

1 **Planning & Zoning Commission Minutes**  
2 **September 22, 2021**  
3

4 This is a regular meeting of the Park County Planning & Zoning Commission held at 1:00pm in  
5 the EOC Room of the County Courthouse at 1002 Sheridan Ave., Cody, WY.  
6

7 **Commission Members Present:**

8 Kimberly Brandon-Wintermote, Chairman (by virtual means)  
9 Duncan Bonine, Vice Chairman  
10 Eugene Spiering  
11

12 **Commission Members Absent:**

13 Richard Jones  
14 Marion Morrison  
15

16 **Staff Present:**

17 Joy Hill, Planning Director  
18 Kim Dillivan, Planner II  
19 Patti Umphlett, Planner I (by virtual means)  
20 Jenny Cramer, Planning Technician  
21 Jolene Brakke, Office Administrator (by virtual means)  
22 Ben McDonald, Public Works (by virtual means)  
23

24 Due to Chairman Brandon-Wintermote having to participate by virtual means, Vice-Chairman,  
25 Duncan Bonine, will preside over this meeting and serve as hearing officer. Acting Chairman  
26 Bonine opened the meeting at 1:05pm and introduced the commission members and staff.  
27

28 **APPROVAL OF MINUTES**  
29

30 Acting Chairman Bonine asked the Commission for comments or changes to the August 18, 2021  
31 meeting minutes. A MOTION was made by Chairman Brandon-Wintermote to approve the  
32 minutes; the motion was SECONDED by Commissioner Spiering to approve the minutes. Motion  
33 was carried unanimously.  
34

35 **CONSENT AGENDA**  
36

37 Acting Chairman Bonine introduced the commission members and staff, acknowledged that a  
38 public hearing was not required and addressed Consent Agenda qualifications.  
39

40 Acting Chairman Bonine asked if any member of the Commission wished to remove any of the  
41 items or wished to make a statement. Acting Chairman Bonine asked if all the commission  
42 members received the staff reports and had time to review the materials as well as having all  
43 concerns addressed by the staff. Acting Chairman Bonine mentioned that a revised sketch plan  
44 was received [since packets were delivered] showing minimal changes to acreages. There were  
45 no objections to leaving the items on consent. Chairman Brandon-Wintermote made a MOTION  
46 to approve Retirement Ridge SS-297 by Resolution #2021-36. The motion was SECONDED by  
47 Commissioner Spiering. Motion passed.  
48

49 **Retirement Ridge SS-279 Sketch Plan:** Kim Trautman requests approval of the sketch plan for  
50 a simple subdivision comprised of one 17.61-acre lot for residential use. Creation of this  
51 subdivision will produce an exempt remainder parcel of 69.49 acres. The proposed subdivision  
52 is located in Lot 3 of Section 23, the SE/4SE/4 of Section 22, and Lot 1 of Section 22, Resurvey  
53 T55N, R101W of the 6<sup>th</sup> PM, Park County, Wyoming, approximately 6 miles northwest of Ralston  
54 on Lane 11.

## Planning & Zoning Commission Minutes

September 22, 2021

55  
56 Commissioner Spiering read the conditions of approval of this subdivision into the record:  
57

- 58 1. The applicant shall provide all easements as requested by applicable utilities  
59 and special districts, irrigation districts or public agencies providing services.  
60 The width of any utility easement shall be sufficient to allow adequate  
61 maintenance of the system, but in no case shall such utility easement be less  
62 than 20 feet in width. Easements must be identified on the final plat;
- 63 2. The applicant shall provide to the Planning & Zoning Department a review and  
64 recommendations from the Heart Mountain Irrigation District regarding a water  
65 distribution plan prior to final plat review by the Board of County  
66 Commissioners;
- 67 3. The applicant shall provide evidence that the R&R Water Association has  
68 reviewed and agrees with the water distribution plan;
- 69 4. An approved Long-Term Noxious Weed Management Plan shall be submitted  
70 to the Planning and Zoning Department prior to final plat review by the Board  
71 of County Commissioners;
- 72 5. The applicant shall provide to the Planning & Zoning Department a formal  
73 response from the Park County Public Works Department prior to final plat  
74 review by the Board of County Commissioners;
- 75 6. The applicant shall place a note on the final plat stating that any wells placed  
76 within the subdivision lots shall be permitted by the Wyoming State Engineer's  
77 Office;
- 78 7. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch  
79 Act of 1991; and
- 80 8. The applicant shall otherwise comply with standards in the Park County  
81 Development Regulations and the minimum subdivision requirements as set  
82 forth in Wyoming Statute 18-5-306.

