

Planning & Zoning Commission Minutes

April 20, 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
Richard Jones
Robert Ferguson

Staff Present:

Joy Hill, Planning Director
Kim Dillivan, Planner II
Jenny Cramer, Planner I (by virtual means)
Brian Edwards, County Engineer
Ben McDonald, Public Works
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 March 16, 2022 meeting minutes. A MOTION was made by Commissioner Jones to approve the minutes; the motion was SECONDED by Commissioner Bonine to approve the minutes. 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.

Kloricktree SS-288 Sketch Plan: Rick and Klodette Stroh request approval of the sketch plan for a one-lot simple subdivision, creating one 6.4-acre lot for residential use. This proposed subdivision is located approximately two miles southeast of Powell, south of Lane 10 on the east side of Road 6. The parcel is described as within Lot 61-E, resurvey of T55N, R98W of the 6th P.M., Park County, Wyoming, and is located in a General Rural Powell (GR-P) zoning district.

Commissioner Bonine made a MOTION to recommend approval of Kloricktree SS-288 Sketch Plan by Resolution #2022-14 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

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- 53 be identified on the final plat;
- 54 2. The applicant shall provide an approved Long-Term Noxious Weed Management Plan
55 from Park County Weed & Pest prior to final plat review by the Board of County
56 Commissioners;
- 57 3. The applicant shall provide to the Planning & Zoning Department results of a water
58 analysis (as performed by an EPA SDWA certified laboratory) from a well within ½ mile
59 of the proposed subdivision for Calcium, Magnesium, Sodium, Iron, Fluoride,
60 Manganese and Nitrate;
- 61 4. The applicant shall place the following note on the final plat: "Any proposed water wells
62 on these subdivision lots shall be permitted by the Wyoming State Engineer's Office
63 prior to installation";
- 64 5. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of
65 1991; and
- 66 6. The applicant shall otherwise comply with standards in the Park County
67 Development Regulations and the minimum subdivision requirements as set forth in
68 Wyoming Statute 18-5-306.

69 Commissioner Jones SECONDED the motion. All in favor. Motion passed. See Resolution 2022-
70 14 attached hereto and incorporated herein.

71

REGULAR AGENDA

72

73
74 **PUBLIC HEARING – Leonhardt SUP-234:** Tim and Gina Leonhardt request approval of a
75 Special Use Permit (SUP) Application for Leonhardt SUP-234. The applicants are proposing a
76 multi-family housing use to construct an eight-unit single story multi-family housing complex. The
77 proposed use is located on a 14.78-acre parcel with an address of 14 Jamieson Circle, Cody,
78 Wyoming. The parcel is described as being within Tract A of Paddock Estates Subdivision and is
79 located in a Rural Half-Acre (R-H) zoning district.

80

81 Chairman Brandon-Wintermote reviewed the rules of a public meeting and opened the public
82 hearing at 1:06pm.

83

84 There being no comments from Commission members, Kim Dillivan, Planner II, presented the
85 Staff Report. Condition #3 has been met. Condition #4 has been met. Condition #5 is no longer
86 required. Condition #7 has been met – airport has no concerns with this use.

87

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

- 89
- 90 • Commissioner Jones asked about the water services and the difficulty to add them (from
91 the City). Is it difficult or is it expensive? Kim said he recalled that the plan to annex was
92 abandoned due to costs.
 - 93 • Commissioner Ferguson asked about a runoff and erosion control plan not being required.
94 Kim indicated that Public Works is not requiring a runoff and erosion control plan.
 - 95 • Commissioner Bonine asked about the zoning and the density. Staff indicated that the
96 proposed use is not on a parcel sized one-half acre. Due to the lot size being so large, we
97 feel that it is sufficient to allow this use.
 - 98 • Commissioner Bonine pointed out the language in the regulations indicates that the R-H
99 zoning district allows moderate density residential housing developments served by public
water and sewer. He asked for clarification on the calculations for septic.

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- 100 • Commissioner Bonine asked for clarification regarding the requirement of FAA review.
101 Staff indicated that the regulations require a response from an appropriate airport official,
102 which has been received. They did not indicate that FAA approval was required.
103 • Commissioner Ferguson asked if there are any limitations to the number of dwelling units
104 for a multifamily use.
105 • Commissioner Jones asked about the size of the use – Staff indicated it was approximately
106 1.8 acres impacted by the use. Commissioner Jones added that this property is within the
107 City's growth area. Staff indicated that annexation was considered however, the
108 applicants determined it was not cost effective and the County cannot require it.
109 • Commissioner Jones asked about the future of potential use. Subdividing is an option to
110 add more uses, however septic setbacks will likely be a limiting factor.
111 • Public Works had no additional comments.
112

