

Planning & Zoning Commission Minutes

January 19, 2022

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

Commission Members Present:

Kimberly Brandon-Wintermote, Chairman
Duncan Bonine, Vice Chairman
Eugene Spiering
Richard Jones
Bob Ferguson

Staff Present:

Joy Hill, Planning Director
Kim Dillivan, Planner II
Patti Umphlett, Planner I
Jenny Cramer, Planning Technician
Jolene Brakke, Office Assistant III (virtually)
Brian Edwards, County Engineer (virtually)
Ben McDonald, Public Works (virtually)

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

NOMINATION OF OFFICERS

Commissioner Jones MADE A MOTION to retain the current Chairman Brandon-Wintermote and Vice Chairman Duncan Bonine. SECONDED by Commissioner Bonine. All in favor. Motion passed.

APPROVAL OF MINUTES

Chairman Brandon-Wintermote asked the Commission for comments or changes to the December 15, 2021 meeting minutes. Chairman Brandon-Wintermote asked about line 239. She would like Whitlock clarified to say "Russ Whitlock" since Brett Whitlock was also present. A MOTION was made by Commissioner Bonine to approve the minutes with the recommended change. The motion was SECONDED by Commissioner Jones 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 or remove the item from the Consent Agenda. Chairman Brandon-Wintermote said that two people contacted her and she doesn't feel that the contact will sway her decision. Since she does not anticipate needing to vote on the item, she doesn't feel the need to recuse herself. No members commented.

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.

Planning & Zoning Commission Minutes

January 19, 2022

54 Commissioner Jones made a MOTION to approve Andrae SS-285 Sketch Plan by Resolution
55 2022-01. The motion was SECONDED by Commissioner Spiering. All in favor. Motion passed.
56

57 **Andrae SS-285 Sketch Plan:** Diana K. Andrae requests approval of the sketch plan for a simple
58 subdivision comprised of 2 lots; one 1.21-acre lot and one 1.45-acre lot for residential use. This
59 proposed subdivision is located in Lot 63-F, Resurvey T55N, R98W of the 6th P.M., Park County,
60 Wyoming. The location is approximately 2 miles East of Powell on the south side of Lane 8 ½
61 and is located in a General Rural-Powell (GR-P) zoning district.
62

63 Commissioner Bonine read the conditions of approval of this subdivision into the record:
64

- 65 1. The applicant shall provide all easements as requested by applicable utilities and
66 special districts, irrigation districts or public agencies providing services. The width of
67 any utility easement shall be sufficient to allow adequate maintenance of the system,
68 but in no case shall such utility easement be less than 20 feet in width. Easements
69 must be identified on the final plat;
- 70 2. The applicant shall provide a soils report from the Powell-Clarks Fork Conservation
71 District, prior to final plat review by the Board of County Commissioners;
- 72 3. The applicant shall provide a response from the Shoshone Irrigation District to the
73 Planning & Zoning Department, prior to final plat review by the Board of County
74 Commissioners;
- 75 4. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of
76 1991;
- 77 5. The applicant shall place the following note on the final plat: "Any proposed water
78 wells on these subdivision lots shall be permitted by the Wyoming State Engineer's
79 Office prior to installation"; and
- 80 6. The applicant shall otherwise comply with standards in the Park County
81 Development Regulations and the minimum subdivision requirements as set forth
82 in Wyoming Statute 18-5-306.

83 See Resolution 2022-01 attached hereto and incorporated herein.
84

85 **REGULAR AGENDA**

86
87 **PUBLIC HEARING – Merit Energy Tower SUP-224:** Merit Energy Company requests approval
88 of consider the Special Use Application of Merit Energy Company proposing a Major Utility
89 Use for a 140' communication tower. The proposed tower will be located within a 159.56-acre
90 parcel approximately 8.5 miles southeast of Cody, Wyoming, described as Lots 3 and 4 in Section
91 5, T51N, R100W, 6th P.M., Park County, Wyoming. The parcel is located in a General Rural 35-
92 Acre (GR-35) zoning district.
93

94 Chairman Brandon-Wintermote reviewed the rules of a public meeting and opened the public
95 hearing at 1:08pm.
96

97 There being no comments from Commission members, Kim Dillivan, Planner II, presented the
98 Staff Report.
99

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

Planning & Zoning Commission Minutes

January 19, 2022

- 101 • Chairman Brandon-Wintermote asked about a stipulation from Game and Fish regarding
102 construction. She wanted to clarify if the applicant cannot construct during the time period
103 specified. Kim Dillivan said it was his understanding that that was true.
104 • Chairman Brandon-Wintermote asked if this was the same tower that was recently
105 permitted. Staff indicated it was a different tower.
106 • Ben McDonald, Public Works, said they have not had the opportunity to submit a written
107 review. They don't have real concerns but will have recommendations about the structure.
108 They are going to ask for a location map showing the actual site since their packet doesn't
109 appear to show it.
110 • Patti Umphlett pointed out that the latitude and longitude are shown in the packet.

111
112 Chairman Brandon-Wintermote asked if the applicant had any questions or comments.

- 113 • Mark Barringer, representing Merit Energy, said that he has contracted a third-
114 party engineer to work on the Game and Fish requirements.

115
116 Chairman Brandon-Wintermote asked if any Commission members had questions for the
117 applicant. There being none, Chairman Brandon-Wintermote asked if there were comments from
118 any members of the public. There were no comments from those in attendance.

119
120 Commissioner Jones made a MOTION to close the hearing at 1:22pm; SECONDED by
121 Commissioner Ferguson. The motion was carried unanimously.

122
123 Chairman Brandon-Wintermote asked Commission members if they had any discussion.

124
125 Commissioner Bonine made a MOTION to approve Merit Tower SUP-224 by Resolution 2022-02
126 based on the findings presented and including the following conditions:

- 127
128 1. Park County noise, lighting, and other nuisance regulations shall apply;
129 2. The applicant shall comply with the requirements set forth by the Wyoming Game &
130 Fish Department with regard to the Oregon Basin sage-grouse core area;
131 3. The applicant shall submit a response from Park County Public Works to the Planning
132 and Zoning Department prior to review by the Board of County Commissioners; and
133 4. The applicant shall otherwise comply with standards in the Park County Development
134 Standards and Regulations.

135 The motion was SECONDED by Commissioner Jones. All in favor. The motion carried. See
136 Resolution 2022-02 attached hereto and incorporated herein.

137
138 **PUBLIC HEARING –Miller Barns SUP-225:** Reuben Miller requests approval of the Special Use
139 Permit application for Miller Barns SUP-225. The applicant is proposing a Cottage Industry use
140 to operate a storage barn-building business. The proposed use is located approximately five miles
141 southeast of Powell with an address of 1147 Road 4. The use will occur within an 86.08-acre
142 parcel described as Tracts 9 & 10 of Lots 50-F & 50-G and parts of Lot 50-H & 48E in Section 27,
143 T55N, R98W of the 6th P.M., Park County, Wyoming, in a General Rural Powell (GR-P) zoning
144 district.

145
146 Chairman Brandon-Wintermote opened the public hearing at 1:24pm.
147

Planning & Zoning Commission Minutes

January 19, 2022

148 There being no comments from Commission members, Kim Dillivan, Planner II, presented the
149 Staff Report. A response from Public works was received after the staff report was presented to
150 the Commission.

151
152 Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.

- 153 • Chairman Brandon-Wintermote sought clarification on the number of employees. Kim
154 Dillivan stated that, in addition to the applicant, he understands there will be 2 other
155 employees.
- 156 • Commissioner Jones addressed statements under compatibility and impacts he thinks it
157 should be mentioned that there are additional items stored outside (lumber seen in
158 Photo1). Kim Dillivan said he can clarify [with the applicant].
- 159 • Brian Edwards, County Engineer, said they have no additional comments.

160
161 Chairman Brandon-Wintermote asked if the applicant had any questions or comments.

- 162 • Reuben Miller, the applicant, clarified that most of the lumber for the use will be
163 stored inside, but there will be times when they will receive semi loads and all materials
164 won't fit inside for a period of time.

165
166 Chairman Brandon-Wintermote asked if there were comments from any members of the public.
167 There were no comments from those in attendance.

168
169 Commissioner Jones made a MOTION to close the hearing at 1:39pm; SECONDED by
170 Commissioner Bonine. The motion was carried unanimously.

