

## Planning & Zoning Commission Minutes

November 17, 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  
Eugene Spiering  
Marion Morrison

### Staff Present:

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

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

### APPROVAL OF MINUTES

Chairman Brandon-Wintermote asked the Commission for comments or changes to the October 20, 2021 meeting minutes. A MOTION was made by Commissioner Morrison to approve the minutes; the motion was SECONDED by Commissioner Spiering to approve the minutes as corrected. Motion was carried unanimously.

### CONSENT AGENDA

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

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

Commissioner Morrison made a MOTION to approve the items on the consent agenda. SECONDED by Commissioner Spiering. All in favor. Motion passed. Conditions were read for each resolution.

Montgomery SS-282 Sketch Plan: James M. Montgomery, Jr. requests approval of the sketch plan for a simple subdivision comprised of 2 lots of 5+/- acres for residential use from a 91.69-acre parcel, thus creating an 81.69-acre remainder parcel. This proposed subdivision is located in Section 15, T52N, R104W of the 6<sup>th</sup> P.M., Park County, Wyoming, in a General Rural 5-acre (GR-05) zoning district.

Montgomery SS-282 Sketch Plan was recommended for approval by Resolution 2021-40 and Commissioner Morrison read the following conditions into the record:

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

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- 55 any utility easement shall be sufficient to allow adequate maintenance of the system,  
56 but in no case shall such utility easement be less than 20 feet in width. Easements  
57 must be identified on the final plat;
- 58 2. The applicant shall provide an approved Long-Term Noxious Weed Management  
59 plan to the Planning & Zoning Department, prior to final plat review by the Board of  
60 County Commissioners;
- 61 3. The applicant shall provide comments to the Planning & Zoning Department from  
62 other area appropriators served by the irrigation ditch serving this proposed  
63 subdivision regarding the subdivision water distribution plan, prior to final plat review  
64 by the Board of County Commissioners;
- 65 4. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of  
66 1991;
- 67 5. The applicant shall place the following note on the final plat: "Any proposed water  
68 wells on these subdivision lots shall be permitted by the Wyoming State Engineer's  
69 Office prior to installation"; and
- 70 6. The applicant shall otherwise comply with standards in the Park County  
71 Development Regulations and the minimum subdivision requirements as set forth  
72 in Wyoming Statute 18-5-306.

73 See Resolution 2021-40 attached hereto and incorporated within.

74  
75 **J1S SS-280 Sketch Plan:** Denman Jones, as Applicant, and Daniel Rodriguez, Trustee of the  
76 Raymond Rodriguez Trust, as Property Owner, request approval of the sketch plan for a simple  
77 subdivision comprised of one 2-acre lot for residential use. Creation of this subdivision will  
78 produce an exempt remainder parcel of 36.28 acres. This proposed subdivision is located in Lot  
79 58 of Farm Unit B, T55N, R98W of the 6<sup>th</sup> P.M., Park County, Wyoming in a General Rural Powell  
80 (GR-P) zoning district.

81  
82 J1S SS-280 Sketch Plan was recommended for approval by Resolution 2021-41 and Chairman  
83 Brandon-Wintermote read the following conditions into the record:

- 84  
85 1. The applicant shall provide all easements as requested by applicable utilities and  
86 special districts, irrigation districts or public agencies providing services. The width of  
87 any utility easement shall be sufficient to allow adequate maintenance of the system,  
88 but in no case shall such utility easement be less than 20 feet in width. Easements  
89 must be identified on the final plat;
- 90 2. The applicant shall provide a response from the Park County Treasurer's Office prior  
91 to final plat review by the Board of County Commissioners;
- 92 3. The applicant shall provide to the Planning & Zoning Department a review and  
93 recommendations from the Shoshone Irrigation District regarding a water distribution  
94 plan, prior to final plat review by the Board of County Commissioners;
- 95 4. The applicant shall provide an approved Long-Term Noxious Weed Management  
96 Plan to the Planning & Zoning Department, prior to final plat review by the Board of  
97 County Commissioners;
- 98 5. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of  
99 1991;

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100 6. The applicant shall place the following note on the final plat: "Any proposed water  
101 wells on these subdivision lots shall be permitted by the Wyoming State Engineer's  
102 Office"; and

103 7. The applicant shall otherwise comply with standards in the Park County  
104 Development Regulations and the minimum subdivision requirements as set forth  
105 in Wyoming Statute 18-5-306.

106 See Resolution 2021-41 attached hereto and incorporated within.

107  
108 **La Blue SS-277 Sketch Plan:** Coby and Arend La Blue request approval of the sketch plan for a  
109 one lot simple subdivision comprised of one 3+/- acres lot for residential use. This proposed  
110 subdivision is located in Lot 43-R of T56N, R98W of the 6<sup>th</sup> P.M., Park County, Wyoming in a  
111 General Rural Powell (GR-P) zoning district. The parcel has an address of 675 Lane 6, Powell.  
112

113 La Blue SS-277 Sketch Plan was recommended for approval by Resolution 2021-42 and  
114 Commissioner Morrison read the following conditions into the record:  
115

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

121 2. The applicants shall provide to the Planning & Zoning Department a review and  
122 recommendations from the Shoshone Irrigation District regarding a water distribution  
123 plan, prior to final plat review by the Board of County Commissioners;

124 3. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of  
125 1991; and

126 4. The applicants shall otherwise comply with standards in the Park County  
127 Development Regulations and the minimum subdivision requirements as set forth  
128 in Wyoming Statute 18-5-306.