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

- 114 • Tim Leonhardt thanked staff for their work on this project – it has been almost a year since
115 we first discussed options for the property. His wife grew up on Equine Drive and her
116 parents still live there. They are here to be close to family. We care about this place. They
117 are trying to bring this property back to something more than it was. It has been a bit
118 derelict. They remodeled the farmhouse and currently live there and will continue to live
119 there. They have the most vested interest in making sure there are not conflicts with
120 neighbors. This was sort of an existing use – there were two duplexes (4 units), that were
121 rented out. They border commercial property on multiple sides. They didn't annex because
122 the costs ran upwards of \$200,000. They hoped to connect to utilities on the south. The
123 clinic was annexed and has city utilities. The city would want them to bore across the
124 highway. That pushed them back to developing in the County. In terms of the size, they
125 would want to start small and validate the market. At this time, we have one use... it could
126 be many units. We have settled on eight units as being a sweet spot that fits for septic.
127 They will have to pump the sewer once per year. Speaking to the nature of the property,
128 they told the trustees of the Jamieson trust that the intent was not to subdivide and develop
129 it. There is a need for housing. We are running out of space to grow out. Here is 15 acres
130 that could be subdivided in R-H. In terms of the actual development, what we are doing is
131 designing something that will be aesthetically pleasing. It is a pod-like design with
132 breezeways, with a common roof. We want it to be private and look good from the road.
133 We are doing it because there is a need for rentals. They have had 15 requests in the past
134 several weeks alone, looking for this type of housing. This should improve property values.
135 As far as conditions, we do have another water test out for the reverse osmosis system
136 that they are using in their farmhouse. They are looking at doing two cisterns instead of
137 one to ensure that they have adequate, quality water available. The condition about the
138 engineered electrical plan – they have spoken with several electricians and engineers and
139 they are shocked that an engineered plan is even being requested. It could also delay this
140 project months to complete that requirement. They will be building to code and it will be
141 inspected prior to going into service. He requests striking that condition.
142

143 Chairman Brandon-Wintermote asked if any Commission members had questions for the
144 applicant.

- 145 • Commissioner Jones asked about the report from the fire marshal. Is water sufficient for
146 fire protection? The fire inspector said he spoke with the submitter and had no comments.
147 Tim Leonhardt mentioned that the fire district does require the breezeways to be built with
148 firewalls.

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- Kim Dillivan said they had a conversation with a firefighter from Powell Fire Department. In relation to subdivisions needing water storage, the fire department does not count on having water onsite. They always plan to bring their own. Staff stated that the local fire district did not address firefighting water.
 - Commissioner Bonine asked about the communication from Jeff Shoen – the breezeways being separated by a firewall or be constructed of non-combustible materials. He noted common materials to the units and that units would be installed to code. What is the applicant proposing for inspection? Tim said he was speaking to electrical and septic inspections. Commissioner Bonine asked how they will plan to comply with codes?
 - Gina Leonhardt said the firewalls will be built as planned and building the roof out of non-combustible materials. They talked to the roofers about metal.
 - Commissioner Bonine asked what they have in place will ensure that what is built matches what is intended. Gina said they know the plans inside and out and they want to ensure public safety. They are relying on their builder and licensed contractors to ensure the codes are met.
 - Chairman Brandon-Wintermote asked about the garage parking and outside parking. She wondered about guest parking. Tim said they plan to have parking against the fence line. They are targeting folks who are typically single, working individuals. We don't anticipate them having big parties. There are other areas where people could park. They are not anticipating his being a place for large crowds of people gathering. We understand we need two parking spaces per unit. Chairman Brandon-Wintermote was concerned about parking for storage trailers, etc. Tim said they are offering the garage spaces to get vehicles out of view.
 - Chairman Brandon-Wintermote asked why there was so much electrical confusion. Tim said they contacted two contractors. Mr. Gross had called other contractors himself. Tim said when they spoke with an electrical engineer, he said if a licensed electrician could not design this project, there are problems.
 - Chairman Brandon-Wintermote asked about solid waste needing to be shielded. Is there a space for that? Tim said on the side of the east garage there is an enclosure.
 - Chairman Brandon-Wintermote asked staff about driveways under multi-family housing. She read from the rules, definition for driveway (page 33), driveways not being able to serve more than 4 units unless it is a road.
 - Commissioner Ferguson asked about the short-term nature of the rentals for traveling professionals. Tim said primarily he looked at the market – they use the term mid-term (not short-term or long-term). These folks come in typically for 2-3 months. Medical professionals are the ones who commonly do this. There are also folks moving here waiting for housing, interns, etc. There are people coming here for time periods longer than a hotel stay. Commissioner Ferguson said it is intended for single people who won't have parties or a lot of parking. You can't control that, with that kind of turnover. They look to the turnover as an advantage. Folks there on a long-term basis may not take care of stuff and it can be hard to get them out. With shorter-term, we are in and out of the units, taking care of things.
- Chairman Brandon-Wintermote asked if there were comments from any members of the public.
- Lejean Mitchell, neighbor within 660 feet of the property. She wishes she knew more before the meeting. We talked about canal water on the north side and south side. She sought clarification on the use of that water. (Ms. Leonhardt said they do not have rights to the canal water.) She would like to clarify ingress and egress. She would like to know what the plan is. She is concerned about traffic in and out. This opens the door for her to put multiple uses on her property. She owns a business and she brings in people to rent

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199 temporarily. The covenants have expired in this neighborhood. You could put temporary
200 housing in. You are opening the door for that. She would love to see more housing for her
201 employees. She appreciates what is being done, but we may be opening the door to other
202 people.