83 See Resolution 2021-36 attached hereto and incorporated within.  
84

### 85 REGULAR AGENDA

86  
87 PUBLIC HEARING – Inductance Energy Corporation Zoning Map Amendment: Inductance  
88 Energy Corporation requests approval of the request to change the zoning of an approximately  
89 160-acre parcel with a site address of 225 Highway 295, Powell, WY from the current General  
90 Rural 35-Acre (GR-35) Zoning District to an urban Industrial Zoning District. The property is  
91 described as all that portion of the SW/4 (K, L, M, N) of Resurvey Lot 37, T55N, R98W, 6<sup>th</sup> P.M.,  
92 Park County, Wyoming.  
93

94 Acting Chairman Bonine opened the public hearing at 1:14pm.  
95

## Planning & Zoning Commission Minutes

September 22, 2021

96 Acting Chairman Bonine asked if any members of the commission wished to make a statement.  
97 There being no comments from Commission members, Kim Dillivan, Planner II, presented the  
98 Staff Report.  
99

100 Acting Chairman Bonine asked if any Commission members had questions for Staff.

- 101 • Chairman Brandon-Wintermote mentioned that she forgot to disclose that she received an  
102 email from Mr. Richard Hawley on September 15<sup>th</sup> [2021]. She read the contents of the  
103 email: "I will attempt to keep this short. I am a fifth-generation family living on a family farm  
104 in Powell. I was born and raised in the area and I want to raise my children here. I work  
105 for Inductance Energy and will be presenting to the P&Z Commission for the fifth time on  
106 the 22<sup>nd</sup>. As I said, I will keep this short and simple, if there's any questions I can answer  
107 before or after the meeting please let me know, Richard Hawley." Chairman Brandon-  
108 Wintermote indicated that she did not respond to this email.
- 109 • Acting Chairman Bonine asked for clarification on the action that the Board of  
110 Commissioners took in 2019 to rescind the resolution assigning Industrial zoning. The  
111 Planning Director referred to Resolution 2019-16 which states that the Board of County  
112 Commissioners later found that assigning an Industrial zoning district to the parcel did not  
113 meet all of the criteria required for a zoning map amendment. Acting Chairman Bonine  
114 then asked what would be different today [regarding the conditions being met] from what  
115 was unable to be met then. The Planning Director stated that the regulations have not  
116 changed since that time.
- 117 • Acting Chairman Bonine wanted clarification that there was a variance and special use  
118 permit approved for the property. Staff confirmed that there were approvals granted for  
119 both a variance and a special use permit allowing a major industrial use on the property.
- 120 • Acting Chairman Bonine asked if staff knew why the applicant did not proceed with the  
121 use. Staff was unable to answer on behalf of the applicant.  
122

123 Acting Chairman Bonine asked if the applicant had any questions or comments.

- 124 • Mr. Richard Hawley, representing Inductance Energy, said he sent individual emails to  
125 Planning and Zoning Commission members, not a quorum.
- 126 • Mr. Richard Hawley presented written material to the Acting Chairman Bonine. The  
127 materials were distributed to those board members present; a copy was emailed to  
128 Chairman Brandon-Wintermote and is attached hereto and incorporated herein. He read  
129 the contents of the materials presented.
- 130 • Mr. Hawley answered the earlier question as to why the use did not commence. He said  
131 they were never issued a building/zoning permit. They could not do any work. They didn't  
132 pursue the work because he claims they were not allowed by the County.  
133

134 Acting Chairman Bonine asked if any Commission members had questions for the applicant.

- 135 • Chairman Brandon-Wintermote asked if there is anything you are supposed to do to get  
136 the permit. Mr. Hawley said, in order to do the work on the property, you needed to get  
137 the permit. He has a civil engineering firm ready to do the work, to repair the liner. He  
138 attempted several times to get a permit from Planning and Zoning.
- 139 • Acting Chairman Bonine asked if Mr. Hawley knew what the last use of the property was.  
140 He said there was a paper destruction company; but he said the existence of the building  
141 alone constitutes continuance of use of the property. The paper destruction company did  
142 not have a permit to operate when it was there. All of the claims for the historic use have  
143 been verified by the District Court – classified as industrial by the 5<sup>th</sup> District Court. Shortly  
144 after 2008 RMCC claimed the building was used for a paper destruction business.

## Planning & Zoning Commission Minutes

September 22, 2021

- 145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159
- Chairman Brandon-Wintermote mentioned the allowances that were given to proceed with the business. She doesn't understand why he is asking for rezoning. Mr. Hawley said since they didn't have work going on, the SUP and variance expired. On page 109 (table 4.1) and 110 (table 4.2) in the development regulations says that anything in conservation cannot receive a variance or SUP. The SUPs and Variances were not binding anyway – they went against the County's own rules.
  - The Planning Director mentioned that IEC brought the matters mentioned by Mr. Hawley into litigation and, to her knowledge, there have not been any decisions made by the court on these matters. She is unaware of any classification as Industrial to this property by the District Court.
  - Mr. Hawley stated that the rescinding was probably legal. There was no zoning map amendment after the rescinding of that resolution, therefore the property would revert to unzoned. There was no public hearing. He just wants to know what the Commission would recommend.