129  
130 See Resolution 2021-42 attached hereto and incorporated within.

131  
132 **Cooper SS-281 Sketch Plan:** Nick and Rachael Handley, as Applicants and Abigail Swaney, as  
133 Property Owner, request approval of the application and Sketch Plan for a simple subdivision  
134 comprised of one 6-acre lot for residential use. Creation of this subdivision will produce an exempt  
135 remainder parcel of 59.58 acres. The proposed subdivision is located in Lot 13 & 15, Tract 78-4  
136 & 78-5, Section 18, Resurvey T55N, R100W of the 6<sup>th</sup> P.M., Park County, Wyoming in a General  
137 Rural Powell (GR-P) zoning district with an address of 929 Road 19, Powell.  
138

139 Cooper SS-281 Sketch Plan was recommended for approval by Resolution 2021-43 and  
140 Chairman Brandon-Wintermote read the following conditions into the record:  
141

142 1. The applicants shall provide all easements as requested by applicable  
143 utilities and special districts, irrigation districts or public agencies providing  
144 services. The width of any utility easement shall be sufficient to allow

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- 145 adequate maintenance of the system, but in no case shall such utility  
146 easement be less than 20 feet in width. Easements must be identified on the  
147 final plat;
- 148 2. The applicants shall provide to the Planning & Zoning Department a review  
149 and recommendations from the Heart Mountain Irrigation District, prior to final  
150 plat review by the Board of County Commissioners;
- 151 3. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch  
152 Act of 1991;
- 153 4. The final plat shall contain a note stating that a water sample from a  
154 neighboring well detected the presence of Total Coliform;
- 155 5. The applicants shall comply with the recommendations received from Park  
156 County Weed & Pest; and
- 157 6. The applicants shall otherwise comply with standards in the Park  
158 County Development Regulations and the minimum subdivision  
159 requirements as set forth in Wyoming Statute 18-5-306.

160  
161 See Resolution 2021-43 attached hereto and incorporated within.  
162

### REGULAR AGENDA

163  
164  
165 PUBLIC HEARING – Jody Lane MS-63 Sketch Plan: Brett Whitlock requests approval of the  
166 application and Sketch Plan for the Jody Lane Minor Subdivision (MS-63). The applicant requests  
167 to vacate Lot 2 of the Miller SS-33 Subdivision and create four lots; approximately 5-acres each,  
168 totaling 20.38-acres for residential use. The proposed subdivision is located approximately 8.5  
169 miles southwest of Cody and is described as Lot 2 of Miller SS-33, resurvey T52N, R102W of the  
170 6<sup>th</sup> P.M., Park County, Wyoming in a General Rural 5-Acre (GR-5) zoning district.  
171

172 Chairman Brandon-Wintermote reviewed the rules of a public meeting and opened the public  
173 hearing at 1:15pm. Chairman Brandon-Wintermote disclosed that she was contacted by Russ  
174 Whitlock with concerns about the number of lots that will be served by the road. She said he  
175 also spoke with Brian Edwards, County Engineer, so he can address those concerns during his  
176 report.  
177

178 There being no comments from Commission members, Patti Umphlett, Planner I, presented the  
179 Staff Report.  
180

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

- 182 • Brian Edwards, County Engineer, said they looked at the road as well as other recent  
183 development in the area. He said Jody Lane is a pretty good road. It is a dedicated 60'  
184 right-of-way most of the way, 40' at the south end. There is irrigation on the west. The  
185 actual driving work surface is crowded to the east side of the right-of-way. There is limited  
186 room for doing additional improvements. By our standards, improvements to the road  
187 would be needed. We rely a lot on what the adjacent landowners want because a lot of  
188 people living on the road don't want it to be paved. He said they didn't receive any  
189 comments during the 3 Sisters subdivision. In this case, he did receive some feedback  
190 from someone who feels the road needs to be improved to County standards including  
191 paving, which may mean reworking the irrigation infrastructure. The burden is on the  
192 developer to complete those improvements. As far as any new roads to be constructed as

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193 an extension, anything new will have to be built to County standards. He requested a  
194 drainage report and everything else is summed up in his letter.