203 • Jerry Tachice said he hopes the people know the neighborhood is starting to look better.
204 The property is being cleaned up. The use is so far removed from Equine Dr, next to vet
205 clinic, across the road from the animal shelter...it is so far away that it is not a problem. It
206 is going to be an asset to the nearby properties in that it will improve properties. Tim loves
207 landscaping, so in a few years the place is going to look wonderful.

208 • Elwin Keever is a bit concerned about the comment of it being strictly medical
209 professionals. How can you keep them full? If empty, you will want to put someone in there
210 to make up the difference. He was concerned about water and sewer, but those have been
211 addressed. If there are short termers. Is it a BnB issue?

212 • AJ Guilmain said it took him years and years to raise enough money to live in this section
213 of town. When he bought it, he was under the impression that it is rural – that is how it was
214 classified. It sounds like you are kind of interested in this idea. His property was appraised
215 at \$1.25M. You are going to devalue my property. When they did the improvement on the
216 highway, one of the hazards of that section is that the road is too high. People coming
217 onto the highway – it was dangerous – you couldn't see the driveway. It is also wetland.
218 What is the stipulation on wetlands? This is a good idea, just not in my neighborhood. He
219 did Vista View Subdivision – you people held me to the fire. It took him 3.5 years and he
220 went by all the rules and regulations and he couldn't get anything changed if he wanted
221 to.

222 • Kacie Schwarz said they will increase the values of the properties. It was always rundown.
223 It is surrounded by commercial (RV campground). There were duplex rentals already in
224 place before. As far as children go, we are surrounded by children. This is housing. We
225 need to accommodate what housing is entitled to.

226 • Fred Bronnenberg mentioned covenants having expired. From what he knows, the
227 covenants were in place for 25 years and then renew every 10 years after that. He said it
228 has to be connected to water and sewer. He would like clarification about Public Works
229 and their involvement, aren't they over the City? Kim explained that Public Works is a
230 department within the County which includes the County Engineer and has jurisdiction
231 within the county. The Planning Director added that the Public Works department
232 addresses access, addressing, run off and erosion control, etc. He believes anything
233 larger than an acre requires a stormwater management permit from the state. Ben
234 McDonald said he thinks we are confusing the state SWPPP requirements with the
235 County's rules. Mr. Bronnenberg said he can't believe with wetlands that there are no
236 requirements. Brian Edwards sought clarification, but he said if they are disturbing
237 acreage, they wouldn't have to submit a permit unless they are disturbing 5 acres or more.
238 What we are talking about is no net increase in runoff. Also, if the irrigation will be piped
239 to convey the water, then a runoff plan will be needed.

240 • Staff addressed that there are no covenants for Tract A unless someone provides
241 evidence otherwise.

242 • Bobby Bronnenberg lives directly south of this property. They raise cattle and they have
243 problems with dogs. Is there a plan for that? Will dogs be allowed?

244 • Connie Straight said there are covenants with Paddock Estates. Tract A was in the original
245 covenants and was never taken out of the covenants and so they should have to obey
246 what the covenants say. She said the covenants have not changed. Commissioner Bonine
247 read the covenants from 1972 and they do not include Tract A. Ms. Straight also asked if
248 when they drill the well will the water table go down?

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- 249
250 Chairman Brandon-Wintermote addressed the applicants to allow them to address the questions.
251
- 252 • Tim said in term of entries, the recommendation from WYDOT that they consolidate is a
253 concern in terms of fire. Right now, fire trucks could pull through easily. To choke that
254 down to a single entrance is a concern. Right now, he is leaning towards leaving both
255 open for fire truck access.
 - 256 • As far as honing in on medical professionals, it is business professionals, interns, etc. We
257 can't discriminate. They are focusing the business on people coming in temporarily.
 - 258 • As far as wetland, this portion of the property is in the far NW and the wetlands are in the
259 far SE.
 - 260 • This property has been used in this way in the past.
 - 261 • He does have a poodle. However, there will be a no pets policy. They do sometimes have
262 to allow service animals.
 - 263 • He can't speak to the water well. We don't anticipate heavy water users. We are not talking
264 about families of 4, 6 people.
 - 265 • Lejean asked about the irrigation ditch on the front of the property. Tim said the irrigation
266 rights go with everything south of the ditch.
 - 267
 - 268 • Commissioner Bonine sought clarification on how defined an SUP becomes. In the
269 findings of fact, the applicant anticipates tenants to be renting for 1 month to 12 months.
270 The Planning Director said that our rules define nonresidential as less than 6 months. Tim
271 said limiting them to 6-month minimums would be a deal breaker.
 - 272
 - 273 • Commissioner Jones clarified with the applicant that the demographic they are targeting
274 typically have an employment contract of 90-120 days. The applicant confirmed that is
275 correct and extensions are rare. The Planning Director mentioned the definition of non-
276 residential vs. commercial, with non-residential being defined as less than 6 months.
 - 277
 - 278 • Commissioner Ferguson asked the applicant if their ROI is based solely on the "short-
279 term" rental rate. Tim said his other rentals in this category would be \$1500 for short-term,
280 even up to \$2,000 for a summer rental. A long-term renter would be closer to \$1000.
281 Commissioner Jones mentioned the tourism nature. Tim said it is a year-round use and
282 the rates in the summer would get pushed up anyway because people are taking up short
283 term rentals in that time.