171
172 Chairman Brandon-Wintermote asked Commission members if they had any discussion.
173 Commissioner Bonine sought corrections to the findings.

- 174 • Finding 23 – a response has been received from Public Works
- 175 • Finding 24 – two public comments have been received, neither was in opposition
- 176 • Reword Condition #4 to "The applicant shall comply with the recommendations of
177 Park County Public Works."

178
179 Commissioner Jones made a MOTION to approve Miller Barns SUP-225 by Resolution 2022-03
180 based upon the findings presented and including the following conditions:

- 181
- 182 1. Park County noise, lighting, and other nuisance regulations shall apply;
- 183 2. The applicant shall have a permitted SWW system on the property sized sufficiently
184 for the use, prior to commencing the use;
- 185 3. The finished structures shall not be stored on the property for extended periods of
186 time, nor should they be stored for the purpose of display or advertising to potential
187 buyers;
- 188 4. The applicant shall comply with the recommendations of Park County Public Works;
189 and
- 190 5. The applicant shall otherwise comply with standards in the Park County Development
191 Standards and Regulations.

192

Planning & Zoning Commission Minutes

January 19, 2022

193 The motion was SECONDED by Commissioner Spiering. All in favor. The motion carried. See
194 Resolution 2022-03 attached hereto and incorporated herein.

195
196 **PUBLIC HEARING – Hecht Tower SUP-226:** Scott Hecht requests approval of the Special Use
197 Permit application for a Major Utility Use for a 160' communication tower to replace an existing
198 tower. The proposed tower will be located within a 9.03-acre parcel approximately 1.5 miles south
199 of Powell with an address of 1110 Road 9. The parcel is described as part of Lot 51-A, Resurvey
200 T55N, R99W, 6th P.M., Park County, Wyoming, and is located in a General Rural Powell (GR-P)
201 zoning district.

202
203 Chairman Brandon-Wintermote opened the public hearing at 1:44pm.

204
205 There being no comments from Commission members, Kim Dillivan, Planner II, presented the
206 Staff Report.

207
208 Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.

- 209 • Chairman Brandon-Wintermote asked about the Beet Dump label on one of the drawings.
210 Staff will ask the applicant to update the drawing(s).
- 211 • Ben McDonald said that legal access does exist. They have been provided a
212 comprehensive design packet with engineer specs. They will provide a formal response
213 soon. As far as drainage, he does not expect anything to be required.

214
215 Chairman Brandon-Wintermote asked if the applicant had any questions or comments.

- 216 • Scott Hecht, the applicant, said he has nothing to add. They are just trying to make sure
217 the tower is a good tower.

218
219 Chairman Brandon-Wintermote asked if there were comments from any members of the public.
220 There were no comments from those in attendance.

221
222 Commissioner Bonine made a MOTION to close the hearing at 1:57pm; SECONDED by
223 Commissioner Ferguson. The motion was carried unanimously.

224
225 Commissioner Bonine made a MOTION to approve Hecht Tower SUP-226 by Resolution 2022-
226 04 based upon the findings presented and including the following conditions:

- 227
- 228 1. Park County noise, lighting, and other nuisance regulations shall apply;
- 229 2. The applicant shall submit a response from Park County Public Works to the Planning
230 and Zoning Department prior to review by the Board of County Commissioners; and
- 231 3. The applicant shall otherwise comply with standards in the Park County Development
232 Standards and Regulations.

233
234 The motion was SECONDED by Commissioner Ferguson. All in favor. The motion carried. See
235 Resolution 2022-04 attached hereto and incorporated herein.

236
237 **PUBLIC HEARING: Clarks Fork Canyon WY LLC SUP-223:** Soo K. Chan requests approval of
238 a Special Use Application and Site Plan Review for Clarks Fork Canyon WY LLC SUP-223. The
239 applicant is proposing a Dude Ranch/Resort use to operate an ecologically empathetic retreat.
240 The proposed use is located immediately east of Clarks Fork Canyon and south of County Road

Planning & Zoning Commission Minutes

January 19, 2022

241 8VC within a 161-acre parcel described as Tract 76, Resurvey T56N, R103W of the 6th P.M., Park
242 County, Wyoming, in a General Rural 35-Acre (GR-35) zoning district.

243
244 Chairman Brandon-Wintermote opened the public hearing at 2:05pm.

245
246 There being no comments from Commission members, Kim Dillivan, Planner II, presented the
247 Staff Report.

248
249 Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.

250 • Commissioner Ferguson asked about page 14 under site plan standards, he addressed
251 domestic water supply. He wondered why it said standard applies and is not met. Kim
252 Dillivan said it was relating to domestic (potable) water. We find it unmet because we do
253 not have enough information to say whether or not domestic water can be provided.

254 • Commissioner Ferguson said in the conclusion that standards have been addressed, but
255 they have not necessarily been met.

256 • Commissioner Spiering wanted to inquire if they addressed the area in terms of it being in
257 an Area of Critical Environmental Concern (ACEC). The Planning Director stated that
258 having that information brought to our attention will result in additional research. Kim
259 Dillivan addressed services and infrastructure requirements and how they will need to be
260 proven.

261 • Commissioner Jones asked about the ACEC. Staff indicated that it is a federal designation
262 that staff will need to research – it may not apply to private land.

263 • Brian Edwards, County Engineer, said he has concerns about access. The plan is to
264 access off of the County Road, no concerns there. The portion of the road from County
265 road to the bridge, there will need to be BLM approval for any improvements in that area.
266 In conversations with Chad Krause at the BLM, there are concerns about cultural
267 resources that they are well aware of. Those issues would have to be addressed. If there
268 are any improvements to the road across the BLM land, there will be requirements. The
269 applicant is aware of those requirements. His office was asked if they could develop
270 without improving the road. Public Works said it would not be possible. To serve a
271 development such as this, commercial with delivery trucks, emergency vehicles, clients,
272 etc. a suitable road will need to be constructed. As such, the BLM requirements related to
273 NEPA and cultural resources could lead to substantial delays on the project. At a
274 minimum, he told the applicant's engineering team that the road needs to be improved to
275 a recreational road standard at a minimum. There are bridge deficiencies and there are
276 recommendations for improving the bridge deck, etc. He would want some assurances
277 from a structural engineer that those improvements are made to a structural engineer's
278 satisfaction to ensure the safety of users. The next section of road from the bridge to the
279 use is less than a mile. The preliminary plans from the design team generally look
280 satisfactory, but there are some things to be improved (forthcoming comments). They
281 have worked the alignment in a manner that the grades required can be accomplished.
282 On the geotechnical report, there were some notices about the facility being located in a
283 prevalent slide area with stability and erosion concerns. He feels there are ways to mitigate
284 that in the design. There will need to be a geotechnical engineer involved at all stages of
285 the project. On drainage and erosion control, plans submitted for the road seem sufficient,
286 but we need additional attention to other areas, making sure culverts are sized correctly.
287 Lastly, he addressed the fire issue. He has spoken with Nate Hoffert from the Clark Fire
288 Department. He is leaning towards needing some sort of water storage to ensure there is
289 a reliable water source to fight fire on the site.

290 • Commissioner Ferguson asked if there were any figures on the estimated costs for bridge
291 and road improvements. Cody Schatz said, "A lot."