- 195 • Commissioner Morrison said the staff report says there is no road maintenance  
196 agreement. She asked if that would be required. Brian said that would be his  
197 recommendation. Certainly, for any new road or extension, he recommends a  
198 maintenance agreement for those who will use the new portion. Ideally, anyone who uses  
199 Jody Ln should participate in a long-term road maintenance agreement.
- 200 • Mary McKinney, Weed and Pest, said she doesn't have many additional comments  
201 outside of her letter. There is currently active ag, so there isn't much concern at this time.  
202 Her concern is, once the ag use is changed, the ground continue to be maintained. When  
203 moving out of flood irrigation and into sprinkler irrigation, there can be problems if they  
204 don't maintain, water, and monitor for problem species. She has not received a weed plan  
205 as of yet.

206  
207 Chairman Brandon-Wintermote asked if the applicant had any questions or comments.

- 208 • Cody Schatz, Engineering Associates, applicant's representative, said he will submit a  
209 weed plan prior to final plat application. He received Public Works' letter and they will be  
210 building the new portion of the road under their standards, not pavement. There will be a  
211 road maintenance agreement for that section. They will check to see if others along Jody  
212 Lane will enter into an agreement.

213  
214 Chairman Brandon-Wintermote asked if any Commission members had questions for the  
215 applicant.

- 216 • Chairman Brandon-Wintermote asked if there was a road maintenance agreement for 3  
217 Sisters. Staff said there appears to be one according to the staff report for that project.
- 218 • Chairman Brandon-Wintermote asked about irrigation. Cody said they will need a water  
219 distribution plan and that sprinkler irrigation will be required.
- 220 • Commissioner Morrison addressed Game and Fish's comment on Chronic Wasting  
221 Disease. Staff read the letter from Game and Fish. Commissioner Morrison said we do  
222 not dictate covenants, but maybe a recommendation could be made.

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

- 225 • Wilson Crawford lives near the start of Jody Lane. He is concerned that on the west side  
226 of the road is a berm. The berm picks up snow for miles to the west. It is not unusual to  
227 have deep and long snow drifts along the road. The amount of maintenance required in  
228 the wintertime can be as many as three times a day plowing. It is an issue. If they have to  
229 start plowing it a lot, they will lose the base. If this subdivision does happen, he feels  
230 paving is appropriate. There are other landowners in the area. If they are at 11 lots and  
231 there is another landowner that wants to add a house, will that person have to pave the  
232 road because of the County specifications? We should adhere to the road  
233 recommendations of the County and not say oh, it's just close or it is not close. He  
234 addressed the deer, but he also addressed the migratory birds that use the area as a  
235 feeding site – hundreds, maybe thousands of birds come in to feed. He does not feel this  
236 is a good land use. Just look at the adjacent subdivision that is weeds and dirt (Patriot  
237 Lane). Only one landowner takes care of his lot. The rest is weeds – easily seen on aerial  
238 photos. You get on the other side and there is no agricultural activity to speak of. At least  
239 half of the ag is gone and has changed the complexion of the site.
- 240 • Steve Bales, landowner to the south of the property. One of his concerns is a new fence.  
241 The present fence was installed by the previous owner. The electric fence has not been  
242 maintained. His livestock will get through. He would like a new fence to keep his animals



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- 243 in and keep any domestic pets from getting out of the subdivision. He is also from the  
244 Lakeview Irrigation District and they have not seen a water plan.
- 245 • Julie Vance, adjacent property to the west, is concerned about the irrigation issue. She  
246 has visited with Lake View. She is concerned about the water table. It is 330 yards from  
247 their well to the property line. Has any research been done to ensure that there will be no  
248 impacts to her water well?
  - 249 • Justin Peters asked about the proposed HOA. Would all of the landowners on Jody Lane  
250 be a part of it or just the proposed subdivision?
  - 251 • Jesse Peters, lives to the west, said the water well [impacts] are a huge concern of his.  
252 He hates to see ag land being destroyed by a subdivision. Once destroyed you can't get  
253 it back.
  - 254 • Cody Schatz said they are required to take a sample of water wells in the area. DEQ  
255 requires that you be 100 feet away from leach fields or septic tanks. The nearest one  
256 would be 900 feet away. For the HOA, he thinks the developer is open to see if anyone  
257 wants to do a road maintenance agreement with others along Jody Lane. As for irrigation,  
258 after talking with Lakeview he knows they have to get the water distribution plan and knows  
259 it is required for final plat. They will be using less water under sprinkler irrigation.
  - 260 • Chairman Brandon-Wintermote addressed concerns about the wells.
  - 261 • The Planning Director addressed the question about the HOA. The HOA will address the  
262 lots in this subdivision only, unless specified otherwise.
  - 263 • Chairman Brandon-Wintermote mentioned that neighbors have recently worked together  
264 on Kobbe and Patriot Subdivisions to have a cohesive plan for their road.
  - 265 • Commissioner Morrison said she shared the concerns about water. You don't know what  
266 the impact will be until it's done. She feels this concern should be addressed at the state  
267 level. You file an application for a well and there is no closure to the circle so everyone is  
268 in the loop (State, County, etc.). If it weren't for Buffalo Bill Dam and the tributaries, it would  
269 all be Sage Brush. Irrigation recharges the hydrology. One of things we are requiring is  
270 sprinkler irrigation, so how will these aquifers be recharged? We need to be able to let  
271 people know when a well goes dry and where it is happening. At some point, we won't be  
272 able to just punch a hole in the ground. She added a reminder to the applicant that there  
273 are rules for down shielding lights. She would like the developer to remind buyers that  
274 lighting should be down shielded.
  - 275 • Mary McKinney said prior to standards including the noxious weed inspections and plans  
276 there were not parameters for people to address those problems. The one problem  
277 subdivision mentioned happened before we had these rules and they do have issues in  
278 that subdivision; a lot with nuisance species. Covenants sometimes require weeds to be  
279 mowed. That subdivision has created their own problems. She asked that people consider  
280 in their covenants not mowing things to 3 inches – there are other ways to mitigate it. She  
281 can help people with weed issues.
  - 282 • Ellen Bales said she has an issue with the fence between her ag land and the Whitlock's.  
283 She witnessed them harassing her cows with their side-by-side and their dogs. The fence  
284 is not being maintained.
  - 285 • Commissioner Morrison said we do have a statement that there will not be an issue with  
286 dogs.
  - 287 • The Planning Director indicated that Developers may address pet and/or ag impacts in  
288 covenants. It may be appropriate to be more aware of this issue moving forward due to  
289 the increase in development and potential impacts.
  - 290 • Brett Whitlock said he feels there is somewhat of a misunderstanding. He said there must  
291 be some problem with the fence. He publicly apologized to the neighbors. He was not  
292 aware there was a harassment issue. His intent was to push the cows back toward their

