

## Planning & Zoning Commission Minutes

July 21, 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  
Eugene Spiering  
Richard Jones  
Marion Morrison

### Staff Present:

Joy Hill, Planning Director  
Kim Dillivan, Planner II  
Patti Umphlett, Planner I  
Brian Edwards, County Engineer

Chairman Brandon-Wintermote opened the meeting at 1:00 pm. and introduced the commission members and staff.

### APPROVAL OF MINUTES

Chairman Brandon-Wintermote asked the Commission for comments or changes to the June 16, 2021 meeting minutes. A MOTION was made by Commissioner Bonine to approve the minutes; the motion was SECONDED by Commissioner Morrison to approve the minutes as corrected. Motion was carried unanimously.

### CONSENT AGENDA

Chairman Brandon-Wintermote 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.

**Grace SS-276 Sketch Plan:** Grace Incorporated requests approval of the application and Sketch Plan for the Grace SS-276. The proposed subdivision is comprised of 2 lots, each containing 2.51-acres +/- for residential use. This proposed subdivision is located in Lot 50-T, Lot 50 (SWNE, Original Section 2), T54N, R100W of the 6<sup>th</sup> P.M., Park County, Wyoming with an address of 1491 Lane 14 in a General Rural-Powell (GR-P) zoning district.

Commissioner Bonine made a MOTION TO APPROVE Grace SS-276 Sketch Plan under the consent agenda. SECONDED by Commissioner Jones.

Grace SS-276 Sketch Plan was recommended for approval by Resolution 2021-25 with 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,

## Planning & Zoning Commission Minutes

July 21, 2021

55 but in no case shall such utility easement be less than 20 feet in width. Easements  
56 must be identified on the final plat;

57 2. The applicant shall provide to the Planning & Zoning Department a review and  
58 recommendations from the Park County Weed & Pest prior to final plat review by the  
59 Board of County Commissioners;

60 3. The applicant shall include an access easement across proposed Lot 2 for the benefit  
61 of proposed Lot 1 on the final plat prior to final plat review by the Board of County  
62 Commissioners;

63 4. The applicant shall provide to the Planning & Zoning Department a Shared Road  
64 Maintenance Agreement prior to final plat review by the Board of County  
65 Commissioners; and

66 5. The applicant shall otherwise comply with standards in the Park County  
67 Development Regulations and the minimum subdivision requirements as set forth  
68 in Wyoming Statute 18-5-306.

69  
70 See Resolution 2021-25 attached hereto and incorporated herein.

### 71 72 REGULAR AGENDA

73  
74 **PUBLIC HEARING – Blue Sage MS-54 Sketch Plan:** Jon and Gael Carter request approval of  
75 the application and sketch plan for the Blue Sage Minor Subdivision (MS-54). The proposed  
76 subdivision is comprised of three residential lots; one 6.5-acre lot, one 6.26-acre lot and one 5.56-  
77 acre lot out of an approximately 107-acre lot. The proposed subdivision is located in the  
78 SE1/4SW1/4 of Section 9, T55N, R101W of the 6<sup>th</sup> P.M., Park County, Wyoming, immediately  
79 west of the intersection of Lane 9 and Road 22½, in a General Rural Powell (GR-P) zoning district.

80  
81 Chairman Brandon-Wintermote reviewed the rules of a public meeting and opened the public  
82 hearing at 1:07pm.

83  
84 There being no comments from Commission members, Kim Dillivan, Planner II, presented the  
85 Staff Report.

86  
87 Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.

- 88 • Commissioner Morrison sought clarification about access to the subdivision.
- 89 • Commissioner Bonine asked staff to address this minor subdivision in combination with  
90 Golden Willow (also on the agenda) and it seems there could be six lots created out of a  
91 tract of record. The Planning Director explained that this had been discussed at length  
92 and originally it was determined that one of the subdivisions would be a major. However,  
93 the regulations refer to existing platted lots. These lots are not existing or platted at this  
94 time of review, and may not be, unless approved. These lots are also not contiguous.  
95 Therefore, the decision was made that these are two minor subdivisions running  
96 concurrently.
- 97 • Commissioner Morrison asked if Lots 2 and 3 touched only by a corner, would they be  
98 considered contiguous. Staff indicated that they would.
- 99 • Brian Edwards, Public Works, had no additional comments.

100  
101 Chairman Brandon-Wintermote asked if the applicant had any questions or comments.

## Planning & Zoning Commission Minutes

July 21, 2021

- 102 • Mr. Jon Carter, landowner, said they are dividing three parcels off of their property. He  
103 questioned the requirement of stubbing natural gas to Lot 3, as he had proposed to put a  
104 1,000-gallon propane tank for the owner. The Planning Director addressed the  
105 requirement for gas to be stubbed to each lot line because gas is available within 400 feet  
106 of the subdivision. Should Mr. Carter wish for permission to not extend a gas line to Lot 3,  
107 he may apply for a variance from the Board of Commissioners. Approval is not guaranteed  
108 however, the variance can be run concurrently with the subdivision application.  
109

110 Chairman Brandon-Wintermote asked if any Commission members had questions for the  
111 applicant.

- 112 • Commissioner Morrison asked about favorable access review. She would like to know  
113 where the applicant is planning to bring access into each lot. Mr. Carter stated there would  
114 be access between Lot 2 and Lot 1 of the Carter Simple Subdivision.  
115 • Chairman Brandon-Wintermote asked if lots 1 & 2 would have a shared driveway. Mr.  
116 Carter indicated that he has a condition in the covenants for a large culvert for wastewater  
117 to avoid blockages and believes that the lot owners would prefer separate driveways.  
118 Chairman Brandon-Wintermote said she likes to see those types of details on how wide  
119 and how deep for driveways since people tend to argue about such things.  
120

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

- 122 • Steve Follweiler addressed some of the concerns about access. He stated that the entire  
123 40-foot access is included in Lot 2.  
124 • Mr. Jesse Fowler is an adjoining neighbor. He questioned Lane 9 and Road 22. He said it  
125 is currently all dirt, heavily traveled and has significant wash boards. We are not able to  
126 handle much more on that road. He has heard there is talk of oiling it, but it is really getting  
127 bad. Mr. Carter confirmed that the condition of the road is poor, saying that FedEx and  
128 UPS say those are the worst roads they drive on. Brian Edwards, County Engineer, said  
129 there are so many county roads to keep up with and limited resources and equipment.  
130 They have been applying for grant money from the State each year. He said they do not  
131 have anything planned for the coming year. Often wash-boarding results from people  
132 driving too fast, but they hope to get it treated with magnesium chloride to help it last  
133 longer.  
134 • Mr. Anthony Firkins, a neighbor, said he is also concerned about extra traffic on the road,  
135 16 vehicles per day, he is not sure the road can handle it without the addition of concrete  
136 or asphalt. With the east side being Alkali Creek, the back end of trucks coming around,  
137 he sees it as a safety problem. If we add more vehicles, how much faster will the road  
138 degrade.  
139 • Commissioner Morrison added that County regulations include a rule that exterior lighting  
140 be downshielded and she recommends that it be included in any covenants that might  
141 exist.  
142

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

144 Commissioner Morrison asked for brief discussion.

- 145 - Change finding 29 to reflect that public comment was received.  
146 - Change condition #3. Discussion about HMID fee requirements. Mr. Carter is subject to  
147 fees due to the district. He indicated that the water plan has been approved, but the  
148 payment of the fees he is resistant to at this time. Steve Follweiler said HMID has all the  
149 new fees on their website as of July 1, 2021. He started the process much earlier. The  
150 Commission agreed to leave Condition #3 since there is time to resolve it before final plat.

## Planning & Zoning Commission Minutes

July 21, 2021

151  
152 Commissioner Bonine made a MOTION to close the hearing at 1:45pm; SECONDED by  
153 Commissioner Jones. The motion was carried unanimously.

154  
155 Commissioner Morrison made a MOTION to approve Blue Sage MS-54 Sketch Plan by  
156 Resolution 2021-26 based on the findings presented, with the comment that she is concerned  
157 about the break-up of ag land, and including the following conditions:

- 158
- 159 1. The applicants shall provide all easements as requested by applicable utilities and  
160 special districts, irrigation districts or public agencies providing services. The width of  
161 any utility easement shall be sufficient to allow adequate maintenance of the system,  
162 but in no case shall such utility easement be less than 20 feet in width. Easements  
163 must be identified on the final plat;
  - 164 2. The applicants shall provide an approved Long-Term Noxious Weed Management  
165 Plan to the Planning and Zoning Department prior to final plat review by the Board of  
166 County Commissioners;
  - 167 3. The applicants shall provide a review and recommendations from the Irrigation  
168 District regarding an approved water distribution plan to the Planning and Zoning  
169 Department prior to final plat review by the Board of County Commissioners;
  - 170 4. Natural gas must be made adjacent to proposed Lot 3 prior to final plat review and a  
171 Subdivision Improvements Agreement may be required;
  - 172 5. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of  
173 1991; and
  - 174 6. The applicants shall otherwise comply with standards in the Park County  
175 Development Regulations and the minimum subdivision requirements as set forth  
176 in Wyoming Statute 18-5-306.

