirement for wells on the property to be permitted according to the requirements of the State Engineer's Office; and
9. 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 19th day of May, 2021.

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

ATTEST:



Kimberly Brandon-Wintermote, Chair



Jolene Brakke, Secretary

**RESOLUTION 2021 - 18
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
KISGEN MINOR SUBDIVISION-52 (MS-52) SKETCH PLAN**

WHEREAS, Mark Kisgen seeks approval to create a two-lot minor subdivision consisting of two approximately 20-acre lots for residential use.

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

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

WHEREAS, the Planning & Zoning Commission held a duly noticed public hearing on May 19, 2021 to consider the sketch plan application and made findings as follows:

1. A Minor Subdivision Application, including payment, was received on April 6, 2021;
2. The applicant requests approval of a two-lot minor subdivision;
3. This subdivision meets the requirements for a classification as a Minor Subdivision;
4. Ownership is affirmed by Warranty Deed (dated October 7, 2018, Doc. #2018-5225) to Mark D. Kisgen, sole owner, from Delores R. Reichert and Robin D. Hoyle, as joint tenants with rights of survivorship;
5. The legal description is SW1/4SE1/4 of Section 11, T. 57N., R.102W., 6th P.M., Park County, Wyoming, according to the records of the County Clerk and Recorder of Park County, State of Wyoming;
6. The proposed subdivision is located in the area known as Clark, Wyoming, and south of County Road 8VE, and west of County Road 8WC;
7. The parcel of land has an address of 168 Road 8VE;
8. Applicable Regulations for this development are the Park County Wyoming 2015 Development Standards and Regulations adopted September 15, 2015 ("Regulations");
9. The lot sizes as proposed are consistent with the GR-20 zoning district where they are located;
10. Neighboring land uses are primarily residential and residential vacant land on the north, west and south property boundary. The east subdivision boundary borders agricultural uses;

11. The majority of the parcel is currently vacant unirrigated land. The topography of the property is relatively flat;
12. This property is not located within one mile of any municipality; therefore, municipal review is not required;
13. All notice requirements have been met;
14. Agency referral requirements have been met;
15. Because of the presence of noxious weeds, Park County Weed & Pest indicated a Long-Term Noxious Weed Management plan is required;
16. A Long-Term Noxious Weed Management plan has not been submitted and approved;
17. Park County Fire District #2 responded with a request to contact the Clark Fire District #4;
18. No response has been received from Clark Fire District #4;
19. USPS has confirmed mail delivery is available to this proposed subdivision;
20. Beartooth Electric has the capability to supply new electrical service at this location;
21. Natural gas is not available in this area;
22. Park County School District #1 has bus service available to serve this subdivision;
23. Powell-Clark's Fork Conservation District has submitted a soils report for the property;
24. The Park County Treasurer has stated there are no taxes owed on this parcel;
25. Wyoming Game & Fish Department stated they have no specific concerns with this subdivision; however, the cumulative impacts of all of the recent subdivisions within Park County will begin to have adverse impacts to mule deer populations in the future;
26. Park County Public Works stated the proposed parcel has legal access from County Roads 8VE and 8WC;
27. TCT does not have any service available in this area and will be unable to provide internet or phone service;
28. One public comment has been received;
29. A pre-application meeting was held on January 28, 2021;
30. Application submission requirements for sketch plan have been met;
31. No road is proposed for this subdivision;
32. Wastewater requirements pertaining to sketch plan review have been met and conventional septic systems will likely be sufficient to serve the subdivision based upon subsurface evaluation information provided by the

- applicant;
33. All domestic water requirements pertaining to sketch plan review have been met;
 34. A well water sample was collected from a well located at 168 County Road 8VE. The analysis indicates the water sample meets the Safe Drinking Water Act (SDWA) requirements;
 35. Agricultural impacts have been sufficiently addressed;
 36. Water rights requirements pertaining to sketch plan review have been met;
 37. Utility requirements pertaining to sketch plan review have been met;
 38. The proposed subdivision lots meet lot size requirements;
 39. The subdivision is not within any Overlay District;
 40. Impacts on the natural terrain are not expected to be significant;
 41. No hazardous features are known to exist on the property; and
 42. 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 Kisgen Minor Subdivision-52 (MS-52), 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 an approved Long-Term Noxious Weed Management Plan to the Planning and Zoning Department prior to final plat review;
3. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991;
4. The applicant shall provided a response from the Clark Fire District prior to final plat review;
5. The applicant shall place a note on the final plat indicating that wells must be permitted according the the requirements of the Wyoming State Engineer's

Office; and

6. 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 19th day of May, 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, May 19, 2021** in the Alternate Emergency Operating Center (EOC Room), basement of the Courthouse Addition
1002 Sheridan Ave. Cody, WY.

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

APPROVAL OF MINUTES

Approve minutes from April 21, 2021 meeting.

CONSENT AGENDA

[Pony Trail SS-273](#)

REGULAR AGENDA

[PUBLIC HEARING CONT. – Bighorn Estates MS-47 Sketch Plan](#)

[PUBLIC HEARING – Wapiti Red Barn SUP-217](#)

[PUBLIC HEARING – Country Roads MS-51 Sketch Plan](#)

[PUBLIC HEARING – Kisgen MS-52 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 May 19, 2021

		Bighorn Estates MS-47 Sketch Plan - Cont.	
		Wapiti Red Barn Kiosk Addition SUP-217	
		Country Roads MS-51 Sketch Plan	
		Kisgen MS-52 Sketch Plan	
	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	MEL PARKER	✓ RD 19 PLAN	
2	JAN PARKER	✓ RD 19 PLAN	
3	Brenda Gettinger	Kisgen MS-52 Sketch Plan	Maybe
4	PHILIP CAMPBELL	WAPITI RED BARN	PROBABLY
5	Diane Stewart-Dunbey	Rd 19 Plan	
6	Jason + Jamie Bunker	Country Road Sub	
8	Suzie Tripp	322 Stagecoach Trail	NO
9	Maynard Hallen	Red Barn Wapiti	?
10	Manda + Fred Siebert	Red Barn	Possibly
11	Jim Dunbey	✓ Country Road Sub	
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PLEASE SIGN IN
PLANNING and ZONING COMMISSION
REGULAR MEETING
May 19, 2021

		Bighorn Estates MS-47 Sketch Plan - Cont.	
		Wapiti Red Barn Kiosk Addition SUP-217	
		Country Roads MS-51 Sketch Plan	
		Kisgen MS-52 Sketch Plan	
	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	Mary McKinney	any/all	✓
2	POD POLSON	BIGHORN ESTATES	✓
3	Paul Blouy	Country Roads MS	✓
4	NICHOLAS HÄMMEL	KISGEN MS	IF NEEDED
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