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293 property. There was zero intent of harassment, he thought he was being a good neighbor  
294 by directing the cows back to their property. Steve did contact him about considering a 4-  
295 wire fence around the subdivision. He is taking that into consideration. He said it could  
296 assist with these concerns. It is being taken into very serious consideration.

- 297
- Justin Peters said they are proposing an HOA for just the 4 houses. Will they be responsible for the maintenance all the way the end of Jody Lane?
  - The Planning Director read the Jody Lane Maintenance Association for Jody Lane, indicating that is unclear if it is recorded and doesn't appear to be notarized.
  - Wilson Crawford, said not all parties on that road signed that agreement. There are some individuals along the road that did not sign. It is not complete.
  - Catherine Crawford said it was those folks who wanted to come together to address the maintenance.
  - Commissioner Morrison recommended continuation of the hearing pending more information on the road and status of the road.
- 307

308 At 2:13pm, Commissioner Morrison made a MOTION to continue the hearing on December 14,  
309 2021; SECONDED by Commissioner Spiering. The motion was carried unanimously.

310  
311 Chairman Brandon-Wintermote delivered the Chair's report.

312  
313 The Planning Director delivered a report for the Planning and Zoning Department.

314  
315 There being no other business, a MOTION was made by Commissioner Morrison to adjourn the  
316 meeting at 2:40pm. The motion was seconded by Commissioner Spiering. All in favor.

317  
318 Respectfully submitted,

319  
320  
321

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

**RESOLUTION 2021-40  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE  
MONTGOMERY SIMPLE SUBDIVISION-282 (SS-282) SKETCH PLAN**

**WHEREAS**, James M. Montgomery, Jr. proposes to create a subdivision consisting of two 5.0-acre lots for residential use. The existing parcel is 91.69 acres. Should this subdivision be approved, it will create an 81.69-acre remainder parcel. The subdivision is located in a General Rural 5-Acre (GR-5) zoning district;

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

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

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

1. A Simple Subdivision Permit Application, including payment, was received from James M. Montgomery, Jr. on October 15, 2021;
2. The applicant proposes to create a subdivision consisting of two 5.0-acre lots for residential use. The subdivision area is approximately 91.69-acres. Should this subdivision be approved, it will create an 81.69-acre 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 of a 91.69-acre parcel is affirmed by a Warranty Deed (dated June 17, 2004, Doc. 2005-124) to James M. Montgomery, Jr., a married man;
6. The proposed subdivision is located approximately 11 miles west of Cody, Wyoming, and south of U.S. Highway 14-16-20;
7. The lot sizes proposed are consistent with the General Rural 5-Acre (GR-5) zoning district;
8. Surrounding land uses are primarily agricultural with a few residential and residential vacant uses in close proximity;
9. The land slopes gently from the north to the south/southeast and is currently vacant irrigated land. The southern 165 +/- feet of proposed Lot 1 is located within the FEMA Flood Plain;