177 The motion was SECONDED by Commissioner Jones. The motion carried. See Resolution  
178 2021-26 attached hereto and incorporated herein.

179  
180 **PUBLIC HEARING – Golden Willow MS-57 Sketch Plan:** Jon and Gael Carter request approval  
181 of the application and sketch plan for the Golden Willow Minor Subdivision (MS-57). The  
182 applicants request to split an approximately 4.27-acre residential lot from their 107-acre property.  
183 The proposed subdivision is located in Lot 5 and Lot 6 of Section 16, T55N, R101W of the 6<sup>th</sup>  
184 P.M., Park County, Wyoming, in a General Rural Powell (GR-P) zoning district, with an address  
185 of 902 Road 22, Powell.

186  
187 Chairman Brandon-Wintermote opened the public hearing at 1:49pm.

188  
189 There being no comments from Commission members, Kim Dillivan, Planner II, presented the  
190 Staff Report. The Planning Director added that it is not typical for perc requirements to be waived  
191 however, the intent of the split is specifically to allow the possibility of transferring the ownership  
192 of the existing business on that parcel. As the infrastructure is existing and there is not the intent  
193 of further development, the exception was made for this particular subdivision.

194  
195 Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.

## Planning & Zoning Commission Minutes

July 21, 2021

- 196 • Commissioner Morrison asked about the floodplain. She wondered if language should be  
197 required on the final plat. Staff indicated that it has been done before.  
198 • Commissioner Morrison asked about Public Works requirement for a permit to  
199 improve/enlarge the existing access.  
200 • Brian Edwards, County Engineer, said he likes that there is an existing 20-foot easement  
201 and they have added 10 feet. His concern is only for adequate easement to address the  
202 remainder parcel, but it will certainly be addressed in the future. The access is adequate  
203 at this time.  
204

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

- 206 • Mr. John Carter, landowner, said as far as the 35-foot irrigation easement in the floodplain,  
207 the 35 foot is HMID easement for the Alkali Creek. They didn't see the value of taking that  
208 land out of the floodplain since there is an easement restricting development anyway.  
209 • Steve Follweiler said they are going to submit a LOMA request to FEMA. They decided to  
210 leave the easement portion in the floodplain but are seeking removal of the rest of the  
211 floodplain. The request has not yet been sent to FEMA. The existing LOMA was just for  
212 the structure. His calculations show that the floodplain will never leave the channel.  
213

214 Chairman Brandon-Wintermote asked if any Commission members had questions for the  
215 applicant.

- 216 • Commissioner Morrison asked to expand the comment from earlier about the floodplain  
217 to show that if a LOMA is granted to remove the floodplain, the note/condition should be  
218 removed. Steve said that there is currently nothing developed in the 50-foot HMID  
219 easement. Commissioner Morrison asked if the shading on the sketch plan indicates how  
220 the floodplain appears now. Steve confirmed that it is and that once the LOMA is approved,  
221 all that will be left as floodplain is the south 35 feet.  
222

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

224 There were no comments from those in attendance.  
225

226  
227 Chairman Brandon-Wintermote asked Commission members if they had any discussion.  
228 Commissioner Morrison asked for discussion.

- 229 - She said finding #29 should show that public comment was received.  
230 - Add a condition that a note be added to the plat regarding floodplain development permit  
231 requirements or a LOMA (see staff report for wording).  
232

233 Commissioner Jones made a MOTION to close the hearing at 2:14pm; SECONDED by  
234 Commissioner Bonine. The motion was carried unanimously.  
235

236 Commissioner Bonine made a MOTION to approve Golden Willow MS-57 Sketch Plan by  
237 Resolution 2021-27 based upon the findings presented and including the following conditions:  
238

- 239 1. The applicant shall provide all easements as requested by applicable utilities and special  
240 districts, irrigation districts or public agencies providing services. The width of any utility  
241 easement shall be sufficient to allow adequate maintenance of the system, but in no case  
242 shall such utility easement be less than 20 feet in width. Easements must be identified  
243 on the final plat;  
244 2. The applicant shall provide an approved Long-Term Noxious Weed Management Plan

## Planning & Zoning Commission Minutes

July 21, 2021

245 to the Planning and Zoning Department prior to final plat review by the Board of County  
246 Commissioners;

247 3. The applicant shall provide a review and recommendations from the irrigation district  
248 regarding the water distribution plan, to the Planning and Zoning Department prior to final  
249 plat review by the Board of County Commissioners;

250 4. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991;

251 5. The applicant shall place a note on the final plat stating that any development proposed  
252 in the mapped floodplain shall comply with Flood Overlay District Standards;

253 6. The applicant shall otherwise comply with standards in the Park County Development  
254 Regulations and the minimum subdivision requirements as set forth in Wyoming Statute  
255 18-5-306.

256 The motion was SECONDED by Commissioner Morrison. The motion carried. See Resolution  
257 2021-27 attached hereto and incorporated herein.

258 **PUBLIC HEARING – Adaline Estates MS-55 Sketch Plan:** Every Cut Above, Inc. requests  
259 approval of the application and sketch plan for the Adaline Estates Minor Subdivision (MS-55).  
260 The proposed subdivision is comprised of five residential lots (four 2.1-acre lots and one  
261 approximately 28.28-acre lot) located approximately 10 miles northeast of Cody on Park County  
262 Road 20 within Farm Unit A, Section 35, T54N, R101W of the 6<sup>th</sup> P.M., Park County, Wyoming in  
263 a General Rural 5-Acre (GR-5) zoning district.  
264

265  
266 Chairman Brandon-Wintermote opened the public hearing at 2:18pm.

267  
268 There being no comments from Commission members, Kim Dillivan, Planner II, presented the  
269 Staff Report. Additional public comments from people who are not in favor of the subdivision  
270 arrived after the staff report was delivered to the Commission and have been provided to  
271 Commission members.

272  
273 Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.

274 • Commissioner Morrison addressed lot size averaging. She didn't see any notes on the  
275 sketch plan about future development of the parcel. She wondered what the requirements  
276 are for the large remainder parcel and how it could be developed in the future. Kim Dillivan  
277 said that using lot size averaging, the applicant could have created 7 lots. The large parcel  
278 could be subdivided again into three lots, each larger than 1 acre. That would be the extent  
279 of any future subdivision for this property. A note on the final plat would be appropriate to  
280 address the limitations. Kim added that one of the proposed lots could even be split down  
281 to 1 acre.

282 • Brian Edwards, County Engineer, said there had been a misunderstanding on his part so  
283 he spoke with the project surveyor for clarification. He said they have been a bit creative  
284 on the accesses proposed for these lots. Their plan to use the north 40-foot-wide access  
285 to serve Lots 1 and 2 as a shared driveway is adequate for a shared driveway standard.  
286 Their attention on the south side to use the 20-foot wide access easement, to be made  
287 30-foot wide access and utility easement for Lots 3 and 4 as a shared driveway. All lots  
288 would be addressed off of Road 20. They discussed and agreed to moving the SE corner  
289 access to the middle of Lot 5, directly off of the county road. Essentially, there will be 3  
290 accesses to serve the lots, two of which are shared driveways, as long as the southern  
291 one is built to 30-foot wide. He cautions that any further subdivision would not have

## Planning & Zoning Commission Minutes

July 21, 2021

292 adequate easement on the north or south to develop a road to County standards. They  
293 need 60 feet. Neither easement is adequate as-is for future road development.  
294 • Commissioner Morrison asked about the access on the north side as a dashed line into  
295 Lot 4. Does it go all the way along the north boundary to Road 20? Brian said his  
296 understanding is that it does go from Road 20 to Lot 1. The tricky part is that essentially  
297 Lots 4 and 5 could use it, but not as primary access. As long as they have another primary  
298 access, there will not be a 60-foot road requirement.  
299

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

- 301 • Pete DiPilla, applicant's representative, addressed the access items which have changed  
302 since sketch plan submittal. The applicant has agreed to a 60-foot easement to benefit  
303 Lots 1 and 2. Then the driveways to Lots 3 and 4 would expand to 30 feet. Lot 5 will be  
304 accessed directly from the County road.
- 305 • Chairman Brandon-Wintermote asked about the sketch plan and what is the latest. The  
306 sketch plan in the packet is the latest. There will be some modifications to come.
- 307 • Pete addressed existing use of Lots and the applicant's interest in waiting to install utilities  
308 until ag practices are done (post-harvest) and possibly as developed (post plat approval).
- 309 • Pete addressed the water quality. The test was taken from an outside water source. There  
310 could have been contamination in the spigot.
- 311 • Pete said there is an approved water distribution plan coming.

312  
313 Chairman Brandon-Wintermote asked if any Commission members had questions for the  
314 applicant.