284
285 At 2:47pm, Commissioner Bonine made a MOTION to continue the hearing to May 19, 2022 at
286 the 1:00pm meeting; SECONDED by Commissioner Jones. The motion was carried unanimously.
287

288 Tim added that he would much rather do a duplex at a time than add over time.
289

290 **PUBLIC HEARING – Hershberger SUP-235:** Samuel Hershberger requests approval of the
291 Special Use Permit (SUP) Application and Site Plan for Hershberger SUP-235. The applicant is
292 proposing a Cottage Industry use to operate a storage shed-building business. The proposed use
293 is located approximately five miles southeast of Powell with an address of 1054 Road 3. The use
294 will occur within a 125-acre parcel described as Lots 52-G, 52-I, 52-J, 52-K, & 52-L in Section 22,
295 T55N, R98W of the 6th P.M., Park County, Wyoming, in a General Rural Powell (GR-P) zoning
296 district.
297

298 Chairman Brandon-Wintermote opened the public hearing at 2:55pm.

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299
300 There being no comments from Commission members, Kim Dillivan, Planner II, presented the
301 Staff Report.

302
303 Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.
304

- Public Works indicated that have no additional comments.
- Mary McKinney, Weed and Pest, said she has no additional comments beyond what was
305 provided in the letter she submitted. Bare ground mitigation of weeds will be necessary.
306

307
308 Chairman Brandon-Wintermote asked if the applicant had any questions or comments.
309

- Samuel Hershberger said he has no additional comments and appreciates the
310 commission's time.

311
312 Chairman Brandon-Wintermote asked if any Commission members had questions for the
313 applicant.
314

- Commissioner Jones asked if another site was approved for shed sales recently. Staff
315 confirmed that it was a different applicant on Copper Mountain Irrigation property.

316
317 Chairman Brandon-Wintermote asked if there were comments from any members of the public.
318 There were no comments from those in attendance.

319
320 Commissioner Bonine made a MOTION to close the hearing at 3:08pm; SECONDED by
321 Commissioner Jones. The motion was carried unanimously.

322
323 Commissioner Jones made a MOTION to approve Hershberger SUP-235 by Resolution 2022-15
324 based upon the findings presented and including the following conditions:

- 325
- 326 1. Park County noise, lighting, and other nuisance regulations shall apply;
 - 327 2. The finished structures shall not be stored on the property for extended periods of
328 time, nor should they be stored for the purpose of display or advertising to potential
329 buyers;
 - 330 3. The applicant shall provide a formal response from the Elk Water User's Association,
331 prior to review by the Board of County Commissioners; and
 - 332 4. The applicant shall otherwise comply with standards in the Park County Development
333 Standards and Regulations.

334
335 The motion was SECONDED by Commissioner Ferguson. The motion carried. See Resolution
336 2022-15 attached hereto and incorporated herein.

337
338 **PUBLIC HEARING – Faith Community Church SUP-236:** Point Architects on behalf of Faith
339 Community Church of Powell requests approval of the Special Use Permit (SUP) Application and
340 Site Plan for Faith Community Church SUP-236. The applicant is proposing a major community
341 use to expand the existing church by adding classrooms and storage. The proposed use will be
342 located on approximately 1.2-acres within a 9.84-acre parcel west of Powell with an address of
343 1267 Road 18. The property is described as Lot 101 of Amended Faith Lutheran SS-205 and is
344 located in a General Rural-Powell (GR-P) zoning district.

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347 Chairman Brandon-Wintermote opened the public hearing at 3:09pm.

348
349 There being no comments from Commission members, Kim Dillivan, Planner II, presented the
350 Staff Report.

351
352 Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.