10. The proposed subdivision is not within a mile of a municipality;
11. Simple subdivisions are exempt from public hearing requirements;
12. Notice of Intent to Subdivide was published in the Cody Enterprise on October 7, 2021 and October 12, 2021;
13. All agency referral requirements have been met;
14. Cody Conservation District has submitted a soils report;
15. Rocky Mountain Power has the capacity to provide electrical service to this proposed 2-lot subdivision. Right-of-way permits may be required;
16. Blakeman Propane is able to provide propane service to this property;
17. WYDOT has approved Access Permit PA-01A-47693 changing an existing access from field to residential;
18. Park County Fire Protection District #2 can provide fire protection to the proposed subdivision;
19. USPS has confirmed mail delivery is available to this proposed subdivision;
20. Park County Weed & Pest indicated a Long-Term Noxious Weed Management plan is required;
21. Park County School District #6 will provide bus service to serve this subdivision;
22. Park County Treasurer has stated the taxes are paid current on this property
23. Wyoming Game & Fish has no comments or concerns pertaining to aquatic resources, but stated they have some terrestrial wildlife concerns with this project;
24. Black Hills Energy has no service close to this location;
25. Wyoming State Engineer's Office has been made aware of this potential subdivision;
26. No response has been received from Park County Public Works;
27. No public comments have been received;
28. All application submission requirements for sketch plan review have been met;
29. Several minor corrections to the existing sketch plan were identified, and a revised sketch plan was received prior to sketch plan review by P&Z;
30. A pre-application meeting was held on September 17, 2021;
31. All wastewater requirements have been met;
32. Conventional septic systems are likely sufficient should the lots be further developed;
33. All domestic water requirements have been met;

34. Results from the water quality analysis indicated the water is safe for domestic use;
35. Agricultural impacts have been addressed;
36. A water distribution plan will be shared with other appropriators who use the irrigation ditch located on this property;
37. No hazardous features are known to exist on the property;
38. The proposed subdivision lots meet lot size requirements;
39. The subdivision is not within any Overlay District, except the southern portion of proposed Lot 1 is in a floodplain overlay;
40. Any future development on proposed Lot 1 occurring in the floodplain will require compliance with current floodplain development regulations; 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 Montgomery SS-282, 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 & Zoning Department, prior to final plat review by the Board of County Commissioners;
3. The applicant shall provide comments to the Planning & Zoning Department from other area appropriators served by the irrigation ditch serving this proposed subdivision regarding the subdivision water distribution plan, prior to final plat review by the Board of County Commissioners;
4. The applicant shall provide an official response to the Planning & Zoning Department from the Park County Public Works office, prior to final plat review by the Board of County Commissioners;
5. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991;

6. The applicant shall place the following note on the final plat: "Any proposed water wells on these subdivision lots shall be permitted by the Wyoming State Engineer's Office prior to installation"; and
7. The applicant shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306.

**ADOPTED** by the Park County Planning & Zoning Commission this 17<sup>th</sup> day of November, 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 2021-41  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE  
J1S SIMPLE SUBDIVISION-280 (SS-280) SKETCH PLAN**

**WHEREAS**, Denman E. Jones proposes to create a subdivision comprised of one 2.0-acre lot for residential use. Creation of this subdivision will produce an exempt remainder parcel of 36.28 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 November 17, 2021 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision Permit Application, including payment, was received on October 14, 2021;
2. A revised sketch plan was received on October 21, 2021;
3. The applicant proposes to create a subdivision comprised of one 2.0-acre lot for residential use, leaving a 36.28-acre exempt remainder parcel;
4. Applicable regulations are the *Park County Wyoming 2015 Development Standards and Regulations*, adopted September 15, 2015;
5. The subdivision classification meets the standards of a simple subdivision;
6. Ownership is affirmed by a Warranty Deed (dated August 13, 1993, Bk. 0234-Pg. 669) conveying an undivided one-half interest to Raymond Rodriguez and Marina Z. Rodriguez, as Trustees of the Raymond Rodriguez Trust, a Trust established August 13, 1993 and the remaining undivided one-half interest to Raymond Rodriguez and Marina Z. Rodriguez, as Trustees of the Marina Z. Rodriguez Trust, a Trust established August 13, 1993, as tenants in common, with no rights of survivorship from Raymond Rodriguez and Marina Z. Rodriguez, husband and wife.
7. The parcel is described as: A parcel of land described as Lot 58: Farm Unit "B" according to the farm unit plat or Lot 58-B, EXCEPTING therefrom a tract of land containing two acres more or less, described as the East 370 feet of the North 235 feet of Lot 58-B, T. 55 N., R.98W., of the 6<sup>th</sup> P.M., Park County, Wyoming;