- 315 • Chairman Brandon-Wintermote asked if a second water test was done. Pete said it has  
316 not.
- 317 • Chairman Brandon-Wintermote asked if TCT has responded. Pete said CenturyLink is the  
318 provider and he hasn't received a response.
- 319 • Chairman Brandon-Wintermote asked if the conservation district has been contacted for  
320 a soils report. Pete said they have contacted them but haven't received a response.
- 321 • Brian Edwards sought clarification on the 60-foot access. He wanted to know if it would  
322 extend to the west of Lot 3 or further. Pete confirmed that the 60-foot easement will go  
323 across Lot 2 to Lot 1.
- 324 • Commissioner Bonine asked with the applicant's willingness to go to 60 feet of easement,  
325 has he considered naming the access. Pete said there is a lot of cost involved in providing  
326 a road. There is adequate driveway to each lot (as proposed). The owner plans to keep  
327 Lot 1 for himself and he wants to have a dedicated driveway for himself.
- 328 • Justin Joy, applicant, said that he does want to keep Lot 1. He also likes the idea of  
329 keeping it agricultural, he would like to farm it. That front section of field is difficult to irrigate  
330 right now and isn't very conducive to farming anyway. He is also a builder so it is a win-  
331 win for him.  
332

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

- 334 - Angela Whitlock said her basic concern is that every time you add a house you are taking  
335 water from the same place. She said if you own the land for 10 years, you can section any  
336 part of that land off to family. It sets a really bad precedent to allow 2 acre lots where  
337 everyone thinks 5 is the requirement. And listening to others, our public roads are  
338 designed to handle a certain amount of traffic. Maybe the county should make people put  
339 money in a kitty for improvements.
- 340 - Pat Nelson said farm ground is a finite resource. When it is gone, it is gone forever. The  
341 latest study she could find (2018) said land is being lost to subdividing or annexed into

## Planning & Zoning Commission Minutes

July 21, 2021

- 342 cities. Some of the land being lost is the most productive land. The nearby farms have  
343 been homesteaded for generations. She is asking to keep the zoning in GR-5 in place and  
344 insist that his lots be a minimum of 5 acres. That will ensure that some farming is continued  
345 on each lot. Four wells and four septic systems is not compatible in this area. She noted  
346 lot sizes nearby, most are 5 acres or much larger – only one smaller. Allowing more wells  
347 and septic systems will take away water and pollute what is left. Historically, this area has  
348 been used for large-acre farms. She would like to see larger lot sizes instead of grouped,  
349 smaller lots.
- 350 - Charles Smith said he has property to the north. He said they are irrigating the area right  
351 now. There has never been a waste ditch put in. There is a well on Streeter's property real  
352 close to the property line (north of these lots). He feels these septic systems will have a  
353 very negative impact on the well. He is not against five [acres]. He said taxpayer's voices  
354 should be heard.
  - 355 - Eric Barton, to the north, has concerns with drinking water. There are people around him  
356 who could hit water (for a well) and some that couldn't. He is very concerned about the  
357 loss of water availability and poor water quality due to septic systems. He is downhill from  
358 this development and things flow downhill.
  - 359 - Marge Buchholz owns the farm across from the proposed subdivision. It is in active  
360 farming and she hopes it stays that way for a long time. She is very concerned with the  
361 proposed averaging of lots down to 2 acres and possible one acre lots in the future. She  
362 feels it seems that it is proposed for further subdivision. It is frightening what is happening  
363 in the County right now. She shares the concerns of the fellow neighbors.
  - 364 - Commissioner Jones, looking at a map of the area, asked if most of the productive ag now  
365 in flood irrigation or pivots? Those in attendance said there are some pivots, possibly 50/50  
366 pivots/flood irrigation. The people with larger farms who can afford it can put in pivots. One  
367 thing that concerns Commissioner Jones is that the tendency is for flood irrigation to  
368 recharge the wells. Changing to pivot irrigation can impact the water depth, dropping it  
369 considerably.
  - 370 - Marge Buchholz said that the fees for HMID are a good thing and she would like to see  
371 them be more. It is a deterrent.
  - 372 - George Whitlock asked if there is a way to require efficient watering like pivot, etc.  
373 Chairman Brandon-Wintermote said that the districts determine how the land needs to be  
374 irrigated.
  - 375 - Marge Buchholz added that flood irrigation was done for years. With all the houses going  
376 in, there is concern about the future of water. The need for water for ag is critical. Irrigation  
377 is expensive and a lot of work. For future use of water, people are being driven to be taken  
378 out of flood irrigation.
  - 379 - Justin Joy said he is hearing contradictory statements about not wanting subdivision,  
380 wanting larger lots. Impacts on water. It's all hypothetical. If people don't want to see  
381 certain types of development, they should buy the land themselves to prevent  
382 development. He is trying to appease the neighbors and also have a place to build. He  
383 said construction is a big staple just like farming is.
  - 384 - Commissioner Jones mentioned the concept of lot size averaging. He understands that  
385 part of that process was to preserve larger parcels of land either for aesthetics or for  
386 agricultural purposes.
  - 387 - The Planning Director added that for emergency response and utilities, it is advantageous  
388 to have density. Also, the larger lots at times have land that is not maintained, where if  
389 there are smaller lots with a larger parcel retained, there is a better chance of it being  
390 maintained agriculturally.
  - 391 - Patti Umphlett addressed family exemptions; how they are not allowed in platted  
392 subdivisions.



## Planning & Zoning Commission Minutes

July 21, 2021

- 393 - Eric Barton addressed the comment on the large parcel being allowed to be split again.  
394 - Pat Nelson wondered if Justin had gone with two four-acre lots instead, it would be more  
395 palatable to the neighbors. Adding four lots and four septic systems and wells is  
396 unfathomable.  
397 - Justin Joy said he did some research on the Map Server. About 3,300 feet away from his  
398 subdivision is the subdivision on Calvert Lane (done in the 1970s). About 4,000 feet away  
399 is another subdivision with small lots.  
400 - George Whitlock asked for clarification on re-subdividing land. Chairman Brandon-  
401 Wintermote added that it can be done but it will require a major subdivision. The maximum  
402 number of lots he can have is 7 lots, none being less than 1 acre.  
403 - Justin Joy said it is really expensive to subdivide the large back lot. He'd have to build a  
404 paved road. He has no interest in subdividing the other lots and he plans to put in the  
405 covenants that the other lots cannot be subdivided further.  
406

407 Commissioner Morrison made a MOTION to close the hearing at 3:23pm; SECONDED by  
408 Commissioner Jones. The motion was carried unanimously.  
409

410 Chairman Brandon-Wintermote asked Commission members if they had any discussion.  
411 Commissioner Morrison asked for discussion.

- 412 - Commissioner Morrison said the intent of lot size averaging is to preserve open space and  
413 ag land. What the applicant is doing is precisely what this is designed to do. If he wanted  
414 to do a major subdivision and break it into seven lots, he could, but it would be very  
415 expensive. As far as the water situation, she shares their concerns. There is a 23-lot  
416 subdivision going in on some very nice ag land. She called DEQ because it has to go  
417 through DEQ review. We all say the same thing about well issues. She doesn't know the  
418 answer, but we need to be communicating with DEQ and pressing the commissioners to  
419 get the water district to get more taps. We need to treat this area like the high desert it is.  
420 She added that she encourages down-shielded lights.  
421 - Condition #4 – change to CenturyLink  
422 - Condition #5 – the applicant shall provide a Long-Tern Noxious Weed Management Plan  
423 - Change finding #25 to show CenturyLink  
424 - Change finding #26 to a response has been received  
425 - Condition regarding language to go on the final plat addressing lot size averaging and  
426 requirements for future re-subdivision.  
427

428 Commissioner Jones made a MOTION to approve Adaline Estates MS-55 Sketch Plan by  
429 Resolution 2021-28 based upon the findings presented and including the following conditions:  
430

- 431 1. The applicant shall provide all easements as requested by applicable utilities and  
432 special districts, irrigation districts or public agencies providing services. The width of  
433 any utility easement shall be sufficient to allow adequate maintenance of the system,  
434 but in no case shall such utility easement be less than 20 feet in width. Easements  
435 must be identified on the final plat;
- 436 2. The applicant shall comply with the recommendations from the Park County Public  
437 Works;
- 438 3. The applicant shall provide water analysis results revealing safe drinking water  
439 quality prior to final plat review by the Board of County Commissioners or a note shall

## Planning & Zoning Commission Minutes

July 21, 2021

- 440 be placed on the plat stating that a water test analysis was conducted and revealed  
441 the presence of Coliform;
- 442 4. The applicant shall provide a response from CenturyLink to the Planning and Zoning  
443 Department prior to sketch plan review by the Board of County Commissioners;
- 444 5. The applicant shall provide a Long-Term Noxious Weed Management Plan prior to  
445 sketch plan review by the Board of County Commissioners;
- 446 6. The applicant shall provide a soils report from the Powell-Clarks Fork Conservation  
447 District prior to final plat review by the Board of County Commissioners;
- 448 7. The applicant shall provide a review and recommendations from Heart Mountain  
449 Irrigation District regarding a water distribution plan to the Planning and Zoning  
450 Department prior to final plat review by the Board of County Commissioners;
- 451 8. The applicant shall submit to the Planning and Zoning Department a draft Subdivision  
452 Improvements Agreement prior to final plat review by the Board of County  
453 Commissioners and shall not commence the physical layout or construction of the  
454 subdivision prior to Board approval;
- 455 9. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of  
456 1991;
- 457 10. The applicant shall state the following on the final plat: "Lot size averaging was  
458 utilized to create these lot sizes. Future re-subdivision of any of these lots shall  
459 conform to subdivision regulations in place at the time of the proposal."; and
- 460 11. The applicant shall otherwise comply with standards in the Park County  
461 Development Regulations and the minimum subdivision requirements as set forth  
462 in Wyoming Statute 18-5-306.