160 Acting Chairman Bonine asked if there were comments from any members of the public.

- 161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195
- Dalyn Farwell sent a letter. She said her family owns the lease south of the Willwood Highway. They are generational in that area, next door. No property owners knew much about it because those lands are not within the neighbor notice area. She looked into matters herself. She knew about the attempted meat processing facility. She mentioned conservation and wildlife and she remembers the planes flying over. She provided a letter with neighbor signatures to the commission members (attached hereto and incorporated herein). Taxpayer dollars paid for that facility to go in. She and others would like to see IEC go in there and utilize those tax dollars. She referenced contact of Game and Fish and how they didn't have concerns. She said, as a large majority landowner out there, she is busy and didn't see the notices in the paper. She would like to see good job opportunities for people. That's way out in the boonies. She would like to see use of the facility and for IEC to provide them with a place "next door" to get a job. Let's stop wasting taxpayer dollars on a building that isn't being used, as well as the revenue that could be seen.
  - Chairman Brandon-Wintermote mentioned that there is a lot of discussion about use and we are here to discuss a zoning map amendment.
  - Brandon Minske, born and raised in Cody, works in a coal mine in Gillette. Engineering jobs in Cody are scarce. He is extremely in support of industrial zoning out there. He thinks it is crazy that a government structure can go from government to private and now can't be used. Table 4.1 says you cannot do a variance and an SUP for GR-35. We are just choosing which rules to follow and which ones not to follow. WY § 18-5-207, "Continuation of existing uses" which obviously trumps Planning and Zoning's regulations, states: "A zoning resolution enacted under the provisions of WY § 18-5-201 through 18-5-206 shall not prohibit the continuance of the use of any land, building or structure for the purpose for which the land, building or structure is used at the time the resolution is adopted and it is not necessary to secure any certificate permitting such continuance. However, the alteration or addition to any existing building or structure for the purpose of effecting any change in use may be regulated...." The argument goes back to what is continuing use. The building is Industrial, it has always been industrial, the statute says you shouldn't be able to change that. He asked if this is zoned as GR-35, are we allowed to tax it as industrial. Acting Chairman Bonine said that can only be answered by the County Assessor. Mr. Minske added that if Industrial [zoning] was granted out there, it would be more taxes for the community, more jobs for the community, an all-around win.
  - Pam Hopkinson, Mayor of Byron in Big Horn County, said several months ago, actually it has been a couple years, she started working with IEC on sponsoring the passing of private activity bonds for Governor approval. Not many of those types of bonds had been

## Planning & Zoning Commission Minutes

September 22, 2021

196 done. What it does is open up millions of dollars for this business to put into our area. The  
197 top thing on the list is business. She knows this is about zoning, but zoning determines  
198 use. The reason that all the mayors want to have businesses come to our counties is  
199 because it brings jobs, people, business, and revenue. She has personally met with the  
200 principals of the company and researched their background and their company. She  
201 cannot understand why Planning and Zoning can't get behind this. There are other  
202 counties holding their arms open and saying, "come to us." It is going to benefit Park  
203 County and Big Horn County. She pleads for the County to do what is necessary to make  
204 it possible for a company to spend money in the County.  
205

206 Acting Chairman Bonine asked if there were further comments or questions from Commission  
207 members.

- 208 • Chairman Brandon-Wintermote asked staff about pages 109 and page 110 and the  
209 mention of a variance and SUP not being allowed. Staff was unable to find mention of  
210 variances on either page.  
211

212 Chairman Brandon-Wintermote made a MOTION to close the hearing at 2:21pm; SECONDED  
213 by Commissioner Spiering. The motion was carried unanimously.  
214

215 Acting Chairman Bonine asked Commission members if they had any discussion.

- 216 • Chairman Brandon-Wintermote said her biggest concern is that putting industrial zoning  
217 out there would set a dangerous precedent for future proposals. She feels that industrial  
218 is meant for urban areas. She doesn't believe they are intending to split the land, but it  
219 could be split down to one-acre parcels under industrial zoning. The infrastructure does  
220 not exist to support that.
- 221 • Commissioner Spiering said he doesn't feel that it is appropriate at this time. He is  
222 concerned about the viability of the company that is moving in. He has looked into it  
223 extensively because he would love to see new industry move in. He is concerned. We  
224 should prepare for failure of this particular industry. He thinks the idea that they could sell  
225 it and get many small lots is probably where it is going.
- 226 • Chairman Brandon-Wintermote said there was a lot of information that was presented that  
227 she feels they should continue it and do more research. Commissioner Spiering said it  
228 would be well merited. Acting Chairman Bonine said he is not opposed to continuing, but  
229 there are inconsistencies in his opinion of the claims of historic use and how they have  
230 chosen to define continuous use – may need further scrutiny to ensure that we are not  
231 missing something.
- 232 • Chairman Brandon-Wintermote would like to follow up on the variance and GR-35 that  
233 they are talking about and the lack of permit(s) being issued to them. She would like to  
234 see more documentation from the County if it exists.  
235

236 Chairman Brandon-Wintermote made a MOTION to continue the public hearing to the next  
237 available meeting on October 20<sup>th</sup>, 2021 @ 1pm. The motion was SECONDED by Commissioner  
238 Spiering. Unanimous approval. Motion passed. Chairman Brandon-Wintermote then realized she  
239 cannot continue because the hearing was already closed. The Planning Director confirmed that  
240 you cannot continue a hearing that has been closed; however, you can defer your decision to a  
241 later date. Chairman Brandon-Wintermote made a MOTION to defer the decision to the next

## Planning & Zoning Commission Minutes

September 22, 2021

242 meeting on October 20<sup>th</sup>, 2021. The motion was SECONDED by Commissioner Spiering.  
243 Unanimous approval.