- 353 • Chairman Brandon-Wintermote asked about the water well test being done in 2013. Kim
354 mentioned that the rules do not appear to specify a timeframe for water analyses to be
355 completed.
- 356 • Commissioner Jones said it seems that the surrounding lands haven't had any significant
357 changes in the past decade – it has been static. Kim was unaware of significant changes.
358 The Planning Director indicated that the Commission could choose to condition the
359 requirement for a newer water analysis.
- 360 • Ben McDonald, Public Works said they are asking the project engineer to verify that the
361 soils are suitable for the foundation.
- 362 • Mary McKinney, Weed and Pest, added that she visited at length with Mr. Anderson
363 regarding the disturbance that has already occurred on the hillside to the south. The
364 models all predict a drought this year. In talking about reseeding the hillside, which would
365 help with erosion, they may have some difficulty in doing that this year unless they have
366 some irrigation of that. She stresses the importance of getting that reseeded as soon as
367 possible and mitigate any weed issues that may pop up. There is a production ag field
368 below them and an irrigation canal.

369
370 Chairman Brandon-Wintermote asked if the applicant had any questions or comments.

- 371 • Kane Morris, the applicant's representative, said that the foundation was structurally
372 designed by Engineering Associates. He took what they gathered when they first designed
373 it. It is normal protocol to have them onsite during construction. We have to submit it to
374 the state – they have to review it before they even start building. That is part of their
375 process – they have the plans and are reviewing them. Then we will get their comments.
376 Structurally, fire wise, it is all being reviewed by the state. We have a structural engineer
377 on board as well.
- 378 • Chairman Brandon-Wintermote asked if there has been any conversation with WYDOT.
379 Kane said no. Staff has not received a response from WYDOT on the proposed use, but
380 the access appeared to be approved on the original SUP.
- 381 • Commissioner Bonine asked about the ownership showing Faith Lutheran Church, but the
382 application being Faith Community. The applicant said that approximately four years ago
383 they changed the name to Faith Community Church. What has kept that appearing is that
384 the original incorporation with the state was as Faith Lutheran Church. Commissioner
385 Bonine said the original lot of the subdivision was deeded to Faith Lutheran. There is
386 nothing transferring the ownership to Faith Community. The deed for the newly acquired
387 6 acres is in Faith Community Church's name The original lot is still in Faith Lutheran's
388 ownership. They could get that corrected.

389
390 Chairman Brandon-Wintermote asked if any Commission members had questions for the
391 applicant. There were none.

392
393 There were no members of the public present.

394
395 There were no comments from those in attendance.

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397 Commissioner Bonine made a MOTION to close the hearing at 3:40pm; SECONDED by
398 Commissioner Ferguson. The motion was carried unanimously.

399
400 Chairman Brandon-Wintermote asked Commission members if they had any discussion.

- 401 • Chairman Brandon-Wintermote recommended a response be provided from the fire
402 marshal. Kane said the state will review the application for an assembly space. He has no
403 problem submitting a copy of the review from the state to the County.
- 404 • Remove conditions #2 and #3.
- 405 • Finding #27 – add wording about following Best Practices.

406
407 Commissioner Jones made a MOTION to approve Faith Community Church SUP-236 by
408 Resolution 2022-16 based upon the findings presented and including the following conditions:

- 409 1. Park County noise, lighting, and other nuisance regulations shall apply; and
- 410 2. The applicant shall otherwise comply with standards in the Park County Development
411 Standards and Regulations.

412
413 The motion was SECONDED by Commissioner Bonine. The motion carried. See Resolution
414 2022-16 attached hereto and incorporated herein.

415
416
417 Chairman Brandon-Wintermote delivered the Chair's report.

418
419 The Planning Director delivered a report for the Planning and Zoning Department.

420
421 The meeting adjourned at 4:20pm.

422
423 Respectfully submitted,

424
425
426 

Jolene Brakke, Secretary

**RESOLUTION 2022-14
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
KLORICKTREE SIMPLE SUBDIVISION-288 (SS-288) SKETCH PLAN**

WHEREAS, Rick and Klodette Stroh propose to create a subdivision consisting of one 6.88-acre lot from an existing 140-acre parcel for residential use in the Cody/Powell Rural Planning Area;

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 April 20, 2022 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision Permit Application, including payment, was received on March 11, 2022;
2. The applicant requests approval of the sketch plan for a subdivision to create one 6.88-acre lot from an existing 140-acre parcel for residential use in the Cody/Powell Rural planning area;
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 Corrective Warranty Deed dated August 28, 2018 (Doc. #2018-4483), to Rick Stroh and Klodette Stroh, husband and wife as tenants by the entirety from Frances E. Ries as Trustee of the Frances E. Ries 2003 Revocable Living Trust, dated February 13, 2003;
6. The parcel is located in Farm Unit "G" according to the Farm Unit Plat, in T.55N., R98W., 6th P.M., Park County, Wyoming;
7. The proposed subdivision is located approximately two miles southeast of Powell, south of Lane 10 and east of Road 6 on an unaddressed parcel;
8. The subdivision is located in the General Rural Powell (GR-P) zoning district;
9. The lot size proposed is consistent with the GR-P zoning district;
10. Parcels to the north and west of the property are residential and residential/vacant lands. The properties adjacent to the south and east of this