463  
464 The motion was SECONDED by Commissioner Bonine. The motion carried. See Resolution  
465 2021-28 attached hereto and incorporated herein.

466  
467 **PUBLIC HEARING – Mountain Construction SUP-219:** Four F's, LLC requests approval of the  
468 application for Mountain Construction SUP-219. The applicant is proposing a Major Commercial  
469 Business use for an approximately 28,760-square foot equipment maintenance shop with office  
470 space and separate vehicle/equipment storage. The proposed use is located on a portion of an  
471 18.98-acre parcel located approximately ¼ mile North/Northeast of Road 8 on the South side of  
472 Highway 14A, within Lot 68, T55N, R99W of the 6<sup>th</sup> P.M., Park County, Wyoming, in a Transitional  
473 (T) zoning district.

474  
475 Chairman Brandon-Wintermote opened the public hearing at 3:46pm.

476  
477 There being no comments from Commission members, Kim Dillivan, Planner II, presented the  
478 Staff Report.

479  
480 Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.

- 481 • Chairman Brandon-Wintermote asked for clarification on the runoff and erosion control  
482 plan submittal. Kim said it has been submitted and forwarded on to Public Works.
- 483 • Brian Edwards, County Engineer, disclosed that Park County does do quite a bit of  
484 business with Mountain Construction – they provide a lot of quality/quantity road materials.  
485 We have a good business relationship with them. On the drainage and erosion control

## Planning & Zoning Commission Minutes

July 21, 2021

486 plan, they have reviewed it and he will provide a letter to the applicant and Planning and  
487 Zoning. His comments are only administrative in nature. As far as technically, they have  
488 a design that will result in no net increase in runoff. Provisions for erosion control are in  
489 place. Regarding access, they would like the primary access for any heavy traffic to be off  
490 of Lane 9 and not Hastings Horseshoe. The County Road is better equipped to handle  
491 that kind of traffic. That road does get a lot of traffic, a mixture of types. It is a primary  
492 arterial route coming in and out of Powell. They have made some provisions regarding  
493 access in, it will be paved, which will help with tracking materials on and off the road. As  
494 for geotechnical, it is a recommendation, but with a large impact structure such as this  
495 there have been issues with structures like this blowing over or sinking. With people  
496 coming in and out it would be best for a geotechnical review to be done and a structural  
497 analysis. They already have an engineer on board and having professional engineer  
498 involvement is in their best interest.

- 499
- Chairman Brandon-Wintermote said someone asked her about dust control on the busy  
500 lane. Brian Edwards said since they are paving the access coming in and out it will help  
501 with dust. They are going to have some permitting conversations with DEQ for a large  
502 construction site disturbing more than 5 acres. There may be some permitting and  
503 requirements on that side that he is not aware of. They will have to manage and maintain  
504 that as part of their operation to be good neighbors.

505  
506 Chairman Brandon-Wintermote asked if the applicant had any questions or comments.

- 507
- Kane Morris, applicant's representative, said the Geotech report will be submitted soon.

508  
509 Chairman Brandon-Wintermote asked if any Commission members had questions for the  
510 applicant.

- 511
- Commissioner Spiering asked if the residence across the street would have been  
512 contacted. Chairman Brandon-Wintermote said anyone within 660 feet would have been  
513 notified.

- 514
- Commissioner Morrison asked if there are plans to expand to the east. Kane said no.

- 515
- Commissioner Morrison asked about utilities; if there would be new or use existing. Kane  
516 said they will do what is required by the utility providers. The applicant has been in contact  
517 with the providers.

- 518
- Commissioner Morrison asked if there is any DEQ involvement on the domestic water  
519 supply. Quentin Johler of T-O Engineers said he doesn't believe it is a public main. He  
520 thinks they would consider this as private. The Planning Director agreed that it does not  
521 appear to require DEQ review.

- 522
- Kane Morris said they are a bit out on the fire marshal review, but it will be required no  
523 matter what.

- 524
- Chairman Brandon-Wintermote asked if there are any city services. There are none and  
525 geography limits further growth.

- 526
- Commissioner Jones asked if there is an annexation plan. Kane said the city does not  
527 want to go east due to limitations on sewer because of elevation.

- 528
- Chairman Brandon-Wintermote wondered if the well will be sufficient to serve the needs  
529 of their use.

530  
531 Chairman Brandon-Wintermote asked if there were comments from any members of the public.

- 532
- Ron Elwood owns land on either side of the railroad to the northwest. He would like to see  
533 something done to prevent people from coming in and out of his area (Bradford). People  
534 use the RR right-of-way as a cut-through.

535

## Planning & Zoning Commission Minutes

July 21, 2021

- 536 Chairman Brandon-Wintermote asked Commission members if they had any discussion.  
537 - Chairman Brandon-Wintermote asked if the irrigation district had concerns about burying  
538 the irrigation ditches. No response has been received as of yet.  
539 - Commissioner Morrison thanked the applicant for providing wording about down-shielded  
540 lighting.  
541 - Chairman Brandon-Wintermote asked if all Commission members agreed with the  
542 reduction in parking spaces. All Commissioners agreed.  
543 - Chairman Brandon-Wintermote asked for clarification on whether the Planning and Zoning  
544 Commission makes a recommendation regarding the zoning.  
545 - The Planning Director suggested adding the verbiage regarding the zoning to the  
546 recommendation of approval in the resolution.  
547 - Commissioner Morrison asked for clarification on how the Commercial zoning  
548 recommendation came about. Was it requested by the applicant? Planning and Zoning  
549 staff are providing the recommendation based upon the proposed use.  
550

551 Commissioner Bonine made a MOTION to close the hearing at 4:24pm; SECONDED by  
552 Commissioner Morrison. The motion was carried unanimously.  
553

554 The Commission discussed changes to conditions as shown below.  
555

556 Commissioner Bonine made a MOTION to approve Mountain Construction SUP-219 by  
557 Resolution 2021-29 with a zoning change to Commercial, based upon the findings presented and  
558 including the following conditions:  
559

- 560 1. Park County noise, lighting, and other nuisance regulations shall apply;  
561 2. The applicant shall submit an approved water distribution plan from Shoshone  
562 Irrigation District to the Planning and Zoning Department prior to review by the Board  
563 of County Commissioners;  
564 3. The applicant shall submit a geotechnical investigation to Public Works for review and  
565 approval prior to review by the Board of County Commissioners;  
566 4. The applicant shall submit evidence of Public Works approval of the submitted runoff  
567 and erosion control plan prior to review by the Board of County Commissioners;  
568 5. The applicant shall comply with Best Management Practices as prescribed by Park  
569 County Weed and Pest;  
570 6. The applicant shall submit a Plan Review to the Wyoming State Fire Marshall in order  
571 to obtain a permit to construct; and  
572 7. The applicant shall otherwise comply with standards in the Park County Development  
573 Standards and Regulations

574 The motion was SECONDED by Commissioner Morrison. The motion carried. See Resolution  
575 2021-29 attached hereto and incorporated herein.  
576

577 **PUBLIC HEARING – Mountain Concrete SUP-220:** Four F's, LLC requests approval of the  
578 application for Mountain Concrete SUP-220. The applicant is proposing a Major Industrial Use  
579 for a concrete plant with gravel and sand stockpiles and a material display. The proposed use is  
580 located on a portion of an 18.98-acre parcel located approximately ¼ mile North/Northeast of

## Planning & Zoning Commission Minutes

July 21, 2021

581 Road 8 on the South side of Highway 14A, within Lot 68, T55N, R99W of the 6<sup>th</sup> P.M., Park  
582 County, Wyoming, in a Transitional (T) zoning district.

583

584 Chairman Brandon-Wintermote opened the public hearing at 4:30pm.

585

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

588

589 Chairman Brandon-Wintermote asked if any Commission members had questions for Staff. There  
590 being none, Chairman Brandon-Wintermote asked if the applicant had any questions or  
591 comments.

- 592 • Kane Morris, applicant's representative, asked about the proposed condition related to a  
593 response from the irrigation district and the delay with staff being ill. Staff will not hold up  
594 the application from further review, but approval could potentially be delayed if no  
595 response has been provided.

596

597 Chairman Brandon-Wintermote asked if any Commission members had questions for the  
598 applicant.

- 599 • Commissioner Morrison asked if there will be one well or two. There will be one for this  
600 use and one for the other.

- 601 • Commissioner Morrison also asked if there was any possibility of getting water from the  
602 City. They won't provide it without annexation and they won't annex.