244  
245 **PUBLIC HEARING – Riverside MS-60 Sketch Plan:** Arnold and Vicki Mollett request approval  
246 of the Sketch Plan for Riverside Minor Subdivision (MS-60). The proposed subdivision is  
247 comprised of five 4-acre lots, each for residential use. The proposed subdivision is located  
248 approximately 1.5 miles southwest of Ralston on County Lane 14 and is located in Lot 50-U,  
249 Resurvey, T54N, R100W of the 6<sup>th</sup> P.M., Park county, Wyoming in a General Rural Powell (GR-  
250 P) zoning district.

251  
252 Acting Chairman Bonine opened the public hearing at 2:30pm.

253  
254 Acting Chairman Bonine asked if any members of the commission wished to make a statement.  
255 There being no comments from Commission members, Kim Dillivan, Planner II, presented the  
256 Staff Report.

257  
258 Acting Chairman Bonine asked if any Commission members had questions for Staff.

- 259
- Commission members had no questions.
  - Ben McDonald, Public Works, said he has not yet provided a formal response, but legal access does exist. The shared accesses proposed are favorable.
- 260  
261  
262

263 Acting Chairman Bonine asked if the applicant had any questions or comments.

- 264
- Mr. Arnold Mollett, the applicant, said it is a nice rural area for a home lot rather than cramped in. Nearby lands are public and won't be developed.
  - Nick Hummel, Engineering Associates, said gas is adjacent to all lots on the north side of Lane 14. They submitted a water test from a nearby well but had to send in another one. They have no results back yet but hope to have an answer within the week. They are working with Garland Light and Power. Power is not adjacent to all the lots. It crosses Lots 3 and 4. Lots 1 and 2 would need an extension from Lot 3. Lot 5 has a few options. They are working on those details. It will likely need a subdivision improvements agreement. They are working with Willwood Irrigation District on the water distribution plan. Today the District said they are working on it and talked with the state about acreages.
- 265  
266  
267  
268  
269  
270  
271  
272  
273  
274

275 Acting Chairman Bonine asked if any Commission members had questions for the applicant.

- 276
- Chairman Brandon-Wintermote asked how they get back to the remainder parcel. There is a 40-foot strip of land, existing driveway, that will remain with that property.
  - Chairman Brandon-Wintermote asked about the gravel pit. Nick said it was for personal use for driveways and such.
- 277  
278  
279  
280

281 Acting Chairman Bonine asked if there were comments from any members of the public. There  
282 were no comments from those in attendance.

283  
284 With no remaining comments or questions, Chairman Brandon-Wintermote asked for discussion.

- 285
- Delete Condition #3 since title report was received.
  - Delete Condition #4 since a letter was received from Black Hills Energy.
  - Delete Condition #10 since a formal response has been received from Weed & Pest and a plan will be required.
  - Add a condition for a note on the final plat stating non-conventional or engineered septic systems may be required due to slow percolation rates.
  - Delete Condition #8 since a report was received from the Conservation District.
- 286  
287  
288  
289  
290  
291

## Planning & Zoning Commission Minutes

September 22, 2021

- 292 • Change finding #18 to show that a soils report has been received.  
293 • Change finding #25 to show that a response have been received from Black Hills Energy.  
294 • Change finding #24 to show that no formal response has been received from Public  
295 Works.  
296 • Change finding #17 to show that a response has been received from Weed & Pest and a  
297 Long-Term Noxious Weed Management Plan will be required.  
298

299 Chairman Brandon-Wintermote made a MOTION to close the hearing at 2:57pm; SECONDED  
300 by Commissioner Spiering. The motion was carried unanimously.  
301

302 Chairman Brandon-Wintermote made a MOTION to approve Riverside MS-60 by Resolution  
303 2021-37 based upon the findings presented and including the following conditions:  
304

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

310 2. Prior to sketch plan review by the Board of County Commissioners, the applicant  
311 shall provide Domestic Water Quality test results to the Planning & Zoning  
312 Department;

313 3. Prior to sketch plan review by the Board of County Commissioners, the applicant  
314 shall provide a response from Garland Light & Power providing details of how  
315 electrical service will be provided to all proposed lots;

316 4. Prior to final plat review by the Board of County Commissioners, the applicant shall  
317 provide a review and recommendations from the Willwood Irrigation District  
318 regarding the Water Distribution Plan to the Planning & Zoning Department;

319 5. Prior to sketch plan review by the Board of County Commissioners, the applicant  
320 shall provide a formal response from Park County Public Works to the Planning &  
321 Zoning Department;

322 6. Following Board approval of the sketch plan and prior to the Board's review of the  
323 final plat, the applicant shall submit an appropriate Subdivision Improvements  
324 Agreement for review and approval by the Board;

325 7. Prior to final plat review by the Board of county Commissioners, the applicant shall  
326 provide an approved Long-Term Noxious Weed Management Plan to the Planning  
327 and Zoning Department;

328 8. The applicant shall place a note on the final plat stating that non-conventional or  
329 engineered small wastewater systems may be required due to slow percolation rates;  
330 and

331 9. The applicant shall otherwise comply with standards in the Park County  
332 Development Regulations and the minimum subdivision requirements as set forth

**Planning & Zoning Commission Minutes**

September 22, 2021

333 in Wyoming Statute 18-5-306.