8. The proposed subdivision is located approximately 0.775 miles south of Garland and approximately 3.77 miles east of the City of Powell, and just south of Lane 8. This parcel is unaddressed but is located directly west of 430 Lane 8, Powell;
9. The lot size, as proposed, is consistent with the GR-P zoning district;
10. Surrounding land uses are primarily agricultural with a few residential uses located in the area;
11. This parcel of land is relatively flat, currently vacant, irrigated farmland;
12. The proposed subdivision is not within a mile of any municipality;
13. A Notice of Intent to Subdivide was published in the *Powell Tribune* on October 7, 2021 and October 14, 2021;
14. Simple subdivisions are exempt from public hearing requirements and may be eligible for P&Z approval under the consent agenda;
15. All agency referral requirements have been met;
16. TCT has the availability and capacity to provide terrestrial wireless internet and VOIP phone service to this subdivision;
17. USPS has confirmed mail delivery is available to this proposed subdivision;
18. Keele Sanitation is able to provide solid waste removal service to this parcel;
19. Park County Weed & Pest has completed an initial inspection and indicated a Long-Term Noxious Weed Management plan is required;
20. A Long-Term Noxious Weed Management Plan has not been submitted;
21. Park County School District #1 has bus service available to this subdivision;
22. Park County Fire Protection District #1 can provide fire protection to the proposed subdivision;
23. Garland Light & Power has the capacity to provide electrical services to this subdivision;
24. Overhead power lines are located along County Lane 8;
25. Montana-Dakota Utilities can supply natural gas to this proposed subdivision;
26. A natural gas, main line is located along County Lane 8;
27. Park County Public Works has provided their review regarding access, utilities crossing County roadways, and drainage and erosion control;
28. Wyoming Game & Fish Department has provided comments of specific concerns regarding this proposed subdivision; however, they remain concerned with the number of proposed subdivisions in Park County;
29. Powell-Clarks Fork Conservation District submitted a soils report;
30. The Shoshone Irrigation District has been notified of this proposed subdivision,

but no response has been received.

31. No response has been received from Park County Treasurer;
32. No public comments have been received;
33. All application submission requirements for sketch plan review have been met;
34. A pre-application meeting was held on August 23, 2021;
35. No roads are proposed as a part of this subdivision;
36. Simple subdivisions are not required to install utilities;
37. No hazardous features are known to exist on the property;
38. All wastewater requirements have been met;
39. The Park County Small Wastewater Administrator stated conventional septic systems would likely be sufficient for this proposed subdivision;
40. All domestic water requirements have been met;
41. The water quality sample taken was deemed safe for E. Coli and Total Coliform;
42. Agricultural impacts have been addressed;
43. Water rights requirements pertaining to sketch plan review have been met;
44. Lot standards have been met;
45. Easement standards apply;
46. No drainage, sidewalks, street lighting or alleys are proposed;
47. The subdivision is not within any Overlay District;
48. A Subdivision Improvements Agreement is not required; 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 J1S SS-280, subject to the following conditions:

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



2. The applicant shall provide a response from the Park County Treasurer's Office prior to final plat review by the Board of County Commissioners;
3. The applicant shall provide to the Planning & Zoning Department a review and recommendations from the Shoshone Irrigation District regarding a water distribution plan, prior to final plat review by the Board of County Commissioners;
4. The applicant shall provide an approved Long-Term Noxious Weed Management Plan to the Planning & Zoning Department, prior to final plat review by the Board of County Commissioners;
5. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991;
6. The applicant shall place the following note on the final plat: "Any proposed water wells on these subdivision lots shall be permitted by the Wyoming State Engineer's Office"; and
7. The applicant shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306.

**ADOPTED** by the Park County Planning & Zoning Commission this 17<sup>th</sup> day of November, 2021.

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

**ATTEST:**



Kimberly Brandon-Wintermote, Chairman



Jolene Brakke, Secretary

**RESOLUTION 2021-42  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE  
La BLUE SIMPLE SUBDIVISION-277 (SS-277) SKETCH PLAN**

**WHEREAS**, Coby & Arend La Blue propose to create a subdivision comprised of one 3.0-acre lot for residential use. Creation of this subdivision will result in an exempt remainder parcel of 37.05 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 November 17, 2021 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision Permit Application, including payment, was received on July 26, 2021;
2. A revised sketch plan was received on October 29, 2021;
3. The applicants propose to create a subdivision comprised of one 3.0-acre lot for residential use, resulting in an exempt remainder parcel of 37.05 acres;
4. Applicable regulations are the *Park County Wyoming 2015 Development Standards and Regulations*, adopted September 15, 2015;
5. The subdivision classification meets the standards of a simple subdivision;
6. Ownership is affirmed by a Warranty Deed dated November 17, 2020, (Doc. #2020-7548) Arend La Blue, Coby La Blue Vaughn S. La Blue and Debra F. La Blue, as joint tenants with right of survivorship from Rusty Lee Karst and Emily Lynn Karst, as husband and wife;
7. The parcel is described as a parcel of land described as Parcel 1: T.56N., R.98W., 6<sup>th</sup> P.M., Park County, Wyoming, that part of Farm Unit "G" according to the Farm Unit Plat, described as Lot 43-R *and* Parcel 2: T.56N., R.99W., 6<sup>th</sup> P.M., Park County, Wyoming, that part of Farm Unit "G" according to the Farm Unit Plat, described as Lot 43-Q;
8. The proposed subdivision is located approximately 2.75 miles northeast of the City of Powell;
9. The property has an address of 675 Lane 6, Powell;