Planning & Zoning Commission Minutes

January 19, 2022

- 292 • Mary McKinney, Weed and Pest, mentioned virtually that she has submitted an initial
293 response. She will plan to submit a video to the applicant highlighting concerns and
294 requirements.
295

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

- 297 • Makhasiri Khan, Soo Chan, and JJ Yeo, the applicant, made a presentation by virtual
298 means. They introduced their business and their project plan. They are committed to
299 addressing and protecting environmental sensitivities, community concerns/community
300 engagement, cultural experiences. They have reached out to Game and Fish, Weed and
301 Pest, BLM, and others in an attempt to learn about the special circumstances related to
302 the property and the surroundings. He mentioned tours in the canyon, tours on horseback,
303 cooking classes, fitness programs and community engagement programs.
304

305 Chairman Brandon-Wintermote asked if any Commission members had questions for the
306 applicant.

- 307 • Commissioner Spiering asked about the ownership of the company. He said it is listed as
308 Clarks Fork Canyon LLC. Is it a state-owned company? Soo Chan said he registered the
309 company. It is a privately owned company.
- 310 • Chairman Brandon-Wintermote asked about the applicant's discussions with BLM and
311 others. JJ Yeo said they have engaged with them pertaining to issues with access to the
312 site. They want to be collaborative and sensitive to the cultural sites. Due to the holidays,
313 they have not had additional conversations.
- 314 • Chairman Brandon-Wintermote asked if they intend to repair the bridge. JJ Yeo said they
315 do intend to repair the bridge to ensure the safety of everyone. They are not at a point to
316 do the work, but they will proceed with that when the time comes.
- 317 • Commissioner Jones asked how many of the resorts have been successfully developed
318 and how many are in the US? Soo Chan said this will be their first resort project in the US.
319 There is one in Bali and one in progress in Japan.
- 320 • Chairman Brandon-Wintermote mentioned concerns about this being built close to
321 landslides and wetlands. JJ Yeo said they have been working on this for about a year.
322 Initially, they had envisioned this closer to the west, but due to Geotech input, they have
323 moved to a different build site.
- 324 • Chairman Brandon-Wintermote asked about the wetland. JJ Yeo said they will factor in
325 site protection. They are close to the south edge of the wetland but 20-30 feet above it.
- 326 • Chairman Brandon-Wintermote asked if they will be here during construction. JJ Yeo said
327 they will.
- 328 • Commissioner Spiering asked about the state land adjacent to the property. He wondered
329 if there was a look at public access to state land through the property. JJ Yeo said they
330 have not looked at that yet.
- 331 • Commissioner Bonine asked for comment on the letter from Game and Fish that indicates
332 they are likely to stipulate no human activity on crucial winter range during a certain date
333 range. Also, the comment about the eagle nest with possible date restrictions. These date
334 restrictions could limit operations significantly. JJ Yeo said they have spoken with Mr.
335 Class (Game and Fish). He told them that most of the time periods of concern for big game
336 and the eagles pertain to construction periods, but not to periods of operation. With
337 regards to those time periods, it seems that we need to wait for their jurisdiction. Mr. Class
338 indicated that from them it was a "recommendation." Commissioner Bonine referred again
339 to the letter that was sent to the County and referred to human activity. There may be a
340 disparity in information. JJ Yeo said the human interaction would refer to the most

Planning & Zoning Commission Minutes

January 19, 2022

341 disruptive activity, which would be construction. The Planning Director added that staff
342 has tried to get clarification on the eagle nest restrictions.

343
344 Chairman Brandon-Wintermote asked if there were comments from any members of the public.

345 • Gail Gauthier, her husband is out of state, she said both her and her husband are highly
346 against this.

347 • Bonnie Craig said the corporation didn't take into consideration that there are 800 homes
348 in Clark and everyone in Clark moved there to get away from development. She had no
349 idea this property is zoned commercial. She assumed it was BLM land. She is concerned
350 about how the applicant will handle waste, water, septic, electric, light pollution,
351 emergencies, maintenance, trash, and roads. Is adjacent land going to be purchased for
352 additional guests. There is a large tract of land across the road that is for sale. We have a
353 small fire department. What expectations are placed on emergency services. Will locals
354 still be able to camp, hike and take photos of this pristine area. She is concerned about
355 native animals. How will this resort impact already rising property taxes? How does Clark
356 benefit from this intrusion? Will the roads in and out be paved, and if so, who is responsible
357 for the associated costs? We are so concerned with this development in Clark.

358 • The Planning Director clarified that the land is not zoned commercial. It is zoned GR-35.

359 • Robert Savala said this is a large outfit that appears novice. As far as the water, the
360 company they want to drill the well, can't get here until late spring. The water sample
361 taken, was from a stream. It has nothing to do with drinking water. Not sure what wells will
362 be available. Not sure on septic – these items have not been provided. He doesn't
363 understand how this use is not considered commercial.

364 • Cathy Ackley said she is against this use. They came here for quiet in a rural area. They
365 already have problems in Clark from people coming in and they don't need more.

366 • Dave Ackley has concerns about Native American cultural sites. He wants to know if they
367 are aware of how many of those sites are in the vicinity. He has seen artifacts in there. He
368 is not clear as to the sewer system. Cody Schatz said they have done a perc test and one
369 area didn't perc well. It will be a typical system with a leach field. He said they have not
370 designed a system yet, pending the outcome of the meetings.

371 • Dave Ackley said he thinks Game and Fish is understating the nature of the property. It is
372 mule deer staging area. They rut and reproduce in this area. He has seen upwards of 200-
373 300 elk in the trees on the property. Large bull elk rest in there. This is right in the middle
374 of those areas. Is this what the people of Clark want? There is no upside. He can see the
375 revenue to the County and state going up. But that should not be a consideration. Do we
376 really want to do this in this area? Do they have any idea what the wind is like? He lives
377 at 12 Battlefield trail for 22 years.

378 • Rita Lovell, she has been selling real estate in the Clark area since the early 90s. This
379 land has been on and off the market since 2006. She said it is one of the most beautiful
380 pieces of land on earth, but she would not want to live there year-round because of the
381 wind. She said many years ago the state put a wind gauge out there and it blew away. A
382 school bus was blown over in the area. She sees a lot of glass on the proposed structure
383 and she wondered what type of glass. It should be bulletproof because rocks do fly.

384 • Misa Siemons said she agrees with others. She agrees with the high winds. She is new
385 to the area but hasn't gotten a chance to explore. If the area is occupied by a resort, she
386 may not get to.

387 • Jim Siemons said he had no idea the parcel wasn't BLM or state land. It is a special piece
388 of geography. He can't believe it is allowed to be built upon for a resort. There is a
389 diminution of that land for all of us. Intrinsic value will go down. If 10 people on average
390 get to go there to enjoy, he feels it will go down for everyone. They can build what they

Planning & Zoning Commission Minutes

January 19, 2022

- 391 want in already established towns that are meant for it. There are places for them to enjoy
392 from there. After this is done, the value will really go down.
- 393 • Steven McKeag said that right now anyone gets to enjoy this. Once the business is there,
394 it will go away. When you go to the Clarks Fork, you don't go to see structures. He says
395 no. It's not just about Clark. It's about all of Wyoming. The elite people will drive away the
396 common people.
 - 397 • Bill Kuntz doesn't agree with it.
 - 398 • Janice Kuntz says it is a sad thing. It feels so sneaky, that we didn't know anything about
399 it and it has progressed so far. She used to work at the last ranch in the canyon. The wind
400 is ferocious, it shakes your house. The bus wouldn't even go that far down the road. The
401 mail is not delivered on windy days. Rocks do go through windshields. It is a pristine place
402 and should stay that way. This is one of the few places the animals can roam.
 - 403 • Kyle Pasewark said he kind of agrees with what everyone is saying. The question is, do
404 residents want to become another version of Jackson or do they want to remain like Clark.
405 It is harder to say no the second time. He asks the commission to look at the group and
406 see which people you don't want to see because they can't afford to stay in their homes
407 with more development like this. If it doesn't work, we will be left with a concrete behemoth,
408 the developer will file for bankruptcy, and we will be left with the mess. He has seen other
409 brochures and he doesn't believe what they are saying about not knowing where their
410 water will come from.
 - 411 • Suzanne Bradbeer said she agrees with all the comments. She is against the project and
412 even more strongly so now that she has heard more.
 - 413 • Andrea Cook said she feels stuck in an episode of Yellowstone – us against them. It does
414 feel sneaky. If nothing in Clark is commercial, why is a Special Use Permit being
415 considered. Nobody can return that to a ranch, open space, or pasture if this doesn't work
416 out. This is a commercial thing. It is going to bring guided tours, atv's, a lot of wear on a
417 natural structure and intrusive on the wildlife. The septic proposed would run into the
418 wetlands. She is concerned about the noise that will carry through the valley. It will drive
419 the herds away (the construction process).
 - 420 • Nicole Forsberg is a precision ag consultant. Her family has owned property in Clark since
421 1995. Water and preservation of water is important. She read a statement about the goals
422 of the county to protect health, safety, and welfare. She asks that the County take into
423 account protecting the water resources, addressing drought as of late. Placing a
424 commercial operation would add strain to water in the area. There is a reason no one
425 owns lawnmowers in Clark. Wind can pull back roofs. Many don't have gardens. There
426 are water problems, wells have run dry. To have no clear understanding of how they will
427 manage water does not match the County's statement of protection.
 - 428 • Susan Muttart is a recent transplant (a little over a year). The wind is significant; it moves
429 her house. They need to be aware of the wind. They need to be aware that, in the summer,
430 when people are enjoying their fire pits, there are significant insects in the area. Wasps in
431 particular. She has concerns about potential rock blasting and seismology in the area. She
432 mentioned a news article where the applicant says this will enhance the reputation of
433 Clark. She said they like Clark the way it is. She conducted a non-official Facebook poll.
434 97 votes for no. 5 for yes. 8 for maybe.
 - 435 • Patrick Muttart lives at 38 Big View Road. His RV is laying on its side due to the significant
436 wind. A lot of things have been underplayed about noise related to this use. Trying to
437 mitigate landslides. Runoff will be a problem. This place was untouched for centuries. Now
438 hundreds of construction trucks will come in for how long to build this monstrosity. I didn't
439 come here to see fancy stuff. I don't want to see it.