334  
335 The motion was SECONDED by Commissioner Spiering. The motion carried. See Resolution  
336 2021-37 attached hereto and incorporated herein.

337  
338 Acting Chairman Bonine delivered the Chair's report.

339  
340 The Planning Director delivered a report for the Planning and Zoning Department.

341  
342 There being no other business, a MOTION was made by Chairman Brandon-Wintermote to  
343 adjourn the meeting at 3:28pm. The motion was seconded by Commissioner Spiering. All in favor.

344  
345 Respectfully submitted,

346  
347  
348

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



**RESOLUTION 2021-36  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE  
RETIREMENT RIDGE SIMPLE SUBDIVISION-279 (SS-279) SKETCH PLAN**

**WHEREAS**, Kim Trautman proposes to create a simple subdivision comprised of one 17.61-acre lot for residential use. Creation of this subdivision will produce an exempt remainder parcel of 36.49 acres. The subdivision is located in a General Rural Powell (GR-P) zoning district;

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

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

**WHEREAS**, the Planning & Zoning Commission held a duly noticed meeting on September 22, 2021 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision Permit Application, including payment, was received on August 13, 2021;
2. The applicant proposes to create a subdivision comprised of one 17.61-acre lot for residential use, producing a 36.49-acre exempt remainder parcel;
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 a Warranty Deed (dated April 28, 2021, Doc. # 2021-3076) to Kim Trautman, a single person as sole owner;
6. The parcel is described as 54.1 acres located within that part of land within Lot 1 and SE1/4SE1/4 of Section 22, Lot 3 in Section 23, and Lot 8 in Section 26, T.55N., R.101W., 6th P.M., Park County, Wyoming;
7. The proposed subdivision is located approximately six miles west of Ralston, Wyoming, and directly south of County Lane 11 with an address of 2106 County Lane 11;
8. The subdivision is located in the General Rural Powell (GR-P) zoning district;
9. Surrounding land uses are primarily agricultural with a few residential uses located in the area;
10. There is an existing storage structure on proposed Lot 1 and the property slopes gently down in elevation from west to east;

11. The proposed subdivision is not within a mile of any municipality;
12. All notice requirements have been met;
13. All agency referral requirements have been met;
14. The applicant submitted a Layout and Work Order estimate from Garland Light & Power. No formal response has been received from Garland Light & Power;
15. Park County Weed & Pest has completed an initial inspection and indicated a Long-Term Noxious Weed Management Plan is required and a draft has been submitted;
16. Park County Fire Protection District #1 can provide fire protection to the proposed subdivision;
17. Park County School District #1 has bus service available to this subdivision;
18. TCT has the availability and capacity to provide terrestrial wireless internet and VOIP phone service to this subdivision;
19. Powell-Clarks Fork Conservation District submitted a soils report;
20. Black Hills Energy can supply natural gas to this proposed subdivision;
21. USPS has confirmed mail delivery is available to this proposed subdivision;
22. Heart Mountain Irrigation District is in communication with the applicant and will review the water distribution plan at their next meeting;
23. Park County Small Wastewater Administrator stated conventional septic systems would likely be sufficient for this proposed subdivision;
24. Park County Treasurer stated the property is current on taxes;
25. Game and Fish responded that they have no concerns with this subdivision, but are concerned with the number of proposed subdivisions;
26. No response has been received from the Park County Public Works;
27. No public comments have been received;
28. A pre-application meeting was held on May 27, 2021;
29. All application submission requirements for sketch plan review have been met;
30. No roads are proposed as a part of this subdivision;
31. Garbage disposal services are available from private service providers;
32. Simple subdivisions are not required to install utilities;
33. No hazardous features are known to exist on the property;
34. All wastewater requirements pertaining to sketch plan review have been met;
35. All domestic water requirements pertaining to sketch plan review have been met;
36. Agricultural impacts have been addressed;

37. All water rights requirements pertaining to sketch plan have been met;
38. Lot standards have been met and easement standards apply;
39. No drainage, sidewalks, street lighting or alleys are proposed;
40. The subdivision is not within an Airport or Flood Overlay District;
41. The subdivision is within an Agricultural Overlay District and is not expected to negatively impact neighboring agricultural operations; 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 Retirement Ridge SS-279, 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 Heart Mountain Irrigation District regarding a water distribution plan prior to final plat review by the Board of County Commissioners;
3. The applicant shall provide evidence that the R&R Water Association has reviewed and agrees with the water distribution plan;
4. An approved Long-Term Noxious Weed Management Plan shall be submitted to the Planning and Zoning Department prior to final plat review by the Board of County Commissioners;
5. The applicant shall provide to the Planning & Zoning Department a formal response from the Park County Public Works Department prior to final plat review by the Board of County Commissioners;
6. The applicant shall place a note on the final plat stating that any wells placed within the subdivision lots shall be permitted by the Wyoming State Engineer's Office;
7. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991; and

8. 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 22<sup>nd</sup> day of September, 2021.