10. The lot size proposed is consistent with the General Rural Powell (GR-P) zoning district;
11. Surrounding land uses are primarily agricultural. Approximately 0.3 miles to the northwest of this parcel is a 1-lot simple subdivision used for residential purposes;
12. This parcel of land is relatively flat and partially developed with a residential structure on proposed Lot 1;
13. The proposed subdivision is not within a mile of any municipality;
14. A Notice of Intent to Subdivide was published in the *Powell Tribune* on July 1, 2021 and July 8, 2021 and again on October 14, 2021 and October 21, 2021;
15. Simple subdivisions are exempt from public hearing requirements and may be eligible for P&Z approval under the consent agenda;
16. All agency referral requirements have been met;
17. Two Tough Guys Services, LLC is able to provide trash/waste removal;
18. Garland Light & Power currently has power to the proposed lot;
19. Park County Fire Protection District #1 is able to provide fire protection to the proposed subdivision;
20. USPS has confirmed mail delivery is available to this proposed subdivision;
21. TCT has the availability and capacity to provide terrestrial wireless internet and VOIP phone service to this subdivision;
22. AT&T internet is not available, but AT&T TV or DirecTV is available;
23. Park County School District #1 has bus service available to this subdivision;
24. Powell-Clarks Fork Conservation District submitted a soils report;
25. Shoshone Irrigation District has been notified and is working with the applicant on reviewing the water distribution plan for the subdivision;
26. Park County Weed & Pest has completed an initial inspection and indicated a Long-Term Noxious Weed Management plan is required;
27. A Long-Term Noxious Weed Management Plan has been approved;
28. Park County Public Works confirms legal access is from County Lane 6 and they have no concerns with regard to drainage and erosion control;
29. Domestic water will be provided by Northwest Rural Water District;
30. The Park County Treasurer stated the first half of 2021 property taxes have been paid;
31. Wyoming Game & Fish Department has no specific concerns with this proposed subdivision, but they are concerned about the number of subdivisions proposed in the County;

32. Montana-Dakota Utilities is able to provide natural gas service to this subdivision;
33. No public comments have been received;
34. All application submission requirements for sketch plan review have been met;
35. A pre-application meeting was held on June 9, 2021;
36. No roads are proposed as a part of this subdivision;
37. Simple subdivisions are not required to install utilities;
38. No hazardous features are known to exist on the property;
39. All wastewater requirements pertaining to sketch plan review have been met;
40. The Park County Small Wastewater Administrator stated that due to high groundwater, nonconventional septic systems may be required for this proposed subdivision;
41. All domestic water requirements pertaining to sketch plan review have been met;
42. Agricultural impacts have been addressed;
43. All water rights requirements pertaining to sketch plan review have been met;
44. Lot standards have been met;
45. Easement standards apply;
46. No drainage, sidewalks, street lighting or alleys are proposed;
47. The subdivision is not within an Airport or Flood Overlay District;
48. The subdivision is within an Agricultural Overlay District;
49. A Subdivision Improvements Agreement is not required; and
50. 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 La Blue SS-277, 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 to the Planning & Zoning Department a review and recommendations from the Shoshone Irrigation District regarding a water distribution plan, prior to final plat review by the Board of County Commissioners;
3. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991; and
4. 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 17<sup>th</sup> day of November, 2021.

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

**ATTEST:**

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

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

**RESOLUTION 2021-43  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE  
COOPER SIMPLE SUBDIVISION-281 (SS-281) SKETCH PLAN**

**WHEREAS**, Nick and Rachel Handley propose to create a subdivision comprised of one 6.0-acre lot for residential use. Creation of this subdivision will result in an exempt remainder parcel of 59.58 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 November 17, 2021 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision Permit Application, including payment, was received on October 14, 2021;
2. A revised sketch plan was received on November 2, 2021;
3. The applicants propose to create a subdivision comprised of one 6.0-acre lot for residential use, resulting in a 59.58-acre exempt remainder parcel;
4. Applicable regulations are the *Park County Wyoming 2015 Development Standards and Regulations*, adopted September 15, 2015;
5. The subdivision is classified as a simple subdivision;
6. Ownership is affirmed by a Warranty Deed dated July 14, 2017, (Doc. #2017-3612) to Abigail Swaney f/k/a Abigail Garwood and Aaron Judd Swaney, Trustees of the Moody Trust dated August 21, 2014 and amended May 18, 2017 from Dennis E. Melton and Linda S. Melton, husband and wife as joint tenants with right of survivorship;
7. The parcel is described as a parcel of land located in T.55N., R100W., 6<sup>th</sup> P.M., Park County, Wyoming. A parcel of land located in Farm Unit B, according to the Farm Unit Plat, being part of Tract 4 of Lot 78 and Part of Tract 13 of Section 18 and located in Farm Unit "C", being part of Tract 5 of Lot 78 and part of Lot 15 of Section 18;
8. The proposed subdivision is located approximately 4.5 miles west of Ralston, and approximately 1.2 miles west of State Highway 294 (see Figure 2). The parcel is just south of County Lane 9, and on the east side of County Road 19.