Planning & Zoning Commission Minutes

January 19, 2022

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- Marshall Hesson said that they wanted an authentic experience, but there is nothing less authentic than staying in a resort where people stayed in teepees and wall tents. They also said they want people to experience the spirit of the area...not when you put this right through the heart of Clark. It is a sight to be seen. They also said how small the impact would be. Compared to what? Any impact is unnecessary. They say it is small, but small compared to what?
 - Nancy Woolard has been here 20 years. When she first got here (in Line Creek on 1AB) the wildlife was amazing. They also had oil fields come in with 18 wheelers coming in and out. Now there are no wildlife because of it. Those little fires they are going have and she can see the wind tipping it and moving fast across the land. Fire makes a big impact on wildlife and nature. She says no.
 - Christina Denney has lived out there since 1987. She's been on the fire department since 1995. She hears the recurring theme of wind. She thoroughly disagrees with this. It is a bad idea and a bad precedent there. Once you have one, there will be more.
 - Kody Dodge has lived in Clark his entire life. He does not agree with this. He struggles with people telling others what to do with their private property. This is a rural zoned area and he does not agree with it being commercialized. He doesn't think all the factors are put in. It is going to have a negative impact on everything out there. The community. He does not see an upside.
 - Lauren Vogt submitted written comments. She agrees that it is tough to tell someone what they can or cannot do with their property. A concern of her and her husband is that, at best, they might get 5 months of use of the property with the wind issues. She fears it will not be profitable and they will be stuck with a monstrosity that will deteriorate and fall down. Because of the wind...you don't understand until you live through it.
 - Frank Sparhawk, adjacent landowner, submitted written comments. He doesn't have anything to add, except to please consider his comments. He would like his concerns addressed before the main process continue. Mainly, sewer and relation to wetland. Also, the size of the activity and habitat degradation. The electricity issue – there should be an estimate of number and size of solar panels, and what impact that will have on the visual landscape. He is concerned about a setback from his property. He addressed the large pieces of limestone that would need to be removed. He is concerned about blasting. Concerned about the swimming pool being next to his property.
 - Kim Dillivan mentioned the 20-foot setback. The County has setbacks for septic and from County Road rights-of-way, but we do not have setbacks from property lines.
 - Dewey Vanderhoff asked about the process and timing of reviews. What happens next? What is the timeline?
 - The Planning Director addressed the comments regarding the incompleteness of the application. Due to the scale of the project and the anticipation of public comments, it was determined to allow the project to come forward to the public hearing in order to allow the applicant the opportunity to hear all of the concerns and what obstacles may arise prior to a large investment into the project. The project may be recommended for approval, denial or continued today by the Planning and Zoning Commission. The applicant will then have the choice of whether to move the project forward to the Board of County Commissioners who will then make the final decision.
 - Patti Umphlett mentioned the public notices. She added that people can request notice of additional activity related to this project, including being added to a mailing list.
 - Kim Dillivan added that any comments we have received thus far, if this project moves on to the Board, everything will be moved forward.

Planning & Zoning Commission Minutes

January 19, 2022

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- Frank Sparhawk clarified that there is no legal requirement for a setback, the setback was in the geotechnical drawings. He was commenting more to the applicant that what was recommended by the engineer would not be sufficient to protect his property.
 - Andrea Cook added that the project is beautiful, just not for here. The wind...just this summer alone we had three wildfires. People couldn't go outside. Structures and life were lost. People need to be able to move out fast. This all sounds great, but many can't hire right now. There is no affordable housing. Where are all these jobs coming from? Where are the people going to live?
 - Dave Ackley added that contact with USFWS was mentioned with regards to the golden eagle. Has was wondering if anyone mentioned the grizzly bears? He has seen a couple of bears on the property. He is a "no" to this.
 - Rita Lovell commented that she is a "no."
 - Chairman Brandon-Wintermote asked if there were structures there before. There was a bunkhouse that has since been moved.
 - Bob Savala lives at 234 Canyon Road down the road. If they put fire rings there, he'll be the first to be hit by them. He agrees with everything said here and he will try to send in written comments. He addressed concerns about fishing. He didn't want an SUP up there for a water bottling facility. Once we get to the Land Use Plan we better get together. Once they start blasting, I hope they put up warning signs because he doesn't want to be up there.

509 Chairman Brandon-Wintermote asked if commission members had any additional questions.

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- Commissioner Jones said his general opinion is that this is quite preliminary. There isn't enough information on many parts to make an informed decision.
 - Chairman Brandon-Wintermote said most of the comments from the applicant were generic and the commission didn't have ample time to read all the comments that came in.
 - Commissioner Ferguson said that there are so many red flags, too many to count, that if we are going to make a decision, we owe it to the applicant, who is spending a lot of money, to make a decision at this early stage. He is a big fan of private property rights and you should be able to do what you want in 9 out of 10 cases. This is one of those cases where he sees so many potential problems to neighbors and the entire community. He would probably vote against it on that basis alone.
 - Commissioner Bonine said he feels that if they had a fully completed application with everything addressed, there's nothing about the project that fits Clark Wyoming. [applause from the audience] Apart from everything we heard today from the public, there is a certain spirit. The thought of development like this in that area does not fit. The completeness or incompleteness of the application is irrelevant to him.
 - Commissioner Spiering said at best, they could table it. He agrees that it is not at a point to make a decision or, if we do, we should deny it.
 - Commissioner Bonine clarified that they are just advisory to the Board of County Commissioners.
 - Commissioner Jones made a point about advice to the Board of Commissioners. He is concerned about precedent-setting. He hasn't really addressed a lot of this type of concerns. He is leery about setting precedence.

535 Commissioner Bonine made a MOTION to close the hearing at 4:27pm; SECONDED by

536 Commissioner Spiering. The motion was carried unanimously.

537

Planning & Zoning Commission Minutes

January 19, 2022

538 Commissioner Bonine made a MOTION to recommend denial of Clarks Fork Canyon WY LLC
539 SUP-223 Application by Resolution 2022-05, based upon the following:

- 540 1. The application is incomplete;
- 541 2. The project does not fit the culture of the area, based upon public outcry;
- 542 3. The impact to the neighborhood, wildlife, the style of development is incompatible with
543 the neighborhood and the area; and
- 544 4. There is a lack of information on services and infrastructure (water, access across the
545 BLM and road improvements, and sewer disposal, especially where it is in such close
546 proximity to established wetlands).

547
548 The motion was SECONDED by Commissioner Ferguson. All in favor. The motion carried. See
549 Resolution 2022-05 attached hereto and incorporated herein.

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551 Chairman Brandon-Wintermote delivered the Chair's report.

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

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555 There being no other business, a MOTION was made by Commissioner Spiering to adjourn the
556 meeting at 4:54pm. The motion was seconded by Commissioner Bonine. All in favor.