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

**ATTEST:**



Duncan Bonine, Vice Chairman



Jolene Brakke, Secretary

**RESOLUTION 2021 -37  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE  
RIVERSIDE MINOR SUBDIVISION-60 (MS-60) SKETCH PLAN**

**WHEREAS**, Arnold & Vicki Mollett propose to create a five-lot subdivision consisting of five 4.0-acre lots, all for residential use. Creation of this subdivision will result in a remainder parcel of 45.62 acres. 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 September 22, 2021 to consider the sketch plan application and made findings as follows:

1. A Minor Subdivision Application, including payment, was received on August 13, 2021;
2. The applicant requests approval of a five-lot subdivision (each lot being four acres in size) with a remainder parcel of 45.62 acres;
3. Applicable Regulations for this development are the *Park County Wyoming 2015 Development Standards and Regulations* adopted September 15, 2015 ("Regulations");
4. This subdivision meets the requirements for classification as a Minor Subdivision;
5. Ownership is affirmed by Warranty Deed (dated November 22, 2019, Doc. #2019-6277) to Arnold R. Mollett and Vicki R. Mollett, husband and wife as tenants by the entirety, from Rebecca Christensen, a single person;
6. The parcel is described as that part of Farm Unit "T", according to the Amended Farm Unit Plat described as: Lot 50-P, N1/2 Lot 50-U, N1/2S1/2 Lot 50-U, T.54N., R100W., 6th P.M., Park County, Wyoming;
7. The proposed subdivision is located approximately two miles southwest of Ralston, approximately 0.5 miles south of US Highway 14A, on the north side of County Lane 14;
8. The lot sizes as proposed are consistent with the GR-P zoning district;
9. Neighboring land uses are primarily residential and residential vacant land.

- Properties bordering directly to the north and northwest of this parcel are Bureau of Land Management and Bureau of Reclamation. Across the river to the north of this parcel is an inactive large rock products mine. There is one 6-lot subdivision that borders the east boundary of this proposed subdivision;
10. This parcel is vacant land with native vegetation. The topography of the property is generally flat;
  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 Fire Protection District #1 has the ability to provide fire protection;
  15. The Willwood Irrigation District stated they have spoken with the applicant and reviewed the sketch plan;
  16. Garland Light & Power has the capacity to serve this development by extending an existing line located on Lane 14;
  17. A response was received from Park County Weed & Pest and a Long Term Noxious Weed Management Plan will be required;
  18. A soils report has been received from the conservation district;
  19. TCT has the ability to provide terrestrial wireless, internet and VOIP phone service;
  20. USPS has confirmed mail delivery is available to this proposed subdivision;
  21. The Park County Treasurer stated property taxes are current on this property;
  22. Park County School District #1 will have bus stops at all access points onto County Lane 14;
  23. Wyoming Game and Fish stated they have no specific concerns with the proposed subdivision but are concerned with the number of proposed subdivisions in the County;
  24. A formal response has not been received from Park County Public Works;
  25. A response has been received from Black Hills Energy;
  26. No public comments have been received;
  27. A pre-application meeting was held on July 22, 2021;
  28. Application submission requirements for sketch plan have been met;
  29. Legal access is proposed directly from County Lane 14;
  30. No roads are proposed for this subdivision,
  31. Wastewater requirements pertaining to sketch plan review have been met and non-conventional septic systems will likely be required on at least some

of the lots based upon subsurface evaluation information provided by the applicant (slow percolation rates);

32. Water quality test results have not been provided by the applicant;
33. Agricultural impacts have been addressed;
34. Water rights requirements pertaining to sketch plan review have been met;
35. Utility requirements pertaining to sketch plan review have not been met;
36. The applicant has not indicated with certainty whether electricity is adjacent to each proposed lot line;
37. The proposed subdivision lots meet lot size requirements;
38. If electricity is not adjacent to each lot line, a Subdivision Improvements Agreement will be required;
39. The subdivision is not within any Overlay District;
40. No hazardous features are known to exist on the property; and
41. No open spaces, natural areas, schools or parks are proposed or required.

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

**NOW, THEREFORE, BE IT RESOLVED** based on the foregoing, the Planning & Zoning Commission hereby recommends approval of the sketch plan for Riverside MS-60, 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. Prior to sketch plan review by the Board of County Commissioners, the applicant shall provide Domestic Water Quality test results to the Planning & Zoning Department;
3. Prior to sketch plan review by the Board of County Commissioners, the applicant shall provide a response from Garland Light & Power providing details of how electrical service will be provided to all proposed lots;
4. Prior to final plat review by the Board of County Commissioners, the applicant shall provide a review and recommendations from the Willwood Irrigation District regarding the Water Distribution Plan to the Planning & Zoning Department;

5. Prior to sketch plan review by the Board of County Commissioners, the applicant shall provide a formal response from Park County Public Works to the Planning & Zoning Department;
6. Following Board approval of the sketch plan and prior to the Board's review of the final plat, the applicant shall submit an appropriate Subdivision Improvements Agreement for review and approval by the Board;
7. Prior to final plat review by the Board of County Commissioners, the applicant shall provide an approved Long-Term Noxious Weed Management Plan to the Planning and Zoning Department;
8. The applicant shall place a note on the final plat stating that non-conventional or engineered small wastewater systems may be required due to slow percolation rates; and
9. The applicant shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306.