9. The property has an address of 929 Road 19;
10. The lot size proposed is consistent with the General Rural Powell (GR-P) zoning district;
11. Land uses directly north of this parcel are residential and residential vacant land. The majority of surrounding properties are agricultural;
12. This parcel of land is currently vacant irrigated land;
13. The topography on this parcel shows little change;
14. The proposed subdivision is not within a mile of any municipality;
15. A Notice of Intent to Subdivide was published in the *Powell Tribune* on October 7, 2021 and October 14, 2021;
16. Simple subdivisions are exempt from public hearing requirements and may be eligible for P&Z approval under the consent agenda;
17. All agency referral requirements have been met;
18. Park County Fire Protection District #1 is able to provide fire protection to the proposed subdivision;
19. USPS has confirmed mail delivery is available to this proposed subdivision;
20. TCT has the availability and capacity to provide terrestrial wireless internet and VOIP phone service to this subdivision;
21. Park County School District #1 has bus service available to this subdivision;
22. Black Hills Energy is able to provide natural gas service to this subdivision;
23. Park County Weed & Pest has completed an initial inspection and indicated a Long-Term Noxious Weed Management plan is not required;
24. Park County Weed & Pest recommends the applicant follow "Best Management Practices for Controlling the Spread of Noxious Weeds";
25. Garland Light & Power has the capacity to provide electrical services to this subdivision;
26. Park County Public Works confirms legal access from County Road 19 and has no concerns with regard to drainage and erosion control;
27. The Park County Treasurer stated property taxes are current on this parcel;
28. Heart Mountain Irrigation District has been notified and a water distribution plan is required;
29. Powell-Clarks Fork Conservation District submitted a soils report;
30. No response has been received from the Wyoming Game & Fish Department;
31. No public comments have been received;
32. All application submission requirements for sketch plan review have been met;
33. A pre-application meeting was held on July 22, 2021;

34. No roads are proposed as a part of this subdivision;
35. Simple subdivisions are not required to install utilities;
36. No hazardous features are known to exist on the property;
37. All wastewater requirements have been met;
38. The Park County Small Wastewater Administrator stated that conventional septic systems will likely be sufficient for this proposed subdivision;
39. All domestic water requirements have been met;
40. Agricultural impacts have been addressed;
41. All water rights requirements pertaining to sketch plan have been met;
42. The subdivision is located in an Agricultural Overlay District;
43. Lot standards have been met;
44. Easement standards apply;
45. The subdivision is not within an Airport or Flood Overlay District;
46. No drainage, sidewalks, street lighting or alleys are proposed;
47. A Subdivision Improvements Agreement is not required; and
48. 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 Cooper SS-281, 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 to the Planning & Zoning Department a review and recommendations from the Heart Mountain Irrigation District, prior to final plat review by the Board of County Commissioners;
3. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991;
4. The final plat shall contain a note stating that a water sample from a

neighboring well detected the presence of Total Coliform;

5. The applicants shall comply with the recommendations received from Park County Weed & Pest; 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 17<sup>th</sup> day of November, 2021.


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

**ATTEST:**



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Kimberly Brandon-Wintermote, Chairman



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Jolene Brakke, Secretary

**PLEASE SIGN IN**

**PLANNING and ZONING COMMISSION**

**REGULAR MEETING**

**November 17, 2021**

Jody Lane MS-63 Sketch Plan

	<b>Please PRINT your name</b>	<b>Name of the HEARING OF INTEREST</b>	<b>DO YOU WISH TO SPEAK</b>
1	Wilson Crawford	JODY LANE	Yes
2	Steve & Ellen Balos	Jody Lane	Yes
3	Catherine Crawford	Jody Lane	No
4	Jim Montgomery	Montgomery Simple	No
5	Trey Montgomery	Montgomery simple	NO
6	Ruby LaBlue	LaBlue SS	NO
8	Mary Montgomery	Montgomery Simple	No
9	Codi Schatz	Jody Lane	Yes
10	Brett C. Inthiblock	Jody Lane	no
11	Nate & Julie Vance	Jody Lane	NO
12	Aaron Swaney & Family	Lane 19 Rd 19	No
13	Ron & Davis Good		
14	Justin Peters	974 16 Sunburst +	
15	Jesse Peters	974 SF	
16	Mary McKinney	Mary McKinney	
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## **Park County Planning & Zoning Department**

1002 Sheridan Avenue, Suite #109

Cody, Wyoming

(307) 527-8540

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### **PARK COUNTY PLANNING & ZONING COMMISSION**

Meeting 1:00 P.M., **Wednesday, November 17, 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 October 20, 2021 meeting.

#### **CONSENT AGENDA**

[Montgomery SS-282 Sketch Plan](#)

[J1S SS-280 Sketch Plan](#)

[La Blue SS-277 Sketch Plan](#)

[Cooper SS-281 Sketch Plan](#)

#### **REGULAR AGENDA**

[Jody Lane MS-63 Sketch Plan](#)

#### **OTHER BUSINESS**

1. Chair's Report
2. Planning Director's Report

#### **ADJOURN**

[Regulation Amendment Workshop](#)