- 603 • The Planning Director pointed out a typo on the staff report where the title shows Board  
604 of County Commissioners and it should say Planning and Zoning Commission.

605

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

607

608 There were no comments from those in attendance.

609

610 Commissioner Morrison made a MOTION to close the hearing at 4:46pm; SECONDED by  
611 Commissioner Jones. The motion was carried unanimously.

612

613 Commission members discussed conditions as shown below.

614

615 Commissioner Morrison made a MOTION to approve Mountain Concrete SUP-220 by Resolution  
616 2021-30 with a zoning change to Commercial, based upon the findings presented and including  
617 the following conditions:

618

- 619 1. Park County noise, lighting, and other nuisance regulations shall apply;
- 620 2. The applicant shall submit an approved water distribution plan from Shoshone  
621 Irrigation District to the Planning and Zoning Department prior to review by the Board  
622 of County Commissioners;
- 623 3. The applicant shall submit evidence of Public Works approval of the submitted runoff  
624 and erosion control plan prior to review by the Board of County Commissioners;
- 625 4. The applicant shall comply with Best Management Practices as recommended by Park  
626 County Weed and Pest; and
- 627 5. The applicant shall otherwise comply with standards in the Park County Development  
628 Standards and Regulations.

## Planning & Zoning Commission Minutes

July 21, 2021

629  
630 The motion was SECONDED by Commissioner Bonine. The motion carried. See Resolution  
631 2021-30 attached hereto and incorporated herein.

632  
633 Chairman Brandon-Wintermote delivered the Chair's report.

634  
635 The Planning Director delivered a report for the Planning and Zoning Department.

636  
637 There being no other business, a MOTION was made by Commissioner Jones to adjourn the  
638 meeting at 4:59pm. The motion was seconded by Commissioner Morrison. All in favor.

639  
640 Respectfully submitted,

641  
642  
643

  
\_\_\_\_\_  
Jolene Brakke, Secretary

**RESOLUTION 2021 - 25**  
**PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE**  
**GRACE SIMPLE SUBDIVISION-276 (SS-276) SKETCH PLAN**

**WHEREAS**, Tye Whitlock proposes to create a two-lot simple subdivision consisting of two 2.51-acre lots from an existing 5.2-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 regular meeting on July 21, 2021 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision Permit Application, including payment, was received from Tye Whitlock on June 1, 2021;
2. The applicant proposes to create two 2.5-acre lots from an existing 5.0-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 April 29, 2021(Document # 2021-3158) to Grace Incorporated, a Wyoming corporation from Antonio W. Bennett and Angela D. Reiter-Chase, husband and wife, as tenants by the entirety with right of survivorship;
6. A parcel of land described as Lot 50: That part of Farm Unit "T" according to the amended Farm Unit plat described as the East 330 feet of the N1/2S1/2 of Lot 50-T and the East 330 feet of S1/2N1/2 of Lot 50-T, T. 54N., R.100W., 6<sup>th</sup> P.M., Park County, Wyoming according to the records of the County Clerk and Recorder of Park County, State of Wyoming;
7. The proposed subdivision is located approximately 1.5 miles south of Ralston, Wyoming, on the north side of County Road 14. This parcel is addressed as 1491 Lane 14, Powell;
8. The proposed subdivision is located in the General Rural Powell (GR-P) zoning district;

9. Surrounding land uses in the area include residential and residential vacant land. This parcel of land is an exempt parcel from the 5-lot Christensen Subdivision;
10. There are existing structures on proposed Lot 1 and Lot 2 is currently vacant;
11. The proposed subdivision is not within a mile of any municipality;
12. All public notice requirements have been met;
13. Notice of Intent to Subdivide was published in the Powell Tribune on May 18, 2021 and May 20, 2021;
14. All agency referral requirements have been met;
15. USPS has confirmed mail delivery is available to this proposed subdivision;
16. Garland Light & Power currently provides service to Lot 1 and can serve Lot 2;
17. Park County Fire Protection District #1 can provide fire protection to the proposed subdivision;
18. Park County School District #1 can provide bus service to this subdivision;
19. TCT cannot guarantee service to these lots, but there's a good chance they can provide the lots with wireless internet service;
20. Black Hills Energy has the capacity to supply natural gas to the proposed subdivision;
21. The Park County Treasurer stated taxes are paid on this property;
22. Willwood Irrigation District stated that according to their records no water rights are available on this parcel of land;
23. Park County Public Works has responded they have no concerns with access or runoff and erosion control;
24. No response has been received from Park County Weed & Pest;
25. A response has been received from Powell Clarks Fork Conservation District;
26. No response has been received from Wyoming Game & Fish Department;
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 April 16, 2021;
30. The applicant indicates road maintenance will be shared by lot owners and individual driveways will be the responsibility of each lot owner;
31. All wastewater requirements pertaining to sketch plan have been met;
32. All domestic water requirements pertaining to sketch plan have been met;
33. Agricultural impacts have been sufficiently addressed;



34. All water rights requirements pertaining to sketch plan have been met;
35. Installation of utilities is not required;
36. Solid waste disposal services are available from private service providers;
37. 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;
38. The proposed subdivision lots meet lot size requirements;
39. Impacts on natural terrain and neighboring agricultural operations are not expected to be significant;
40. No hazardous features are known to exist on the property;
41. The subdivision is not within an Overlay District; 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 Grace SS-276, 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 & Zoning Department a review and recommendations from the Park County Weed & Pest prior to final plat review by the Board of County Commissioners;
3. The applicant shall include an access easement across proposed Lot 2 for the benefit of proposed Lot 1 on the final plat prior to final plat review by the Board of County Commissioners;
4. The applicant shall provide to the Planning & Zoning Department a Shared Road Maintenance Agreement prior to final plat review by the Board of County Commissioners; 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 21st day of July, 2021.

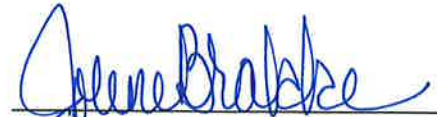
**PLANNING AND ZONING COMMISSION  
PARK COUNTY, WYOMING**

**ATTEST:**



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Kimberly Brandon-Wintermote, Chairman



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Jolene Brakke, Secretary

**RESOLUTION 2021 - 26  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE  
BLUE SAGE MINOR SUBDIVISION-54 (MS-54) SKETCH PLAN**

**WHEREAS**, Jon and Gael Carter propose to create a three-lot minor subdivision consisting of one 6.5-acre lot, one 6.26-acre lot, and one 5.56-acre lot for residential use. Should this subdivision be approved, an exempt parcel of 88.59 acres will remain. The subdivision is located 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 July 21, 2021 to consider the sketch plan application and made findings as follows:

1. A Minor Subdivision Application, including payment, was received on May 14, 2021;
2. The applicants request approval of a three-lot minor subdivision consisting of one 6.5-acre lot; one 6.26-acre lot and one 5.56-acre lot for residential use;
3. Applicable Regulations for this development are the *Park County Wyoming 2015 Development Standards and Regulations* adopted September 15, 2015;
4. This subdivision meets the requirements for a classification as a minor subdivision;
5. Ownership is affirmed by Warranty Deed (dated January 21, 1996, Doc. #1996-455) Jon M. Carter and Gael L. Carter, husband and wife as tenants by the entireties with right of survivorship and not as tenants in common;
6. The property is within the SE1/4SW1/4 of Section 9, T.55N, R.101W of the 6<sup>th</sup> P.M., Park County, Wyoming;
7. The proposed subdivision is located approximately 10 miles northwest of Ralston, and west of the intersection of County Road 22H and County Lane 9;
8. The lot sizes as proposed are consistent with the GR-P zoning district;
9. Neighboring land uses are primarily agricultural and some residential;
10. This parcel is relatively flat, vacant, irrigated land;
11. This property is not located within one mile of any municipality; therefore,