**ADOPTED** by the Park County Planning & Zoning Commission this 22<sup>nd</sup> day of September, 2021.

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

**ATTEST:**



Duncan Bonine, Vice Chairman



Jolene Brakke, Secretary



**STATEMENT FOR THE PUBLIC RECORD**

RE: Inductance Energy Corporation

September 22, 2021

Planning and Zoning Commission

Presented by

Richard Hawley

Manager – Government Liaison/Business Development

Inductance Energy Corporation

2301 LT Childers Street

Cody, Wyoming 82414

307.258.9659

[r.hawley@ie.energy](mailto:r.hawley@ie.energy)

Madam Chairwoman Kimberly Brandon-Wintermote,

You have our application in front of you, and I do wish to get the fact details on the record and not rehash what has been stated here.

I will get right to the point. Inductance Energy Corporation or IEC is seeking a recommendation for industrial zoning on a parcel of land in unincorporated Park County, Wyoming.

As I am sure you are aware, IEC was granted a zoning change to industrial on March 19<sup>th</sup> of 2019. IEC originally started the legal process to the change to industrial zoning on October 15<sup>th</sup> of 2018. The first properly noticed public hearing in front of this body was held on 12/18/18. A second properly noticed public hearing was held by this body on 1/29/19. On 3/19/19, five months after starting the process for the industrial zoning, the Park County Board of County Commissioners approved IEC's real estate for industrial zoning with Resolution 2019-10 by a vote of 3-1 with the honorable chairman abstaining.

On March 26, 2019 seven (7) days after IEC was granted industrial zoning, at 10:59PM Park County employee, Joy Hill entered into illegal ex parte communications (**See: Park County Land Use Plan 6.1 Paragraph 3\***), with the Board of County Commissioners, to manipulate the County Commissioners into rescinding IEC's industrial zoning, literally and figuratively outside of the State of Wyoming open meeting laws (**See: WY ss 16-4-403**). IEC's industrial zoning was revoked, without public notice, without due process and in violation of the County's rules of parliamentary procedure, as well as in violation of State of Wyoming open meeting laws. Staff in this matter are ex officio as best. Ms. Hill's email also contained unqualified legal opinions and conclusions in regards to zoning law. Ms. Hill is to the best of my knowledge not a licensed attorney in the State of Wyoming and is not compensated by Park County to give legal opinions on zoning issues. Ms. Hill's legal opinions and conclusions have impacted IEC access to due process. Staff in zoning map amendments (IEC's industrial zoning) in Park County Wyoming are ex officio.

On 4/2/2019, thirteen (13) days after granting industrial zoning to IEC, the Board of County Commissioners met again, without public notice, and allowed no public comment (*See: WY ss 16-4-403*) and voted to rescind Resolution 2019-10 thus reverting IEC's industrial zoning to un-zoned property as it was before the 3-19-19 vote granting industrial zoning took place. The Board of County Commissioners then passed Resolution 2019-16, with no public notice, no public hearings, denied IEC due process, and allowed no recommendations by this commission and in doing so broke several state, federal and county laws as well as plunged Park County into protracted and expensive litigation.

[W.S. 16-4-403. Meetings to be open; participation by public; minutes.](#)

*(a) All meetings of the governing body of an agency are public meetings, open to the public at all times, except as otherwise provided. No action of a governing body of an agency shall be taken except during a public meeting following notice of the meeting in accordance with this act. **Action taken at a meeting not in conformity with this act is null and void and not merely voidable.** (Emphasis added)*

With this in mind, Resolution 2019-16 is null and void, not merely voidable. The land truly sits unzoned still though the county zoning map lists it as GR-35. No application by any property owner or individual has ever filed an application with Park County for GR-35 zoning on IEC's real estate holdings.

I believe that it was/is the intention of the Board of County Commissioners to have the land zoned industrial, as they voted in favor of IEC's previous application and granted IEC industrial zoning. In order to help the County, on the basis of good citizenship, IEC extends this current application. IEC is a part of this community, and I personally am a native of this county. The County can use this opportunity to show the public that it has regained respect for due process, public notice and respect for state public meeting laws. IEC has resubmitted this new zoning map amendment application, as a proactive step forward for positive growth in Park County, and the addition of more than \$1 million in annual payrolls. IEC is in the frame of mind to see Park County uphold due process, and follow both state law and it's own laws and procedures. IEC wants the wrong corrected. The Board of County Commissioners with earnest help from this Commission can uphold the industrial zoning by affirming this application.

This is a public hearing. I don't know what questions you have of IEC or myself. I will answer any questions you have openly. I am a 4<sup>th</sup> generation Park County native of five generations of my family that have helped build Park County. I served as managerial staff for the late Sen. Mike Enzi for more than twelve years, working in every corner of Wyoming. I am entering my fifth year as an Inductance Energy employee. As a long time, federal employee, I am obviously not anti-government. What I cannot condone are public employees acting as bureaucrats that erode the trust of the public, and through their misguided and illicit actions deny dozens the right to gainful employment and a future. The lawsuits are mounting. How long can we allow this behavior, by tax paid Park County employees, that cost all of us as citizens of Park County, countless tax dollars to defend? I understand the character of Park County and my employer, and it can be a great combination for the future. I only want what is best for my "hometown."

