

**Planning & Zoning Commission Minutes**  
**May 18, 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  
 Robert Ferguson

**Staff Present:**

Joy Hill, Planning Director  
 Kim Dillivan, Assistant Director  
 Jenny Cramer, Planner I  
 Anthony Camiccia, Planning Technician  
 Jolene Brakke, Office Assistant III (by virtual means)  
 Brian Edwards, County Engineer (by virtual means)  
 Mary McKinney, Weed and Pest

Chairman Brandon-Wintermote opened the meeting at 1:02pm.

**APPROVAL OF MINUTES**

Chairman Brandon-Wintermote asked the Commission for comments or changes to the April 20, 2022, meeting minutes. A MOTION was made by Commissioner Jones to approve the minutes; the motion was SECONDED by Commissioner Ferguson to approve the minutes as corrected. Motion was carried unanimously.

**CONSENT AGENDA**

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

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

No commission members recommended removal of these items from the consent agenda. Commissioner Bonine made a MOTION to approve the consent agenda items. SECONDED by Commissioner Jones. All in favor.

**[Rocking Horse M Buffalo Ranch SS-289 Sketch Plan:](#)**

Commissioner Bonine read the conditions of approval for the Rocking Horse M Buffalo Ranch SS-289 Sketch Plan Resolution #2022-17 as follows:

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

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- 54 system, but in no case shall such utility easement be less than 20 feet in width.  
55 Easements must be identified on the final plat;
- 56 2. The applicant shall place a condition on the final plat that any access approach that  
57 is intended to serve the lots of this subdivision shall meet Park County Road &  
58 Bridge Standards and will require a Right-of-Way Permit from Park County Public  
59 Works Department;
- 60 3. The applicant shall identify the Upton Ditch (Enlargement) on the final plat;
- 61 4. The applicant shall place a note on the final plat stating that a right-of-way exists  
62 for the Upton Ditch by United States Patent as recorded in the records of the Park  
63 County Clerk's Office, Book 15, Page 33;
- 64 5. The applicant shall place a note on the final plat stating there are no water rights  
65 tied to the property;
- 66 6. The applicant shall provide an approved Long-Term Noxious Weed Management  
67 plan to the Planning & Zoning Department, prior to final plat review by the Board of  
68 County Commissioners;
- 69 7. The applicant shall state **"NO WATER ANALYSIS WAS CONDUCTED AND THE  
70 AVAILABILITY AND QUALITY OF POTABLE WATER IS UNKNOWN.  
71 CISTERNS MAY BE REQUIRED"** on the final plat.
- 72 8. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act  
73 of 1991;
- 74 9. The applicant shall place a condition on the final plat that any development within  
75 the floodplain requires a Floodplain Permit to be issued by the Planning & Zoning  
76 Department prior to commencement of development;
- 77 10. The applicant shall place a note on the final plat: "Portions of Lots 1 and 2 are  
78 subject to steep slopes and possible landslides and rockfalls.";
- 79 11. The applicant shall place the following note on the final plat: "Any proposed water  
80 wells on these subdivision lots shall be permitted by the Wyoming State Engineer's  
81 Office prior to installation";
- 82 12. The applicant shall include the following statement on the final plat in bold, capital  
83 letters: **"SELLER DOES NOT WARRANT TO THE PURCHASER THAT THERE  
84 ANY RIGHTS TO THE NATURAL FLOW OF ANY STREAM WITHIN OR  
85 ADJACENT TO THE PROPOSED SUBDIVISION. WYOMING LAW DOES NOT  
86 RECOGNIZE ANY RIPARIAN RIGHTS TO THE CONTINUED NATURAL FLOW  
87 OF A STREAM OR RIVER FOR PERSONS LIVING ON THE BANKS OF THE  
88 STREAM OR RIVER."**; and
- 89 13. The applicant shall otherwise comply with standards in the Park County  
90 Development Regulations and the minimum subdivision requirements as set forth  
91 in Wyoming Statute 18-5-306.

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### Two Tree SS-290 Sketch Plan:

95 Commissioner Jones read the conditions of approval for the Two Tree SS-290 Sketch Plan  
96 Resolution #2022-18 as follows:

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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;

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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;

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3. The applicant shall provide a Water Distribution Plan that has been approved by the Shoshone Irrigation District to the Park County Planning and Zoning Department prior to final plat review by the Board of County Commissioners;

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4. The applicant shall provide a soils report that has been prepared by the Powell-Clarks Fork Conservation District to the Planning and Zoning Department prior to final plat review by the Board of County Commissioners;

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5. The applicant shall place a note on the final plat: "Due to slow soil percolation rates, engineered small wastewater systems may be required";

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

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7. The applicant shall place a condition on the final plat that any access approach that is intended to serve the lots of this subdivision shall meet Park County Road & Bridge Standards and will require a Right-of-Way Permit from Park County Public Works Department;

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

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

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## **REGULAR AGENDA**

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

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Chairman Brandon-Wintermote reviewed the rules of a public meeting and resumed the public hearing at 1:13pm.