- municipal review is not required;
12. All notice requirements have been met;
  13. Agency referral requirements have been met;
  14. Park County School District #1 has bus service available to serve this subdivision;
  15. Powell-Clarks Fork Conservation District submitted a soils report;
  16. Park County Fire Protection District #1 has the ability to provide fire protection to this subdivision;
  17. TCT has terrestrial wireless available in this area and can provide internet and VOIP phone to this location, depending on line of site;
  18. Park County Weed & Pest has completed an initial inspection and determined a Long-Term Noxious Weed Management Plan is required;
  19. Black Hills Energy has the capacity to provide natural gas service to this subdivision;
  20. Natural gas is adjacent to each lot except proposed Lot 3;
  21. Garland Light & Power has the capacity to provide electrical service to this subdivision;
  22. Electricity is adjacent to each lot;
  23. USPS has confirmed mailed delivery is available to this proposed subdivision;
  24. Heart Mountain Irrigation District has reviewed the submitted water distribution plan and has shared a list of items required to complete the plan;
  25. Park County Treasurer's office has stated property taxes are paid in full for 2020;
  26. Park County Public Works stated legal access is available to this proposed subdivision;
  27. Wyoming Game & Fish Department stated this project is within one-half mile of a sage grouse core area and they have no major concerns with this subdivision;
  28. The Wyoming Office of State Lands and Investments stated any access across or work performed on State lands will require prior authorization from the State;
  29. Public comments have been received;
  30. A pre-application meeting was held on December 17, 2020;
  31. Application submission requirements for sketch plan have been met;
  32. No road is proposed for this subdivision;
  33. 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;
34. All domestic water requirements pertaining to sketch plan review have been met;
  35. A well water sample was collected from a well located at 937 County Road 23. Analysis indicates the water sample meets the Safe Drinking Water Act (SDWA) requirements;
  36. Agricultural impacts have been sufficiently addressed;
  37. Water rights requirements pertaining to sketch plan review have been met;
  38. Utility requirements pertaining to sketch plan review have been met;
  39. The proposed subdivision lots meet lot standards;
  40. The subdivision is located within an Agricultural Overlay District;
  41. Should this subdivision be approved, impacts on neighboring agricultural operations are not expected to be significant;
  42. No hazardous features are known to exist on the property; 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 Blue Sage MS-54, 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 provide an approved Long-Term Noxious Weed Management Plan to the Planning and Zoning Department prior to final plat review by the Board of County Commissioners;
3. The applicants shall provide a review and recommendations from the Irrigation District regarding an approved water distribution plan to the Planning and Zoning Department prior to final plat review by the Board of County Commissioners;
4. Natural gas must be made adjacent to proposed Lot 3 prior to final plat review


and a Subdivision Improvements Agreement may be required;

5. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991; and
6. The applicants 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 21st day of July, 2021.

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

**ATTEST:**

  
\_\_\_\_\_  
Kimberly Brandon-Wintermote, Chairman  
\_\_\_\_\_  
Jolene Brakke, Secretary

**RESOLUTION 2021 - 27  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE  
GOLDEN WILLOW MINOR SUBDIVISION-57 (MS-57) SKETCH PLAN**

**WHEREAS**, Jon and Gael Carter propose to create a one-lot minor subdivision consisting of one 4.27-acre lot for residential use. The subdivision is located 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 July 21, 2021 to consider the sketch plan application and made findings as follows:

1. A Major Subdivision Application, including payment, was received on May 14, 2021;
2. The subdivision classification was changed to Minor. A Minor Subdivision Application was received on July 12, 2021, and the \$50.00 difference was applied to the applicants' outstanding balance;
3. The applicants request approval of a one-lot minor subdivision consisting of 4.27-acres for residential use;
4. Applicable Regulations for this development are the Park County Wyoming 2015 Development Standards and Regulations adopted September 15, 2015 ("Regulations");
5. This subdivision meets the requirements for a classification as a Minor Subdivision;
6. Ownership is affirmed by Warranty Deed (dated January 21, 1996, Doc. #1996-455) Jon M. Carter and Gael L. Carter, husband and wife as tenants by the entireties with right of survivorship and not as tenants in common, from Rubee Jewel Carter, a single person;
7. The property is located in Sections 9 and 16, T55N, R101W, 6<sup>th</sup> P.M., Park County, State of Wyoming;
8. The proposed subdivision is located approximately 10 miles northwest of Ralston, Wyoming, and southeast of the intersection of County Road 22H and County Lane 9;

9. The lot size as proposed is consistent with the GR-P zoning district;
10. Neighboring lands are primarily agricultural with some residential uses in the immediate vicinity;
11. This parcel currently has a residence, a guest house and two accessory use structures;
12. There is presently a Special Use Permit allowing a Minor Institutional Use for a Group Home on this parcel. This group home is known as Heart Mountain New Beginnings and this SUP expires upon the sale of this property;
13. This property is not located within one mile of any municipality; therefore, municipal review is not required;
14. All notice requirements have been met;
15. Agency referral requirements have been met;
16. Powell Clarks Fork Conservation District submitted a soils report;
17. Park County Fire Protection District #1 has the ability to provide fire protection to this subdivision;
18. TCT has terrestrial wireless available in this area and can provide internet and VOIP phone to this location, depending on line of site;
19. Park County Weed & Pest has completed an initial inspection and determined a Long-Term Noxious Weed Management plan is required;
20. Garland Light & Power provides electrical service to this proposed lot;
21. Black Hills Energy provides natural gas service to this proposed lot;
22. Park County School District #1 stated they will have a school bus stop at the corner of Road 22H and Road 9;
23. USPS has confirmed mailed delivery is available to this proposed subdivision;
24. Park County Treasurer's office has stated property taxes are paid in full for 2020;
25. Park County Public Works stated legal access exists by way of both a county road and a private access easement;
26. Wyoming Game & Fish Department stated they have no wildlife concerns with this proposed project;
27. Wyoming Office of State Lands and Investments issued a letter noting that access across or work performed on state land requires prior authorization;
28. Heart Mountain Irrigation District has reviewed the submitted water distribution plan and has shared a list of items required to complete the plan;
29. Public comments have been received;
30. A pre-application meeting was held on December 17, 2020;
31. Application submission requirements for sketch plan have been met;



32. No roads are proposed for this subdivision;
33. There is an existing permitted small wastewater system located on the proposed lot. Wastewater requirements pertaining to sketch plan review have been met and conventional septic systems will likely be sufficient should additional septic systems be required;
34. All domestic water requirements pertaining to sketch plan review have been met;
35. A well water sample was collected from a well located at 937 County Road 23. Analysis indicates the water sample meets the Safe Drinking Water Act (SDWA) requirements;
36. Agricultural impacts have been sufficiently addressed;
37. Water rights requirements pertaining to sketch plan review have been met;
38. This subdivision is exempt from state review regarding irrigation water rights;
39. Alkali Creek borders the south boundary of proposed Lot 1;
40. The south 250 +/- feet of proposed Lot 1 is located in the FEMA Zone A Floodplain;
41. A Letter of Map Amendment (LOMA) was issued to remove the existing residence from the floodplain;
42. Utility requirements pertaining to sketch plan review have been met;
43. The proposed subdivision lots meet lot size requirements;
44. The subdivision is located in a Flood Overlay District;
45. Further development in the flood zone is subject to flood overlay regulations;
46. The subdivision is located in an Agricultural Overlay District;
47. Should this subdivision be approved, impacts on neighboring agricultural operations are not expected to be significant;
48. No hazardous features are known to exist on the property; and
49. 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 Golden Willow MS-57, 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 by the Board of County Commissioners;
3. The applicant shall provide a review and recommendations from the irrigation district regarding the water distribution plan, to the Planning and Zoning Department prior to final plat review by the Board of County Commissioners;
4. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991;
5. The applicant shall place a note on the final plat stating that any development proposed in the mapped floodplain shall comply with Flood Overlay District Standards; 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 21st day of July, 2021.

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

**ATTEST:**

  
\_\_\_\_\_  
Kimberly Brandon-Wintermote, Chairman

  
\_\_\_\_\_  
Jolene Brakke, Secretary

**RESOLUTION 2021 - 28  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE  
ADALINE ESTATES MINOR SUBDIVISION-55 (MS-55) SKETCH PLAN**

**WHEREAS**, Every Cut Above, Inc. proposes to create a five-lot subdivision comprised of one 28.28-acre lot and four 2.01-acre lots, all for residential use. The subdivision area is approximately 36.34 acres. The subdivision is located in a General Rural 5-Acre (GR-5) 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 July 21, 2021 to consider the sketch plan application and made findings as follows:

1. A Minor Subdivision Application, including payment, was received from Every Cut Above, Inc., a Wyoming corporation (Justin Joy, President), on June 4, 2021;
2. The applicant intends to create a five-lot subdivision comprised of one 28.28-acre lot and four 2.01-acre lots, all for residential use.
3. The property area is approximately 36.34 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 April 9, 2021, Doc. # 2021-2754) to Every Cut Above, Inc., a Wyoming corporation from Paul R. Brock and Kristine K. Brock, husband and wife, as tenants by the entirety with rights of survivorship, and not as tenants in common;
7. The legal description is described in part as a parcel of land located within Farm Unit "A", according to the Farm Unit Plat or Lot 2; and the SE1/4NW1/4NE1/4, the S1/2NE1/4NW1/4NE1/4, the E1/2SW1/4NE1/4, and the SE1/4NE1/4 of Section 35, Resurvey T.54N., R.101W., 6<sup>th</sup> P.M., Park County, Wyoming, being a part of lands described by that Warranty Deed recorded as Document #1996-4810 in the office of the Park County Clerk description is a portion of land located in Tract 7 of Lot 69, T.54N., R100W., 6<sup>th</sup> P.M., Park County, Wyoming according to the Government Resurvey;