557
558 Respectfully submitted,

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Jolene Brakke, Secretary

**RESOLUTION 2022-01
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
ANDRAE SIMPLE SUBDIVISION-285 (SS-285) SKETCH PLAN**

WHEREAS, Diana Kay Andrae proposes to create a two-lot subdivision consisting of one 1.21-acre lot and one 1.45-acre lot for residential use. The existing parcel is 2.66 acres. The subdivision is located in a General Rural Meeteetse (GR-M) 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 January 19, 2022 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision Permit Application, including payment, was received from Diana Kay Andrae on December 15, 2021;
2. The applicant proposes to create a two-lot subdivision consisting of one 1.21-acre lot and one 1.45-acre lot for residential use. The existing parcel is 2.66 acres;
3. Applicable regulations are the *Park County Wyoming 2015 Development Standards and Regulations*, adopted September 15, 2015;
4. The subdivision is classified as a simple subdivision;
5. Ownership is affirmed by a Quitclaim Deed (dated October 1, 1998, Doc. 1998-6774) to Larry Lee Andrae and Diana Kay Andrae, husband and wife, as tenants by the entirety with right of survivorship and not as tenants in common, from Larry L. Andrae and Diana K. Andrae, husband and wife;
6. The property is described as a portion of Lot 63F;
7. The proposed subdivision is located approximately 2.2 miles east of Powell, on the north side of County Lane 8H. This parcel is addressed as 561 Lane 8H, Powell;
8. The lot sizes proposed are consistent with the General Rural Powell (GR-P) zoning district;
9. Surrounding land uses are primarily residential to the immediate south, and agricultural uses surrounding the west, north and east property boundaries. Directly south of County Lane 8H are two subdivisions: Kodiak Minor Subdivision-45 (4 lots) and Trinity Subdivision (4 lots). There are several

- additional subdivisions in close proximity to the proposed subdivision;
10. Proposed Lot 1 is developed and contains one residence and multiple accessory structures, including barns and a garage. Proposed Lot 2 is currently vacant irrigated land. The property shows little change in elevation;
 11. The proposed subdivision is not within a mile of a municipality;
 12. Notice of Intent to Subdivide was published in the *Powell Tribune* on December 16, 2021 and December 23, 2021;
 13. Simple subdivisions are exempt from public hearing requirements;
 14. All agency referral requirements have been met;
 15. USPS stated they are able to deliver mail to this location. The placement of mailboxes will be determined when the new residents are ready for mail delivery;
 16. Park County School District #1 has busing available in this location with pickup and drop off at all exit points of Lane 8H;
 17. TCT stated they may have the availability and capacity to provide terrestrial wireless internet and VOIP phone service;
 18. Montana-Dakota Utilities has the capacity and ability to provide natural gas service to this proposed subdivision;
 19. Rocky Mountain Power has the capacity to provide electrical service to this proposed subdivision;
 20. Park County Small Wastewater Administrator stated conventional septic systems will likely be sufficient should this subdivision be approved and developed;
 21. Park County Fire Protection District #1 is able to provide fire protection to this proposed subdivision;
 22. Park County Treasurer stated the property taxes are paid current on this property;
 23. Wyoming Game & Fish stated they have no major concerns with this project, but continue to be concerned with the amount of subdivisions proposed recently in Park County;
 24. Park County Public Works stated there is approved legal access for both lots directly from Park County Lane 8H. New accesses intended to serve this subdivision will require a right-of-way permit from PW. They also stated they have no concerns with drainage and erosion control at this time;
 25. The Powell-Clarks Fork Conservation District has submitted a soils report;
 26. No response has been received from Shoshone Irrigation District;
 27. Park County Weed & Pest will not require a Long-Term Noxious Weed Management Plan;

28. No public comments have been received;
29. All application submission requirements for sketch plan review have been met;
30. A pre-application meeting was held on July 30, 2021;
31. No roads are proposed for this subdivision;
32. Solid waste service can be provided by private service providers;
33. No hazardous features are known to exist on the property;
34. All wastewater requirements have been met;
35. Conventional septic systems are likely sufficient should the lots further developed;
36. The applicant proposes to use well water and all domestic water requirements have been met;
37. Results from the water quality analysis indicated the water is safe for domestic use;
38. Agricultural impacts have been addressed;
39. No stream/river passes within or adjacent to the proposed subdivision;
40. Simple subdivisions are not required to install any utilities;
41. The proposed subdivision lots meet lot size requirements;
42. This property is not within any Overlay District;
43. Some land within the subdivision will likely be removed from agricultural production; and
44. No roads, drainage, sidewalks, street lighting, alleys, 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 Andrae SS-285, 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 soils report from the Powell-Clarks Fork Conservation District, prior to final plat review by the Board of County Commissioners;
3. The applicant shall provide a response from the Shoshone Irrigation District to the Planning & Zoning Department, prior to final plat review by the Board of County Commissioners;
4. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991;
5. The applicant shall place 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
6. The applicant shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306.

ADOPTED by the Park County Planning & Zoning Commission this 19th day of January, 2022.

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

ATTEST:



Kimberly Brandon-Wintermote, Chairman



Jolene Brakke, Secretary

**RESOLUTION 2022 - 02
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMEND APPROVAL OF MERIT ENERGY COMPANY
COMMUNICATION TOWER SPECIAL USE PERMIT-224**

WHEREAS Merit Energy Company applied for a Special Use Permit for a 140-foot-tall communication tower on a 14'x14' concrete base and including seven small-to-medium dish antennas and two omni-directional antennas;

WHEREAS the tower will be constructed on a parcel described as: 160 acres located in located in SW1/4 Sec. 29 T51N R100W, Park County, Wyoming. (Longitude: -108°54'40.32" W, Latitude: 44°25'32.96" N). and is surrounded by predominantly General Rural 35-Acre (GR-35) zoning;

WHEREAS this project is defined by Park County as a Major Utility Use; a communication tower over 35 feet in height, a use which requires a Special Use Permit in a GR-35 zoning district;

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

WHEREAS the Planning & Zoning Commission held a duly noticed public hearing on January 19, 2022 to consider the Special Use Permit application and found the following:

1. A Special Use Permit Application, including payment, was received from Merit Energy Company on December 2, 2021;
2. The proposed use is construction of a 140' tall communication tower on a 14'x14' concrete base and including seven small-to-medium dish antennas and two omni-directional antennas;
3. Applicable regulations are the *Park County Wyoming 2015 Development Standards and Regulations*, adopted September 15, 2015;
4. This communication tower has been classified as a Major Utility Use;
5. Ownership is affirmed by a Surface Deed from Marathon Oil Company, an Ohio corporation, to Merit Energy Operations I, LLC, recorded on July 29, 2016 (Document #2016-3740);
6. The proposed use is located in the Oregon Basin Oil Field which has been producing oil for over 90 years; it is 15 miles long and 6 miles wide;
7. The parcel upon which the proposed development will occur is described as: 160 acres located in SW1/4 Sec. 29 T51N R100W, Park County, Wyoming;
8. The tower will be constructed on an unaddressed site southeast of Cody, east of State Highway 120, and northwest of County Road 3FK, Park County, Wyoming. Longitude: -108.9113, Latitude: 44.4255;

9. The proposed use is located in a GR-35 zoning district;
10. Major Utility Use is allowed in the GR-35 zoning district with an approved SUP;
11. This property is surrounded by land managed by the Bureau of Land Management;
12. Surrounding land uses are primarily oil production with some agricultural production;
13. The tower will be constructed on a site where there are existing buildings, tanks, wells, and service roads;
14. Notice requirements have been met;
15. Relevant agencies were notified on December 7, 2021;
16. The Park County Treasurer stated all property taxes are paid current;
17. Park County Fire District #2 responded they have no comments on this project;
18. Park County Weed & Pest have completed their initial survey and a Long-Term Noxious Weed Management Plan is not required;
19. Wyoming Game & Fish state this project is located in the Oregon Basin sage-grouse core area and recommends the applicant submit the project for review under their disturbance calculation tool while adhering to recommended time limits regarding construction activities;
20. No response has been received from Park County Public Works;
21. No public comments have been received;
22. The applicant provided a statement on how compatibility will be achieved, noting that the location is currently developed for energy production;
23. Electricity will be provided by the nearby Merit Energy substation;
24. The proposed tower will not be within 20 feet of a County road right-of-way;
25. No covenants are proposed or existing;
26. No lighting is proposed for this use, other than very small status lights;
27. The property has no known nonconformities;
28. No nuisances have been reported;
29. A soils report is not required for this project;
30. Access is proposed from County Road 3FK;
31. Domestic water is not proposed for this use;
32. The parcel is not located within an irrigation district;
33. Parking standards are not applicable;
34. A septic system is not required for this use;
35. No signs are proposed;
36. Solid waste will not be generated by this use;
37. No specific criteria are identified for this use;
38. The parcel is not located in an overlay district; and

39. Site Plan Review is not required;

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

WHEREAS the Planning & Zoning Commission concludes the following:

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

NOW, THEREFORE, BE IT RESOLVED having heard and weighed the evidence, the Planning & Zoning Commission hereby recommends approval of the Special Use Permit for Merit Energy Company Communication Tower SUP-224, subject to the following conditions:

1. Park County noise, lighting, and other nuisance regulations shall apply;
2. The applicant shall comply with the requirements set by the Wyoming Game & Fish Department with regard to the Oregon Basin sage-grouse core area;
3. The applicant shall submit a response from Park County Public Works to the Planning and Zoning Department prior to review by the Board of County Commissioners; and
4. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.