Respectfully,

~Richard Hawley | Government Liaison | Inductance Energy

## Joy Hill

---

**From:** Joy Hill  
**Sent:** Tuesday, March 26, 2019 10:59 PM  
**To:** Dossie Overfield; Jake Fulkerson; Joe Tilden; Lee Livingston; Lloyd Thiel; Susan Kohn  
**Cc:** Colleen Renner; Bryan Skoric  
**Subject:** Resolution 2019-10 - Un-zoned Parcel Zoned Industrial (does not conform to LUP or County regulations)  
**Attachments:** 20190326 BCC Draft Resolution Zoning of Unzoned RMCC Parcel\_Industrial.docx

Commissioners,

I put together a resolution for the industrial zoning of the RMCC parcel. Note that I was unable to provide findings that support items ii and iv, as previously discussed with several of you (shown in red on the attached draft). I recommend that you do not sign this resolution as it would go against both the Land Use Plan recommendations and our current regulations.

In determining whether the resolution should be rescinded or, I suggest consulting with Colleen as to how recording (or lack thereof) and resolution numbering could be impacted (if at all).

Thank you,  
Joy

**Joy Hill**

**Planning and Zoning Director**

**Park County, Wyoming**

1002 Sheridan Avenue, Suite 109

Cody, WY 82414

Phone: 307-527-8540

Email: [jhill@parkcounty.us](mailto:jhill@parkcounty.us)

Website: [www.parkcounty.us](http://www.parkcounty.us)

Park County Commissioners

Inductance Energy Corporation (IEC) has purchased approx. 160 acres at the address of 225 Highway 295, Powell, WY. Also know as the "Old Air Force base". Since the Air Force has left, there have been a few attempts to utilize those buildings in the past. None were successful. IEC would like to change that.

As long-time residents in Park County, we are fully aware of the challenges to find gainful employment opportunities in our location. IEC's development of the old Air Force base offers the potential for good paying jobs literally next door to where we live. The Zoning for their property needs to change to urban Industrial.

To leave buildings unused and deteriorating is a waste in so many ways, including tax payer dollars that funded the building, and no receipt of potential dollars from business use to house a productive employer in our county. Help stop that waste and change the zoning of IEC's property from General Rural to urban Industrial.

As you well know, IEC's property is located off the beaten path at nearly the end of the East Willwood highway. That property is directly surrounded on all sides by government owned land. Making this an ideal location for this business. They wont bother anyone being there in full operation. It also is a poor location for many. Many other businesses have proven by the failure of previous attempts to use the property. Change the zoning and allow this new business to grow in our county.

Neighbors have the most to gain or lose by what happens next door to their property and should have the most influence on your decision to change.

As the nearest private land owners and residents to IEC's property we are their neighbors, we welcome them into our community and expect you as the Planning & Zoning Committee and Park County Commissioners to do the same.

Below are the signatures of the East Willwood community that are in agreement:

Dilyn Farwell	- Dilyn Farwell
Jode Kraft	Jode Kraft
Marilyn Farwell	Marilyn Farwell
Kan Kraft	Kan Kraft
Jerry Farwell	Jerry Farwell
Sydney Asay	Sydney Asay
Kania Asay	Kania Asay
Chuck Nicholson	Chuck Nicholson
Pat Olson	Pat Olson
Marcy Friedly	Marcy Friedly
Del Friedly	Del Friedly
Lydia McCracken	Lydia McCracken
Shawn McCracken	Shawn McCracken

# PLEASE SIGN IN

## PLANNING and ZONING COMMISSION REGULAR MEETING September 22, 2021

		Inductance Energy Corporation Zoning Map Amendment Riverside MS-60 Sketch Plan	
1	Please <b>PRINT</b> your name	Name of the <b>HEARING OF INTEREST</b>	DO YOU WISH TO SPEAK
1	Richard Hawley	IEC	Yes
2	Brandon Minske	IEC	Yes
3	ARNOLD Mollett	River side MS-60	No
4	NICHOLAS HUMMEL	RETIREMENT RIDGE + RIVERSIDE	IF NEEDED
5	Charles Ziska	Retirement Ridge	No
6	Jem Wenzel (HMZS)	RET RID	IF NEEDED
8	Dalyn Farwell	IEC	yes
9	Leo Wilson	Cozy Enterprise	No
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			

**PLEASE SIGN IN**  
**PLANNING and ZONING COMMISSION**  
**REGULAR MEETING**  
**September 22, 2021**

Inductance Energy Corporation Zoning Map Amendment  
 Riverside MS-60 Sketch Plan

	Please <b>PRINT</b> your name	Name of the <b>HEARING OF INTEREST</b>	DO YOU WISH TO SPEAK
1	Pamela Hopkinson		
2			
3			
4			
5			
6			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			



**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, September 22, 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 August 18, 2021 meeting.

**CONSENT AGENDA**

[Retirement Ridge SS-279](#)

**REGULAR AGENDA**

[PUBLIC HEARING – Inductance Energy Corporation Zoning Map Amendment](#)

[PUBLIC HEARING – Riverside MS-60 Sketch Plan](#)

**OTHER BUSINESS**

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

**ADJOURN**