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There being no comments from Commission members, Kim Dillivan, Planner II, presented updated information since the previous public hearing. Water quality sample analysis results have been provided. The water is deemed safe according to EPA standards.

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143 The Planning Director added that a public comment was received from Fred Bronnenberg who is  
144 opposed to the proposal and would like to see the application denied. If not denied, he requests  
145 conditions regarding connection to public utilities and/or strict limitations on the type of rentals.  
146

147 The Planning Director provide insights into the use; to read the rule, it essentially states that  
148 residential development, ½ acre average density, is allowed in this zoning district so long as  
149 central water and central sewer are provided. Neither of those things are available. Typically,  
150 throughout the County, central water and central sewer are not available outside of City limits.  
151 Therefore, is it the intent of the regulations that no residential development is allowed in the R-H  
152 zoning district? This is unlikely however it is likely that the intent is to ensure that the density of  
153 the development fits the ½ acre requirement. This use proposes eight (8) residential units within  
154 a 2-acre portion of the property. This would then be 1/4-acre residential density and would not fit  
155 the requirement. However, if the entire 15-acre parcel is considered, the density is much different.  
156 There is also concern regarding the classification of multi-family housing as it appears there is  
157 the potential for this use to become more of a transient or hotel-like use. In order for the  
158 classification of multi-family use to stand, this would not be allowed to be advertised toward the  
159 tourist or transient population. Due to central water and sewer not being available, the applicants  
160 will be submitting a variance request to the Board of County Commissioners which will be  
161 considered in tandem with the Special Use Permit application should they decide to move forward  
162 with the application. The Planning Director spoke to the City Planner, and he believes this use  
163 belongs in the city. The applicants have approached the city regarding the annexation process  
164 but at this time, have decided not to pursue annexation. Based upon the information just  
165 presented, the Planning Director would not recommend approval of this use as it is currently  
166 proposed.  
167

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

- 169 • Commissioner Jones asked about precedent setting.
- 170 • Commissioner Jones asked if the applicant sold the property would the terms transfer to  
171 the new owner. Staff indicated that the conditions would transfer with ownership.
- 172 • Chairman Brandon-Wintermote asked for clarification regarding the number of acres  
173 utilized for the use and how it figures into the density. How will this be maintained should  
174 the property be split in the future.
- 175 • Commissioner Jones stated he understood that this property would be at the limit of where  
176 the City would allow annexation.
- 177 • Commissioner Bonine mentioned the question of the use being based on definitions of  
178 short-term and long-term. The Planning Director stated that the definition of short-term  
179 lodging states that it is for lodging or residential purposes that are under six months.
- 180 • Brian Edwards, County Engineer, mentioned Fred Bronnenberg's question about piping  
181 of the irrigation ditch. The County would want to see a drainage plan and approval of the  
182 irrigation district for piping of the irrigation.
- 183 • Chairman Brandon-Wintermote asked about the rules for driveways serving more than 4  
184 residences needing to be a road. Brian said it would depend on how things are addressed  
185 because when we have three or more addresses it must be a named road. It is a good  
186 question and point that they would need to give some thought to. It would depend on how  
187 it was developed and addressed. Brian mentioned that Public Works had addressed  
188 Jamieson Circle in their letter, and they would be addressed off that.
- 189 • Mary McKinney, Weed and Pest, indicated that she has no additional comments. The  
190 landowners will be working with her in the future.

191  
192 Chairman Brandon-Wintermote asked if the applicant had any questions or comments.