ADOPTED by the Planning & Zoning Commission this 19th day of January, 2022.

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

ATTEST:



Kimberly Brandon-Wintermote, Chairman



Jolene Brakke, Secretary

**RESOLUTION 2022 - 03
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE MILLER BARNs
SPECIAL USE PERMIT-225 (SUP-225)**

WHEREAS, Reuben Miller, submitted a Special Use Permit Application requesting review and approval of a Special Use Permit to operate a business building small storage barns, cabins, greenhouses, and storage sheds to be sold off-site. This business will operate in an existing 2,880 sq. ft. shop building (BZP20211028-3). The applicant stated that 1,600 sq. ft. of this structure will be used for this business;

WHEREAS, the property is addressed as 1147 County Road 4, Powell and is located approximately 6 miles southeast of Powell, Wyoming;

WHEREAS, this project is defined by Park County Development Standards and Regulations as a Cottage industry: A business located in the proprietor's home or out of other buildings on the same parcel as the proprietor's home with no more than 5,000 square feet of building floor area devoted to the business and no more than five (5) non-resident employees. Dog boarding/kenneling is considered a cottage industry;

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

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

WHEREAS, the Planning & Zoning Commission held a duly noticed public hearing on January 19, 2022, to consider the Special Use Permit application and made findings as follows:

1. A Special Use Permit Application, including payment, was received on December 3, 2021;
2. The applicant proposes to operate a business building small storage barns, cabins, greenhouses, and storage sheds to be sold off-site;
3. The use will operate within an existing 2,880 sq. ft. shop building on the property where the applicant resides;
4. The applicant plans to use 1,600 sq. ft. of the shop building for this use;
5. Applicable regulations are the *Park County, Wyoming 2015 Development Standards and Regulations* (adopted September 15, 2015);
6. The proposed use is classified as a cottage industry;
7. Ownership is affirmed by Warranty Deed to Reuben Miller and Anna Miller, a married couple as joint tenants from Powell Land Group, LLC, a Wyoming limited liability

- company (Document #2021-2650);
8. The property is described as an approximately 86.08-acre parcel of land within Tract 9 and Tract 10 of Section 27, Lot 48E, Lot 50F, Lot 50G and Lot 50H, Resurvey T.55N., R98W., 6th P.M., Park County, Wyoming shown and labeled as Parcel 15 on Exhibit A of Warranty Deed Document 2021-2650,
 9. The property is addressed as 1147 Road 4 and is located approximately 6 miles southeast of Powell, Wyoming;
 10. The proposed use is located in the General Rural Powell (GR-P) zoning district;
 11. Cottage industry uses are allowed in the GR-P zoning district provided a Special Use Permit is approved;
 12. The proposed use will be located on a parcel that is relatively flat with a single-family residence, a 40' x 32' garage, and a 72' x 40' workshop/storage building for business use;
 13. Surrounding land uses are primarily agricultural;
 14. The applicant provided a simple site plan drawing identifying existing structures and planned access and parking;
 15. The proposed use is not within a mile of a municipality;
 16. Public notice requirements have been met;
 17. Agency referral requirements have been met;
 18. The Willwood Irrigation District stated the use will not impact area irrigation facilities;
 19. Park County Weed & Pest will not require a Long-Term Weed Management Plan; however, they do recommend the applicant follow Best Management Practices for Controlling the Spread of Noxious Weeds;
 20. Park County Fire District #1 is able to provide fire protection;
 21. The Park County Treasurer stated no property taxes are currently owed on this parcel;
 22. The Wyoming Game & Fish Department has no wildlife comments regarding this permit;
 23. A response has been received from Park County Public Works;
 24. Two public comments have been received. Neither comment indicated opposition for the proposed use;
 25. The applicant provided a statement addressing how the use will be compatible with the neighborhood;
 26. In addition to the applicant, labor will be provided by 2 resident employees;
 27. The business will operate 8 hours per day, possibly 6 days per week;
 28. The proposed use will not be within 20 feet of a county road right-of-way;
 29. No covenants exist or are proposed;

30. No outdoor lighting is proposed for this use;
31. There are no known nonconformities on the property;
32. No nuisances have been reported at this location;
33. A soils report is not required for this use;
34. Access is proposed from an existing gravel driveway directly from County Road 4;
35. Parking will be gravel;
36. Domestic water will be provided by an existing well;
37. The property is located within the Willwood Irrigation District;
38. The only parking necessary is for the applicant and resident employees and adequate space for parking is available;
39. Parking appears to be adequate to serve the use;
40. Septic will be provided by a proposed system that will serve the residence;
41. Solar energy will power lighting and battery-operated tools;
42. Natural gas is not proposed for this use;
43. No signs are proposed;
44. Solid waste, if any, will be disposed of by a private company and according to County regulations;
45. There are no specific criteria identified for this use;
46. This property is located in an Agricultural Overlay District, but not in an Airport or a Flood Overlay District;
47. This use will likely not have a significant impact on area agricultural operations, and this use will likely not be significantly impacted by area agricultural operations; and
48. Site Plan Review is required for Cottage Industries; however, the use is exempt from this requirement because the use will not exceed 5,000 sq. ft. of floor area, and new development of the land does not exceed one acre in size.

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

WHEREAS, the Planning & Zoning Commission concludes the following:

1. The use is in harmony and compatible with surrounding land uses and with the neighborhood and will not create a substantial adverse impact on adjacent properties with conditions;
2. Adequate services and infrastructure are available to serve the use, or adequate services and infrastructure will be provided;

3. The use complies with all specific criteria stated in these regulations for the use;
4. The use complies with additional requirements of overlay districts, if applicable.

NOW, THEREFORE, BE IT RESOLVED having heard and weighed the evidence, the Planning & Zoning Commission hereby recommends approval of the special use permit for the Miller Barns Special Use Permit-225 subject to the following conditions:

1. Park County noise, lighting, and other nuisance regulations shall apply;
2. The applicant shall have a permitted SWW system on the property sized sufficiently for the use, prior to commencing the use;
3. The finished structures shall not be stored on the property for extended periods of time, nor should they be stored for the purpose of display or advertising to potential buyers;
4. The applicant shall comply with the recommendations of Park County Public Works; and
5. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

ADOPTED by the Planning & Zoning Commission this 19th day of January, 20221.

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

ATTEST:


Kimberly Brandon-Wintermote, Chairman


Jolene Brakke, Secretary

**RESOLUTION 2022 - 04
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMEND APPROVAL OF HECHT TOWER
SPECIAL USE PERMIT-226**

WHEREAS Scott Hecht applied for a Special Use Permit to allow construction of a 160-foot-tall, self-supporting monopole communication tower;

WHEREAS the tower will be constructed on a parcel described as: T.55N., R.99W., 6th P.M., Park County Wyoming, according to the records of the County Clerk and Recorder of Park County, State of Wyoming;

WHEREAS this project is defined by Park County as a Major Utility Use; a communication tower over 35 feet in height, a use which requires a Special Use Permit in a GR-P zoning district;

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

WHEREAS the Planning & Zoning Commission held a duly noticed public hearing on January 19, 2022 to consider the Special Use Permit application and found the following:

1. A Special Use Permit Application, including payment, was received from Scott Hecht on December 9, 2021;
2. The proposed use is the construction and operation of a 160' tall communication tower;
3. Applicable regulations are the *Park County, Wyoming 2015 Development Standards and Regulations*, adopted September 15, 2015;
4. This communication tower is classified as a Major Utility Use;
5. The proposed use is located in the GR-P zoning district;
6. Major Utility Use is allowed in the GR-P zoning district with an approved SUP;
7. Ownership is affirmed by a Warranty Deed dated March 4, 2003 (Doc. #2003-1929) to Scott J. Hecht and Janice N. Hecht, husband and wife, as tenants by the entireties with right of survivorship, from Jeannette L. Smith and Roger Smith, husband and wife;
8. The proposed tower will replace an unpermitted 160' communications tower that was built in the 1970's.
9. The parcel upon which the proposed development will occur is described as: a parcel of land located in Farm Unit "A" or Lot 51-A, T55N R99W, Park County, Wyoming;

10. The tower will be constructed on a parcel of land addressed as 1110 Road 9, Powell, approximately 1.6 miles south of the city of Powell, and east of State Highway 295;
11. Surrounding land uses are residential to the north, west and south with agricultural uses to the east. There is a commercial use bordering the northeast corner of the subject parcel;
12. The tower will be constructed on a relatively flat site with existing buildings and a commercial use;
13. The applicant submitted a site plan drawing showing the location of the proposed tower, parking and traffic flow;
14. Notice requirements have been met;
15. Relevant agencies were notified on December 7, 2021;
16. Garland Light & Power is able to provide electrical service to the proposed tower;
17. The Park County Treasurer stated all property taxes are paid in full;
18. Park County Fire District #1 is able to provide fire protection to the property;
19. Wyoming Game & Fish stated they have no significant wildlife concerns with this project;
20. Shoshone Irrigation District has a buried pipeline along the east edge of the property next to Highway 295, but given the proposed location of the new tower, they have no concerns;
21. Park County Weed & Pest has determined a Long-Term Noxious Weed Management Plan is not required for this use;
22. No response has been received from Park County Public Works;
23. No public comments have been received;
24. The applicant provided a statement on how compatibility will be achieved;
25. The proposed tower will not be within 20 feet of a County road right-of-way;
26. No covenants are proposed or existing;
27. No lighting is proposed other than small status lights;
28. This property has no known nonconformities;
29. No nuisances have been reported;
30. A soils report is not required for this project;
31. Access exists from State Highway 295;
32. Domestic water is not proposed for this use;
33. The parcel is located within the Shoshone Irrigation District and the structure will not impact irrigation facilities;
34. Parking standards are not applicable;
35. A septic system is not required for this use;
36. No signs are proposed;
37. Solid waste will not be generated by this use;

- 38. No specific criteria are identified for this use;
- 39. The parcel is not located in an overlay district; and
- 40. Site Plan Review is not required.

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

WHEREAS the Planning & Zoning Commission concludes the following:

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

NOW, THEREFORE, BE IT RESOLVED having heard and weighed the evidence, the Planning & Zoning Commission hereby recommends approval of the Special Use Permit for Hecht Tower SUP-226, subject to the following conditions:

- 1. Park County noise, lighting, and other nuisance regulations shall apply;
- 2. The applicant shall submit a response from Park County Public Works to the Planning and Zoning Department prior to review by the Board of County Commissioners; and
- 3. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

ADOPTED by the Planning & Zoning Commission this 19th day of January, 2022.

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

ATTEST:



Kimberly Brandon-Wintermote, Chairman



Jolene Brakke, Secretary

**RESOLUTION 2022 - 05
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMEND DENIAL OF CLARKS FORK CANYON WY, LLC
SPECIAL USE PERMIT-223 (SUP-223)
WITH SITE PLAN REVIEW**

WHEREAS Jia-Jun Yeo (“applicant”), on behalf of property owner, Clarks Fork Canyon, WY, LLC., requests approval to allow a Dude Ranch and Resort use to operate an ecologically-empathetic retreat;

WHEREAS this use is defined as a Recreational Use - Dude ranch and resort: A centrally managed facility which provides full-service lodging, dining or cooking facilities, and recreational or educational activities. A dude ranch or resort typically includes an organized program of activities such as hunting, fishing, nature study, arts and crafts, skiing, snowmobiling, boating, rafting, horseback riding, hiking, and pack trips. A dude ranch or resort does not solicit one-night accommodations and provides bar or food service only to guests. Motels and hotels are not considered resorts or dude ranches. Guest lodging within a resort or dude ranch shall not be used for long-term (greater than 6 months) residency;

WHEREAS Recreational Use – Dude Ranch and Resort uses are allowed in a GR-P zoning district provided a Special Use Permit (SUP) is approved;

WHEREAS the Planning & Zoning Commission held a duly noticed public hearing on January 19, 2022 to consider the applicant’s Special Use Permit Application, including Site Plan Review, and made findings as follows:

1. A Special Use Permit Application, including payment, was received from Jia-Jun Yeo on behalf of Clarks Fork Canyon WY, LLC, on November 12, 2021;
2. The applicant requests approval of a Special Use Permit, with Site Plan Review, to operate an ecologically-empathetic retreat;
3. The proposed facility will have a total of 14 structures, a combined floor area of 30,978 square feet;
4. The proprietor will not live on the property; however, there will be lodging for guests and housing for employees associated with the use;
5. Applicable regulations are the *Park County, Wyoming 2015 Development Standards and Regulations*, adopted September 15, 2015;
6. The proposed use is classified as a dude ranch and resort use;
7. Ownership is affirmed by Warranty Deed dated January 13, 2021 to Clarks Fork Canyon WY, LLC, a Wyoming limited liability company, from Patricia B. Harris, Trustee. (Document #2021-372)
8. The property is described as Tract 76, Resurvey T.56N., R.103W., 6th P.M., Park County, Wyoming;

9. The proposed use is located approximately 35 miles west of the City of Powell, in the Clark Planning Area, immediately east of the Clarks Fork Canyon and south of County Road 8VC;
10. Dude ranch and resort uses are allowed in General Rural 35-Acre (GR-35) zoning districts provided an SUP is approved;
11. Neighboring land uses are agricultural to the west with public lands to the north, east and south;
12. The proposed use will be located on a vacant parcel of land that slopes steeply from the southwest to the northeast on the southern portion, and slopes more gently towards the Clarks Fork of the Yellowstone in the northeast corner;
13. The northern portion of the 161-acre property is within a Special Flood Hazard Area;
14. Legal notice requirements have been met, including notice to property owners within 660 ft. of the property boundary;
15. Relevant agencies were notified on November 18, 2021;
16. Clarks Fork Irrigation District stated that the property is not within their district;
17. Beyond Reach stated they can provide internet service for this use;
18. Rocky Mountain Power stated they can provide electricity to serve this use;
19. Park County Weed and Pest inspected the property and indicated that a Long-Term Noxious Weed Management Plan is required;
20. The Wyoming State Fire Marshal stated the applicant will be required to submit plans through their agency for Fire and Life Safety review, as well as plans for any required systems such as fire sprinklers, fire alarms or commercial kitchen suppression;
21. Wyoming Game and Fish stated they have wildlife concerns with this project as it is located very near crucial mule deer and bighorn sheep winter range, and is located entirely within a crucial elk winter range;
22. Wyoming Game and Fish indicated that there appears to be a golden eagle nest within on-half mile of the proposed site;
23. The Wyoming State Engineer's Office stated they find no water rights impact on this proposal;
24. The U.S. Fish and Wildlife Service requested further information on this project;
25. Park County Public Works provided preliminary comments regarding access by way of the existing road and bridge, including the requirement for improvements to both, and they will work closely with the applicant's engineer and the BLM to try to accommodate the development plans;
26. The Wyoming Office of State Lands and Investments stated that access across or work performed on state land requires their authorization;