- parcel are agricultural. The Jensvold SS-259 borders the parcel to the north;
11. Proposed Lot 1 is undeveloped, vacant and not irrigated, while the remainder parcel is primarily irrigated agricultural land;
 12. The topography is relatively flat;
 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 March 3, 2022 and March 8, 2022;
 15. All agency referral requirements have been met;
 16. Garland Light and Power has the capacity to provide electrical services to this subdivision;
 17. TCT has the capacity to provide terrestrial wireless internet and VOIP phone service to the subdivision provided line of sight to a TCT tower exists;
 18. Park County School District #1 has bus service available to this subdivision;
 19. Shoshone Irrigation District has been notified of the proposed subdivision and has confirmed proposed Lot 1 does not have water rights attached to it and there is no irrigation infrastructure around the proposed subdivision;
 20. USPS has confirmed mail delivery is available to this proposed subdivision;
 21. Park County Fire Protection District #1 is able to provide fire protection to the proposed subdivision;
 22. Montana-Dakota Utilities Company stated natural gas service is available;
 23. The Wyoming Game & Fish Department stated they have no terrestrial wildlife concerns, but offered their standard subdivision recommendations;
 24. The Park County Treasurer stated property taxes are current on this parcel;
 25. Park County Weed & Pest indicated a Long-Term Noxious Weed Management Plan is required;
 26. Park County Public Works has confirmed legal access will be from Park County Road 6 and a Right of Way Permit will be required prior to construction of the access to proposed Lot 1;
 27. Powell-Clarks Fork Conservation District has provided a soils report;
 28. No public comments have been received;
 29. A pre-application meeting was held on March 10, 2022;
 30. Application submission requirements for sketch plan review have been met;
 31. No new roads are proposed as a part of this subdivision;
 32. Simple subdivisions are not required to install utilities;

33. No hazardous features are known to exist on the property;
34. Wastewater requirements pertaining to sketch plan review have been met;
35. The Park County Small Wastewater Administrator stated that conventional septic systems will likely be sufficient for this proposed subdivision;
36. Domestic water requirements have not been met because a complete water quality analysis has not been provided from a well within ½ mile of the proposed subdivision;
37. Agricultural impacts have been addressed;
38. Water rights requirements pertaining to sketch plan have been met;
39. Lot standards have been met;
40. No common maintenance of facilities is proposed;
41. Easement standards apply;
42. No drainage, sidewalks, street lighting or alleys are proposed;
43. The subdivision is not within an Agricultural or Flood Overlay District; and
44. 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 Kloricktree SS-288, 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 from Park County Weed & Pest prior to final plat review by the Board of County Commissioners;
3. The applicant shall provide to the Planning & Zoning Department results of a water analysis (as performed by an EPA SDWA certified laboratory) from a well within ½ mile of the proposed subdivision for Calcium, Magnesium, Sodium, Iron, Fluoride, Manganese and Nitrate;

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

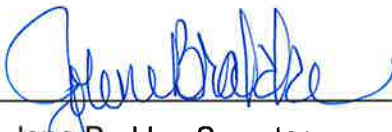
ADOPTED by the Park County Planning & Zoning Commission this 20th day of April, 2022.

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

ATTEST:



Kimberly Brandon-Wintermote, Chairman



Jolene Brakke, Secretary

**RESOLUTION 2022 - 15
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE HERSHBERGER
SPECIAL USE PERMIT-235 (SUP-235)**

WHEREAS, Samuel Hershberger has submitted a Special Use Permit Application requesting review and approval of a Special Use Permit to operate a business building small storage sheds to be sold off-site;

WHEREAS, The property is addressed as 1054 County Road 3, Powell, Wyoming. The parcel is located approximately 3.5 miles southeast of Garland;

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 April 20, 2022, to consider the Special Use Permit application and made findings as follows:

1. A Special Use Permit Application, including payment, was received on March 10, 2022;
2. The applicant proposes to operate a business building small storage sheds to be sold off-site;
3. The use will operate within an existing 3,456 sq. ft. shop building on the property where the applicant resides;
4. The entire area for the use will be approximately one acre;
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 Samuel Hershberger and Martha Hershberger, a married couple as joint tenants from Powell Land Group, LLC, a Wyoming limited liability company (Document #2021-2403);

8. The property is described as a parcel of land located within Lot 52G, Lot 52I, Lot 52J, Lot 52K, and Lot 52L, Sec. 22, Resurvey, T55N, R98W, 6th P.M., Park County, Wyoming. Said parcel of land contains 124.67 acres;
9. The property is addressed as 1054 County Road 3, Powell, and is located approximately 6 miles southeast of Garland;
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 and a workshop/storage building for business use;
13. Surrounding land uses are agricultural, residential, and vacant. Some Bureau of Reclamation and State of Wyoming lands are located nearby;
14. The applicant provided a simple site plan drawing identifying the existing structure and planned access and parking;
15. The proposed use is not within a mile of a municipality;
16. Legal notice requirements have been met;
17. Agency referral requirements have been met;
18. The Park County Treasurer stated no property taxes are due on this parcel;
19. Park County Fire District #1 is able to provide fire protection;
20. 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*;
21. The Wyoming Game & Fish Department has provided comments;
22. The Wyoming Office of State Lands and Investments has provided comments;
23. Park County Public Works has provided comments;
24. The Elk Water User's Association has not provided any comments;
25. State of Wyoming Fire Inspector has not provided any comments;
26. No public comments have been received;
27. The applicant provided a statement addressing how the use will be compatible with the neighborhood;
28. Much of the materials and supplies will be stored indoors;
29. The sheds will be constructed indoors;
30. The business will operate 9 hours per day, 5 days per week;
31. In addition to the applicant, labor will be provided by 2 resident employees
32. The proposed use will not be within 20 feet of a county road right-of-way;