8. The proposed subdivision is located approximately 6.5 miles northeast of Cody and approximately 0.79 miles west of US Highway 14A. The subdivision is just west of County Road 20;
9. Using lot size averaging, the lots are configured to conform to the GR-5 Special Minimum Lot Size requirements;
10. Neighboring land uses are primarily residential to the north and agricultural to the west, south and east.
11. Special Use Permit-126 for a residential business classified as a Cottage Industry (operation of a dog and cat kennel) was issued to the landowners in the southeast corner of the tract of land;
12. This property is relatively level with a gentle slope from southwest to northeast. This parcel is irrigated cropland;
13. There are no residences or other structures located on this parcel;
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 Public Works has submitted their response regarding access and erosion control;
18. Park County Fire District #2 is able to provide fire protection;
19. Garland Light & Power has the capacity to provide electricity to this proposed 5-lot subdivision;
20. The United States Postal Service can provide mail service to this proposed subdivision;
21. Black Hills Energy has the capacity to provide service to this proposed 5-lot subdivision;
22. Park County School District #6 was notified and responded that school bus service is available;
23. The Park County Treasurer's Office stated that no taxes are due for the property;
24. Wyoming Game & Fish Department stated they have concerns that the cumulative effect of all recent subdivisions will adversely impact the wildlife populations in the future;
25. No response has been received from CenturyLink;
26. A response has been received from Park County Weed & Pest;
27. A water distribution plan has been submitted to Heart Mountain Irrigation District, but no response has been received;
28. No response has been received from Powell-Clarks Fork Conservation

District;

29. Written public comments were received each expressing concern about the lot sizes being below 5-acres in a GR-5 zoning district, ground water, and septic systems;
30. A pre-application meeting was held on April 20, 2021;
31. Application submission requirements for sketch plan have been met;
32. Access to all lots will be directly from County Road 20;
33. Two 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 and conventional septic systems should be sufficient;
36. Domestic water requirements pertaining to sketch plan review have been met. Total Coliform was detected in a water sample from a neighboring well;
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. This proposed subdivision is not located in an Agricultural Overlay District;
41. No known landslides, rockfalls or other hazardous features are known to exist on the property;
42. No portion of the property is in the mapped special flood hazard area; 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 Adaline Estates MS-55, 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 the recommendations from the Park County Public Works;

3. The applicant shall provide water analysis results revealing safe drinking water quality prior to final plat review by the Board of County Commissioners or a note shall be placed on the plat stating that a water test analysis was conducted and revealed the presence of Coliform;
4. The applicant shall provide a response from CenturyLink to the Planning and Zoning Department prior to sketch plan review by the Board of County Commissioners;
5. The applicant shall provide a Long-Term Noxious Weed Management Plan prior to sketch plan review by the Board of County Commissioners;
6. The applicant shall provide a soils report from the Powell-Clarks Fork Conservation District prior to final plat review by the Board of County Commissioners;
7. The applicant shall provide a review and recommendations from Heart Mountain Irrigation District regarding a water distribution plan to the Planning and Zoning Department prior to final plat review by the Board of County Commissioners;
8. 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;
9. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991;
10. The applicant shall state the following on the final plat: "Lot size averaging was utilized to create these lot sizes. Future re-subdivision of any of these lots shall conform to subdivision regulations in place at the time of the proposal."; 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 21st day of July, 2021.

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

**ATTEST:**

  
\_\_\_\_\_  
Kimberly Brandon-Wintermote, Chairman

  
\_\_\_\_\_  
Jolene Brakke, Secretary

**RESOLUTION 2021 – 29  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMEND APPROVAL OF MOUNTAIN CONSTRUCTION  
MAJOR COMMERCIAL BUSINESS  
SPECIAL USE PERMIT-219 (SUP-219)**

**WHEREAS**, Kimberly Wilson submitted a Special Use Permit Application requesting permission to allow a Major Commercial Business on property located approximately ¼ mile east of the City of Powell, immediately east of the Target-Powell Valley subdivision and north of County Lane 9 on a vacant parcel of land;

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

**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 July 21, 2021, to consider the Special Use Permit application and made findings as follows:

1. A special use permit application, including payment, was received from Four F's, LLC, a Wyoming limited liability company, on May 10, 2021;
2. Additional information was submitted between June 23, 2021 and July 8, 2021;
3. The applicants request approval of a Special Use Permit, with Site Plan Review, to construct a new equipment maintenance shop with office space for commercial activities;
4. Applicable regulations are the *Park County Wyoming 2015 Development Standards and Regulations*, adopted September 15, 2015;
5. The use is classified as a major commercial business use;
6. Ownership is affirmed by Warranty Deed dated July 9, 2012 to Four F's, LLC, a Wyoming limited liability company (Document #2019-3413);

7. The parcel of land is described as: parts of Tract 3 and Lot 68-H, resurvey T.55N., R.99 W., 6th P.M., Park County Wyoming;
8. The proposed use is located approximately ¼ mile east of the City of Powell, immediately east of the Target-Powell Valley Subdivision and north of County Lane 9 on a vacant parcel of land;
9. The property is located in a Transitional "T" zoning district;
10. If this special use permit is approved, staff recommends that the zoning district change to Commercial "C";
11. Surrounding land uses are primarily commercial and industrial to the west, with agricultural uses surrounding this parcel on the north, east and south; and residential use is located directly across County Lane 9 on the south side of this parcel;
12. The proposed use will be located on a vacant parcel of land that generally slopes from the southwest to the northeast;
13. Legal notice requirements were met, including notice to property owners within 660 ft. of the property boundary;
14. The application was forwarded to relevant agencies as required;
15. Park County Public Works stated they have no concerns with the proposed access and a right-of-way permit will be required to construct the new approach;
16. Montana-Dakota Utilities stated they have the capacity to serve this proposed use;
17. Garland Light & Power stated they have the capacity to provide electricity to this use;
18. Northwest Rural Water District stated they have no comment as the applicant is proposing the use of on-site wells;
19. The Park County Treasurer stated property taxes are paid in full for the year 2020;
20. Park County Fire Protection District No. 1 responded they have the ability to provide fire protection for this use as long as any and all accesses are constructed to accommodate their fire equipment;
21. Wyoming Department of Transportation responded they have no concerns with this application;
22. Wyoming Game & Fish stated they have no wildlife comments regarding this permit;
23. Park County Weed & Pest completed their initial inspection and determined a Long-Term Noxious Weed Management Plan is not required;
24. Shoshone Irrigation District stated they have received the submitted water distribution plan and will review it in the near future;



25. The City of Powell responded that they have no concerns with the development;
26. The applicant is required to submit a Plan Review to the Wyoming State Fire Marshall in order to obtain a permit to construct;
27. No response has been received from the Powell-Clarks Fork Conservation District;
28. No response has been received from TCT West;
29. No public comments have been received;
30. The applicant made a statement of compatibility identifying existing commercial and industrial uses within the Hastings Horseshoe Development immediately to the west;
31. Proposed months of operation are year-round;
32. Proposed days of operation Monday through Friday;
33. The proposed business operations of Mountain Construction will be Monday through Friday from 7:00am to 5:00pm with occasional longer working days, occasional weekend work, and on rare occasions, working at night during the summer;
34. The applicant requests a 50% in reduction in the required number of parking spaces, and proposes 40 spaces;
35. The applicant proposed the installation of a new sign on the north side of the property;
36. The applicant is working with BNSF railroad to negotiate leasing an area for the sign placement;
37. Setback requirements for proposed buildings have been met;
38. No covenants are proposed or existing;
39. The applicant has proposed down-shielded LED lighting;
40. There are no known nonconformities on the property;
41. No nuisances have been reported at this location;
42. The applicant provided a web soil survey from NRCS showing well-draining soils on gentle slopes and no limitations for dwellings or small commercial buildings;
43. The applicant is required to submit a geotechnical investigation which shall include appropriate recommendations;
44. Legal access exists from County Lane 9;
45. Domestic water will be supplied from a new, on-site well;
46. Domestic water quality tests have been submitted from a neighboring well;

47. Nitrogen levels were detected at levels that do not meet the Safe Drinking Water Act (SDWA) standards;
48. The applicant plans to retain existing water rights on the property;
49. Sewage and wastewater disposal is proposed for this use;
50. Solid waste will be disposed of according to County regulation standards;
51. No specific criteria are identified for this use;
52. The proposed use is not located in an overlay district;
53. Site plan review is required for this use and site plan standards have been or will be met;
54. No hazardous materials are related to this use;
55. The use is not expected to impact any lakes, reservoirs or streams;
56. The use is not expected to impact any federally protected wetlands;
57. A runoff and erosion control plan is required and has been submitted for review and approval by Public Works;
58. Air quality is not expected to be impacted by this use; and
59. The use is not a specific use and special site plan standards do not apply.