27. Powell-Clarks Fork Conservation District stated that a geologic report has been ordered that would exceed their review;
28. The Park County Treasurer stated property taxes are paid in full;
29. Clark Fire Protection District has not responded;
30. No public comments have been received;
31. The applicant provided a statement on how compatibility will be achieved, including details about the use;
32. Proposed structures include a main house, nine one-bedroom cabins, two four-bedroom cabins, a small cabin for four, full-time resident employees and one storage shed;
33. Amenities proposed are for guests online and include a restaurant, outdoor dining terrace, small gym, spa room and common swimming pool;
34. Proposed business operations will occur seven days per week, from 8:00am to 11:00pm, with minimum two-night stays by reservation only;
35. Residencies of more than six months will not be allowed;
36. The applicant proposes four full-time resident employees and 16 non-resident employees;
37. The applicant proposes organized guest pickups from airport and regional transit locations;
38. There will be a maximum of 11 cabins, with a projected guest occupancy of 34;
39. The facility will offer sporting activities, hunting, fishing, and sightseeing;
40. Proposed structures will not be within 20 feet of a County road right-of-way;
41. No covenants are proposed or existing;
42. The applicant has proposed down-shielded LED lighting;
43. There are no known nonconformities on the property;
44. No nuisances have been reported at this location;
45. The applicant provided a geotechnical report including detailed reviews of an "upper site" and "lower site" on the property;
46. Geoscience provided Engineering Analyses and Recommendations for the various foundation options; lateral loads on foundation walls and earthwork.
47. Legal access exists from County Road 8VC by way of an existing access easement across the neighboring BLM land;
48. Improvements to the existing road and bridge are required. Any proposed improvements to the BLM portion of the road will require that agency's approval.
49. Domestic water will be supplied from new, on-site wells;
50. A domestic water quality analysis has been submitted;

51. Staff does not consider this sample acceptable to prove adequate water quality for this use because this is taken from surface water;
52. The property is not located within an irrigation district;
53. Parking standards apply and the applicant is requesting a 50% reduction in the 77 required parking spaces with the site design showing 38 designated parking stalls;
54. Sewage and wastewater disposal is proposed for this use and will require DEQ review and approval;
55. Subsurface evaluation has not yet been completed;
56. Information has not been provided to support DEQ and Planning and Zoning evaluating the feasibility, size and location of an on-site septic system to serve the use;
57. Electricity will be provided by solar power with a secondary power source of metered electricity;
58. Signs are proposed for this use and sign permitting standards apply;
59. Solid waste will be disposed of by a private company;
60. No specific criteria are identified for this use;
61. The property is partially located in a floodplain overlay district, however none of the proposed structures or overnight accommodations are located within the floodplain;
62. Flood overlay standards apply and aspects of the proposed development may require a Floodplain Development Permit;
63. Site plan review is required for this use;
64. No hazardous substances are related to this use;
65. Fire protection standards apply and have not been addressed;
66. The use is not expected to impact any lakes, reservoirs or streams, though traffic will cross a bridge over the Clarks Fork of the Yellowstone River to access the property;
67. The use is located on property that contains federally protected wetlands;
68. It is unknown whether the proposed use will impact any federally protected wetlands;
69. A runoff and erosion control plan is required to be reviewed and approved by Public Works;
70. Air quality is not expected to be impacted by this use;
71. No nuisances have been reported on this property;
72. Building setback requirements apply and have been met by the project design plan;

- 73. The proposed use is not a specific use;
- 74. Standards for building setbacks along a highway do not apply to this use as proposed;
- 75. Special Site Plan Standards apply to the proposed use;
- 76. Stream corridor standards apply and a 100-foot setback from the river shall be maintained to the fullest practical extent;
- 77. Steep slope standards apply and the applicant is required to provide evidence that the standards are or will be met;
- 78. Wildlife habitat standards apply and the applicant is required to provide evidence that the standards are or will be met;
- 79. The proposed use is not within a designated Scenic Byway.

WHEREAS the Planning & Zoning Commission heard testimony from numerous neighbors and members of the public in opposition to the project regarding the impact to the neighborhood and to area wildlife.

WHEREAS the Planning & Zoning Commission considered the approval standards for granting a Special Use Permit and concludes the following:

- 1. The application is incomplete;
- 2. The project does not fit the culture of the area, based upon public outcry;
- 3. The impact to the neighborhood, wildlife, and the style of development is incompatible with the neighborhood and the area; and
- 4. There is a lack of information on services and infrastructure (water, access across the BLM and road improvements, and sewer disposal, especially where it is in such close proximity to established wetlands).

NOW, THEREFORE, BE IT RESOLVED based on the foregoing, the Planning & Zoning Commission hereby recommends DENIAL of the application for the Clarks Fork Canyon WY. LLC. Special Use Permit-223 for a Dude Ranch and Resort.

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

ATTEST:


Kimberly Brandon-Wintermote, Chairman


Jolene Brakke, Secretary



Park County Planning & Zoning Department

1002 Sheridan Avenue, Suite #109

Cody, Wyoming

(307) 527-8540

PARK COUNTY PLANNING & ZONING COMMISSION

Meeting 1:00 P.M., **Wednesday, January 19, 2022** 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.

ELECTION OF OFFICERS

APPROVAL OF MINUTES

Approve minutes from December 15, 2021 meeting.

CONSENT AGENDA

[Andrae SS-285 Sketch Plan](#)

REGULAR AGENDA

[PUBLIC HEARING – Merit Energy SUP-224](#)

[PUBLIC HEARING – Miller Barns SUP-225](#)

[PUBLIC HEARING – Hecht Tower SUP-226](#)

[PUBLIC HEARING – Clarks Fork Canyon WY LLC SUP-223](#)

OTHER BUSINESS

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

ADJOURN

PLEASE SIGN IN

PLANNING and ZONING COMMISSION REGULAR MEETING January 19, 2022

		Merit Energy SUP-224	
		Miller Barns SUP-225	
		Hecht Tower SUP-226	
		Clarks Fork Canyon WY LLC SUP-223	
	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	GAIL & Bill Gauthier	Clarks Forks	yes
2	Jim Bonnie CRAIG	Clarks Fork Canyon	Yes - Both
3	Robert Savala	" " "	?
4	Kathy Ackley (against)	Clarks Fork Canyon	No
5	DAVE ACKLEY	CLARKS FORK Canyon	YES
6	JIM CRAIG	Clarks Fork	YES
8	RITA KOZECC	Clarks Fork	Yes
9	MISA SIEMONS	CLARKS FORK	No Yes
10	JIM SIEMONS	CLARKS FORK	Yes
11	Steven McKEAL	CLARKS FORK	NO
12	Bill Kuntz	Clarks Fork	NO
13	Janice Kuntz	Clarks Fork	No
14	Kyle Pasowack	Clarks Fork	Yes
15	Suzanne Bradbeer	Clarks Fork	Yes
16	Andrea Cook	Clarks Fork	YES.
17	Nicole Forsberg	Clarks Fork	Yes
18	Susan Muttart	CLARKS FORK	NO MAYBE
19	PATRICK MUTTART	CLARKS FORK	NO
20	Cory Holloway	Clarks Fork	?
21	Marshall Hesson	Clarks Fork	?
22	Nancy Woolard	Clarks Fork	?
23	Christina Denney	Clarks Fork	?
24	Kodi Dodge	Clarks Fork	no
25	Rodney Erickson	Clarks Fork	NO
26	Jeff Wiita	Clarks Fork	?
27	Cody A. King	" "	no
28	Lauren Vogt	" "	NO
29			
30			

people on zoom

PLEASE SIGN IN

PLANNING and ZONING COMMISSION REGULAR MEETING January 19, 2022

		Merit Energy SUP-224	
		Miller Barns SUP-225	
		Hecht Tower SUP-226	
		Clarks Fork Canyon WY LLC SUP-223	
	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	Dewey Vanderhoff		
2			
3			
4	Attending Virtually		
5	Soo Chah	Clarks Fork	
6	J.J. Yeo	" "	
8	Makhasiri Khan	" "	
9	Adele Sim	?	
10	Frank Sparhawk	Clarks Fork	
11	Leo Wolfson / Cody Enterprise		
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PLEASE SIGN IN
PLANNING and ZONING COMMISSION
REGULAR MEETING
January 19, 2022

		Merit Energy SUP-224	
		Miller Barns SUP-225	
		Hecht Tower SUP-226	
		Clarks Fork Canyon WY LLC SUP-223	
	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	Reuben J Miller	SCP	NO
2	Samuel Hershberger		
3	Blayd Threl	Clarks Fork?	
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PLEASE SIGN IN

PLANNING and ZONING COMMISSION REGULAR MEETING January 19, 2022

		Merit Energy SUP-224
		Miller Barns SUP-225
		Hecht Tower SUP-226
		Clarks Fork Canyon WY LLC SUP-223
	Please PRINT your name	Name of the HEARING OF INTEREST
1	Mark Barriager	SUP 224
2	Scott Hecht	Hecht Tower
3	NICHOLAS HUMMEL	ANDREA-SS 284
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DO YOU WISH TO SPEAK

if requested

NO

IF NEEDED