33. No covenants exist or are proposed;
34. No outdoor lighting is proposed;
35. There are no known nonconformities on the property;
36. No nuisances have been reported at this location;
37. A soils report is not required for this use;
38. Access is proposed from an existing gravel driveway directly from County Road 3;
39. Domestic water will be provided by an existing well;
40. This property is located within the Elk/Lovell Canal Irrigation District. No impact to irrigation facilities are anticipated from this use;
41. Parking, loading, and unloading areas will be gravel;
42. The only parking necessary is for the applicant and resident employees and adequate space for parking is available;
43. Septic will be provided by a septic system that serves the residence;
44. Power for heat and for power tools will be provided by a diesel generator;
45. No signs are proposed;
46. Solid waste, if any, will be disposed of by a private company and according to County regulations;
47. There are no specific criteria identified for this use;
48. This property is located in an Agricultural Overlay District, but not in an Airport or a Flood Overlay District;
49. 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
50. 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 Hershberger Special Use Permit-235 subject to the following conditions:

1. Park County noise, lighting, and other nuisance regulations shall apply;
2. 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;
3. The applicant shall provide a formal response from the Elk Water User's Association, 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 20th day of April, 2022.

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

ATTEST:


Kimberly Brandon-Wintermote, Chairman


Jolene Brakke, Secretary

**RESOLUTION 2022 - 16
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE FAITH COMMUNITY CHURCH
SPECIAL USE PERMIT-236 (SUP-236)**

WHEREAS, Kane Morris on behalf of Faith Community Church, has submitted a Special Use Permit Application requesting review and approval of a Special Use Permit, to construct and operate a church facility addition containing three classrooms, two bathrooms, a storage room, and a basement;

WHEREAS, The property is addressed as 1267 County Road 18, Powell, Wyoming, and is immediately east of State Highway 294. The parcel is approximately 0.5 miles north of Highway 14A and approximately 2.5 miles southwest of Ralston;

WHEREAS, this project is defined by Park County Development Standards and Regulations as a major community use: Community uses where the size of all buildings on site is 5,000 square feet or more, or more than once acre of land developed in association with the use, and campgrounds and recreational facilities of any size;

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

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

WHEREAS, the Planning & Zoning Commission held a duly noticed public hearing on April 20, 2022, to consider the Special Use Permit application and made findings as follows:

1. A Special Use Permit Application, including payment, was received from Kane Morris on March 10, 2022;
2. The applicant also submitted supplemental application information, and a consent letter signed by the property owner agent;
3. The applicant requests approval to construct and operate a church addition containing three classrooms, two bathrooms, a storage room and a basement;
4. The applicant provided several site plans, floor plans, and elevation diagrams identifying proposed structures, planned access, and parking;
5. The use will operate in an area of approximately one acre, on a lot of 10.91 acres;
6. Applicable regulations are the *Park County, Wyoming 2015 Development Standards and Regulations* (adopted September 15, 2015);
7. The proposed use is classified as Major Community Use;

8. Ownership is affirmed by Warranty Deed to Faith Lutheran Church of Powell, from Ronald R. Jones and Theodora Jones, husband and wife (Document #2012-1171).
9. The property is described as Amended Lot 101, Faith Lutheran SS-205, in Tract 3 of Lot 52, Lot 7 of Section 33, and Lot 63G of Lot 63, T55N, R100W, 6th PM, Park County, Wyoming.;
10. The property is addressed as 1267 County Road 18, and is located approximately 0.5 miles north of State Highway 14A on State Highway 294;
11. The proposed use is located in a General Rural Powell (GR-P) zoning district;
12. Major Community uses are allowed in the GR-P zoning district provided a Special Use Permit is approved;
13. The proposed use will be located on a lot that is relatively flat, with a slight change in elevation from north to south;
14. The Garland Canal is on the hillside just south of the property;
15. Ralston is located northeast of the lot;
16. Surrounding land uses are primarily residential, residential vacant, and agricultural;
17. The property is not within one mile of a municipality;
18. Public notice requirements have been met;
19. Agency referral requirements have been met;
20. Park County Public Works requested a letter from the project's engineer regarding foundation design;
21. Park County Fire District #1 stated they can provide fire protection;
22. Garland Light & Power has the capacity to service the addition;
23. Black Hills Energy can service the addition;
24. The Park County Treasurer has stated that property taxes are paid current;
25. The Wyoming Game & Fish Wildlife Management Coordinator stated he has no wildlife concerns;
26. Heart Mountain Irrigation District stated the use will not impact any irrigation facilities nor would it impact any water rights;
27. Park County Weed & Pest has provided comments and recommended following "Best Management Practices for Controlling the Spread of Noxious Weeds";
28. WYDOT has not provided any comments
29. The Big Horn Basin Fire Inspector has not provided any comments;
30. No public comments have been received;
31. The applicant provided a statement addressing how the use will be compatible with the neighborhood and area;
32. The facility will be a church addition with classrooms, bathrooms, and storage;