**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 changing the zoning district of the property from Transitional to Commercial and approving Mountain Construction Special Use Permit-219, subject to the following conditions:

1. Park County noise, lighting, and other nuisance regulations shall apply;
2. The applicant shall submit an approved water distribution plan from Shoshone Irrigation District to the Planning and Zoning Department prior to review by the Board of County Commissioners;
3. The applicant shall submit a geotechnical investigation to Public Works for review and approval prior to review by the Board of County Commissioners;
4. The applicant shall submit evidence of Public Works approval of the submitted runoff and erosion control plan prior to review by the Board of County Commissioners;
5. The applicant shall comply with Best Management Practices as prescribed by Park County Weed and Pest;
6. The applicant shall submit a Plan Review to the Wyoming State Fire Marshall in order to obtain a permit to construct; and
7. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

**ADOPTED** by the Planning & Zoning Commission this 21<sup>st</sup> day of July, 2021.

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

**ATTEST:**

  
\_\_\_\_\_  
Kimberly Brandon-Wintermote, Chairman

  
\_\_\_\_\_  
Jolene Brakke, Secretary

**RESOLUTION 2021 – 30  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMEND APPROVAL OF MOUNTAIN CONCRETE  
MAJOR INDUSTRIAL USE  
SPECIAL USE PERMIT-220 (SUP-220)**

**WHEREAS**, Kimberly Wilson submitted a Special Use Permit Application requesting permission to allow a Major Industrial Use on property located approximately ¼ mile east of the City of Powell, immediately east of the Target-Powell Valley subdivision and north of County Lane 9 on a vacant parcel of land;

**WHEREAS**, this project is defined by Park County as a Major Industrial Use: Manufacturing, processing, fabrication and assembly operations with more than 10 employees, buildings larger than 5,000 square feet, or more than one acre of developed land area associated with the industry and incinerators regardless of size.

**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 July 21, 2021, to consider the Special Use Permit application and made findings as follows:

1. A special use permit application, including payment, was received from Four F's, LLC, a Wyoming limited liability company, on May 10, 2021;
2. Additional information was submitted between June 23, 2021 and July 8, 2021;
3. The applicants request approval of a Special Use Permit, with Site Plan Review, for a concrete batch plant with an area for stockpiles of gravel and sand as well as a material display;
4. Applicable regulations are the *Park County Wyoming 2015 Development Standards and Regulations*, adopted September 15, 2015;
5. The use is classified as a major industrial use;
6. Ownership is affirmed by Warranty Deed dated July 9, 2012 to Four F's, LLC, a Wyoming limited liability company (Document #2019-3413);

7. The parcel of land is described as: parts of Tract 3 and Lot 68-H, resurvey T.55N., R.99 W., 6<sup>th</sup> P.M., Park County Wyoming;
8. The proposed use is located approximately ¼ mile east of the City of Powell, immediately east of the Target-Powell Valley Subdivision and north of County Lane 9 on a vacant parcel of land;
9. The property is located in a Transitional "T" zoning district;
10. If this special use permit is approved, staff recommends that the zoning district change to Commercial "C";
11. Surrounding land uses are primarily commercial and industrial to the west, with agricultural uses surrounding this parcel on the north, east and south; one residential use is located directly to the south of Lane 9;
12. The proposed use will be located on a vacant parcel of land that generally slopes from the southwest to the northeast;
13. Legal notice requirements were met, including notice to property owners within 660 ft. of property boundary;
14. The application was forwarded to relevant agencies as required;
15. Park County Public Works responded they have no concerns with the proposed access and a right-of-way permit will be required to construct the new approach;
16. Montana-Dakota Utilities stated they have the capacity to serve this proposed use;
17. Garland Light & Power stated they have the capacity to provide electricity to this use;
18. Northwest Rural Water District stated they have no comment as the applicant is proposing the use of on-site wells;
19. The Park County Treasurer stated property taxes are paid in full for the year 2020;
20. Park County Fire Protection District No. 1 stated they have the ability to provide fire protection for this use as long as any and all accesses are constructed to accommodate their fire equipment;
21. Wyoming Department of Transportation stated they have no concerns with this application;
22. Wyoming Game & Fish stated they have no wildlife comments regarding this permit;
23. Shoshone Irrigation District stated they have received the submitted water distribution plan and will review it in the near future;
24. The applicant shall submit the results of the geotechnical investigation being performed by GeoScience, Inc.;

25. Park County Weed & Pest completed their initial inspection and determined a Long-Term Noxious Weed Management Plan is not required;
26. The City of Powell responded that the site layout does not seem to pose any issues when measured against City codes and requirements. The City will not provide sewer services in the easterly direction from the east city limit, as gravity prevents gravity-drained sewer from working;
27. No response has been received from the Wyoming State Fire Marshall;
28. No response has been received from Powell-Clarks Fork Conservation District;
29. No response has been received from TCT West;
30. No public comments have been received;
31. The applicant made a statement of compatibility identifying existing commercial and industrial uses within the Hastings Horseshoe Development immediately to the west;
32. Proposed months of operation are year-round;
33. Proposed hours of operation are from 6:00 am to 6:00 pm, though extended hours are possible and likely during the week and on weekends with occasional nighttime operation during the summer;
34. Setback requirements for proposed buildings have been met;
35. No covenants are proposed or existing;
36. The applicant has proposed down-shielded LED lighting;
37. There are no known nonconformities on the property;
38. No nuisances have been reported at this location;
39. The applicant provided a web soil survey from NRCS showing well-draining soils on gentle slopes and no limitations for dwellings or small commercial buildings;
40. Access is proposed from County Lane 9;
41. Domestic water will be supplied from a new on-site well;
42. Domestic water quality tests have been submitted from a nearby well;
43. Nitrogen levels in the well water sample were detected at levels that do not meet the Safe Drinking Water Act (SDWA) standards;
44. The number of required parking spaces has not yet been determined, though adequate space is likely available to serve the use;
45. Sewage and wastewater disposal is proposed for this use;
46. No signs are proposed at this time;
47. Solid waste will be disposed of according to County regulation standards;

48. No specific criteria are identified for this use;
49. The proposed use is not located in an overlay district;
50. Site plan review is required for this use and site plan standards have been or will be met;
51. No hazardous materials are related to this use;
52. The use is not expected to impact any lakes, reservoirs or streams;
53. The use is not expected to impact any federally protected wetlands;
54. A runoff and erosion control plan is required and has been submitted for review and approval by Public Works; and
55. The proposed use is permitted under WYDEQ Air Quality Permit P0029863.

**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 changing the zoning district of the property from Transitional to Commercial and approving Mountain Concrete Special Use Permit-220, subject to the following conditions:

1. Park County noise, lighting, and other nuisance regulations shall apply;
2. The applicant shall submit an approved water distribution plan from Shoshone Irrigation District to the Planning and Zoning Department prior to review by the Board of County Commissioners;
3. The applicant shall submit evidence of Public Works approval of the submitted runoff and erosion control plan prior to review by the Board of County Commissioners;

4. The applicant shall comply with Best Management Practices as recommended by Park County Weed and Pest; and
5. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

**ADOPTED** by the Planning & Zoning Commission this 21<sup>st</sup> day of July, 2021.

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

**ATTEST:**

  
\_\_\_\_\_  
Kimberly Brandon-Wintermote, Chairman

  
\_\_\_\_\_  
Jolene Brakke, Secretary



**PLEASE SIGN IN**  
**PLANNING and ZONING COMMISSION**  
**REGULAR MEETING**  
**July 21, 2021**

		Blue Sage MS-54 Sketch Plan	
		Golden Willow MS-57 Sketch Plan	
		Adaline Estates MS-55 Sketch Plan	
		Mountain Construction SUP-219	
		Mountain Concrete SUP-220	
	Please <b>PRINT</b> your name	Name of the <b>HEARING OF INTEREST</b>	DO YOU WISH TO SPEAK
	Anthony Firkias	Blue Sage / Golden Willow	Y
	Pat Nelson	Adaline Estates	yes
	George + Angela Whitlock	Adaline Estates	yes
4	Steve Follweiler	Blue Sage / Golden Willow	yes
	Charles Smith	Adaline Sub	
6	Ron Elwood	Mountain Construction	yes
	Jesse Fowler	Blue/Sage / Golden Willow	yes
	Jon M. Carter	Blue Sage / Golden Willow	
	Eric Barton	Adaline	
11	Justin Joy	Adaline	yes
12	Kim Wilson	Mountain	NO
13	Marge Buchholz	Adaline	
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**PLEASE SIGN IN**  
**PLANNING and ZONING COMMISSION**  
**REGULAR MEETING**  
**July 21, 2021**

		Blue Sage MS-54 Sketch Plan	
		Golden Willow MS-57 Sketch Plan	
		Adaline Estates MS-55 Sketch Plan	
		Mountain Construction SUP-219	
		Mountain Concrete SUP-220	
	<b>Please PRINT your name</b>	<b>Name of the HEARING OF INTEREST</b>	<b>DO YOU WISH TO SPEAK</b>
1	Kane Morris	Mtn Const.	Yes if needed
2	Quentin Jochel T-O Engineers	Mtn Const.	if needed
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## **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, July 21, 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 June 16, 2021 meeting.

#### **CONSENT AGENDA**

[Grace SS-276](#)

#### **REGULAR AGENDA**

[PUBLIC HEARING – Blue Sage MS-54 Sketch Plan](#)

[PUBLIC HEARING – Golden Willow MS-57 Sketch Plan](#)

[PUBLIC HEARING – Adaline Estates MS-55 Sketch Plan](#)

[PUBLIC HEARING – Mountain Construction SUP-219](#)

[PUBLIC HEARING – Mountain Concrete SUP-220](#)

#### **OTHER BUSINESS**

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

#### **ADJOURN**