33. The new addition will have a footprint of 2,097 square feet;
34. The occupancy of the existing church is 189;
35. The occupancy of the addition will be 88;
36. The average Sunday church attendance is 122;
37. Traffic impacts will occur on Sundays, and on several other week nights for meetings and classes;
38. The facility has one full-time employee, and two part-time employees;
39. Parking includes a total of 70 parking spaces
40. The applicants anticipate that noise or other nuisances will not be an issue given the nature of the use;
41. The proposed use will not be within 20 feet of a county road right-of-way;
42. No covenants exist or are proposed;
43. Shielded, down-directed outdoor lights are proposed;
44. There are no known nonconformities on the property;
45. No nuisances have been reported at this location;
46. A soils report is not required for this use;
47. Access is proposed from State Highway 294;
48. Domestic water for this use will be provided by a well;
49. The applicant has submitted an analysis of water quality the well;
50. The use is located within the Heart Mountain Irrigation District;
51. Comments from the Irrigation District have been received;
52. Septic will be provided by an in-ground septic system sufficiently sized to serve the use;
53. Electricity is available to serve the use;
54. Natural gas is available to serve the use;
55. No new signs are proposed;
56. Solid waste, if any, will be disposed of by a private company and according to County regulations;
57. No specific criteria are identified for this use;
58. This property is not located in a floodplain overlay or airport overlay;
59. The property is located in an Agricultural Overlay District;
60. Impacts to agriculture and impacts from agriculture have been addressed;
61. Site Plan Review is required for Major Community uses;

- 62. No hazardous substances will be produced, stored, or handled at this site;
- 63. The use is not expected to impact any lakes, reservoirs or streams;
- 64. The use is not expected to impact any federal wetlands;
- 65. A runoff and erosion control plan is not required;
- 66. Air quality is not expected to be impacted by this use;
- 67. Building setback requirements apply and have been met by the project design plan;
and
- 68. Special Site Plan Standards do not apply.

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

WHEREAS, the Planning & Zoning Commission concludes the following:

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

NOW, THEREFORE, BE IT RESOLVED having heard and weighed the evidence, the Planning & Zoning Commission hereby recommends approval of the special use permit for the Faith Community Church Special Use Permit-236 subject to the following conditions:

- 1. Park County noise, lighting, and other nuisance regulations shall apply; and
- 2. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

ADOPTED by the Planning & Zoning Commission this 20th day of April, 2022.

**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, April 20, 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.

APPROVAL OF MINUTES

Approve minutes from March 16, 2022 meeting.

CONSENT AGENDA

[Kloricktree SS-288 Sketch Plan](#)

REGULAR AGENDA

[PUBLIC HEARING – Leonhardt SUP-234](#)

[PUBLIC HEARING – Hershberger SUP-235](#)

[PUBLIC HEARING – Faith Community Church SUP-236](#)

OTHER BUSINESS

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

ADJOURN

PLEASE SIGN IN
PLANNING and ZONING COMMISSION
REGULAR MEETING
April 20, 2022

Leonhardt SUP-234
Hershberger SUP-235
Faith Community Church SUP-236

	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	Jim & Gina Leonhardt	SUP-Leonhardt	yes
2	Lynne Mitchell	SUP-Leonhardt	yes
3	LARRY TACHILLE	Leonhardt	
4	Kennel Tachille	Leonhardt	
5	EDWIN KEEVER	LEONHARDT	
6	AJ Guilmano	Leonhardt	
8	Rick & Kledete Sfrich		
9	Kacil Schwarz	Leonhardt	
10	Lody Schatz	Rick Kledete	maybe
11	Fred Bronnenberg	Leonhardt	?
12	Bobbi Bronnenberg	"	?
13	Connie Swaight	Leonhardt	yes
14	NEIL ANDERSON	SUP - FAITH COMMUNITY	
15	LINDA ANDERSON	SUP - FAITH COMMUNITY	
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PLEASE SIGN IN
PLANNING and ZONING COMMISSION
REGULAR MEETING
April 20, 2022

		Leonhardt SUP-234	
		Hershberger SUP-235	
		Faith Community Church SUP-236	
	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	Samuel Hershberger	SUP 235	
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