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- 193 • Tim Leonhardt said due to the price of pipe they do not plan to pipe the irrigation at this  
194 time. They will re-evaluate in the summer. They are working with the irrigation district on  
195 this project.
- 196 • Tim said that on the annexation front – they are not against annexation necessarily. They  
197 would like to see one option through before they consider the other. They have preference  
198 to stay in the County. In terms of their neighbors and the use of the property; staying in  
199 the County would keep the property more in line with the County area as opposed to what  
200 the property would look like if developed within the City. They want to be good neighbors.  
201 They bought the property wanting to not subdivide. They want cows, chickens, etc. There  
202 were already duplexes in use on the property previously – they took them down because  
203 they were beyond repair. In terms of their business plan and the response provided, he  
204 would be foolish to eliminate his options. If he doesn't have to have a condition to restrict  
205 him to a rental period, he doesn't want one. They came back here for family; they expect  
206 to be in the community for a long time. That doesn't mean things don't change, but they  
207 are looking at the long-term. He doesn't know if the market right now for mid-term rentals  
208 – a term we have coined – will continue, which would be short-term rentals by the rules. If  
209 he was building a single-family home on the property, would there be restriction to short-  
210 term renting it. We are building out a multi-family development. It is not a hotel (doesn't  
211 have the hotel components – office, pool, etc.). The rules do not show that you can only  
212 rent for certain time periods. He would like to maintain flexibility. The density is an  
213 interesting question. The provision of services – Fred talked about the connection to  
214 Northwest Rural Water. They are unhappy that the previous owner did not connect when  
215 the opportunity arose years ago. NRWD is not taking new applications at this time. There  
216 is a \$40,000-50,000 connection fee to NRWD. If we can do this in a good fashion, in a  
217 way that will be quality water and sewer and remain in the County, that is what we would  
218 do. He would not annex the entire property if annexation becomes the option. It is a large  
219 property in a residential area – he would want to keep it that way. The canal provides a  
220 nice, natural break showing where the use will occur. There are commercial properties  
221 around us. This is a great place for this type of development.
- 222 • The Planning Director added that they could just annex a portion of the property.

223  
224 Chairman Brandon-Wintermote asked if any Commission members had questions for the  
225 applicant.

- 226 • Commissioner Ferguson mentioned the comment about advertising. He asked what is  
227 operating on the property – the applicant stated that the duplexes were removed. Bob said  
228 their answer on potential advertising channels was pretty vague. He asked how they plan  
229 to market – a six month stay apartment rental is a narrowly defined market. Tim said that  
230 this rental market is mid-term and there are advertising channels for those (Zillow, etc.). If  
231 he can only get three rented, he'll be left with five fully furnished units. Otherwise, he will  
232 have to go through different channels for 3–5-day stays. Bob added that he is not sure he  
233 would classify this as multi-family – it seems more like commercial use. His concern is  
234 setting a precedent that everyone with five acres would want to do the same thing – stick  
235 in some short-term, high-cost rental units. If we approve this under the multi-family  
236 classification, what is to prevent the neighbors from doing the same thing. Tim said that  
237 multi family housing is only allowed in two zones. This is a sleeve around the city where it  
238 is allowed.
- 239 • Tim asked how many multi-family uses have been permitted.
- 240 • Commissioner Jones mentioned that advertising could be used for determining a type of  
241 use. Trying to fit this into multi-family development could make someone else want to do  
242 this where it is not appropriate. If it were not advertised for longer-term housing and it was  
243 rented as something else, would it be a legal issue.

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- 244 • Gina Leonhardt said the regs say that multi-family is allowed in R-H. It couldn't be split up  
245 and sold as individual units. How are we being categorized as highway commercial when  
246 your rules say short-term and long-term are allowed for residential use.  
247

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

- 249 • Lejean Mitchell said she shares the same concerns for making this use work. She has  
250 concerns about this turning into more of a vrbo or more hotel-like. She realizes we have a  
251 challenge.  
252

253 Commissioner Bonine said he understands that we can't use the land use plan the same as  
254 regulation, but in review, the land use plan shows this area being only for single family residents.  
255 Is there a place in regulation where planning areas and specific planning requirements are  
256 detailed – Chapter IV.  
257

258 Chairman Brandon-Wintermote said this use is conditionally suitable in this area according to the  
259 Land Use Plan.  
260

261 Commissioner Ferguson made a MOTION to close the hearing at 2:01pm; SECONDED by  
262 Commissioner Spiering. All in favor. Motion carried.  
263

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

- 265 • Chairman Brandon-Wintermote said the two big things are the services and the transient  
266 lengths of stay.  
267 • Commissioner Jones said his opinion is that the long-term solution, which may or may not  
268 be more convenient for the applicant, this area is highly appropriate to be annexed by the  
269 city. It would take away the problems we have discussed. It sounds like an appropriate  
270 solution to getting this thing through. Rather than shoehorning it through with variances  
271 and explanations, I'd rather the city handle it. It is just like the campground thing; they are  
272 willing to take it on.  
273 • Commissioner Ferguson said he agrees – he doesn't feel it is appropriate to come up with  
274 a minimum night stay. He doesn't see this as a problem if it is one property putting up  
275 eight units – the concern is other properties deciding to do the same thing. He agrees it  
276 would be more appropriate in the city.  
277 • Commissioner Spiering asked why we must be so formal on defining the time of residence.  
278 We essentially have four duplexes that could be used for different accommodation.  
279 • Commissioner Bonine said it boils down to the fact that this use in R-H requires public  
280 water and public sewer. Obviously, the applicant can seek a variance, but that would be  
281 on the Board to do that. When we talk about other places in the County, there aren't likely  
282 other places in the County that will be in proximity to city utilities to develop appropriately  
283 like that. It would set a precedent for other R-H zonings. With full understanding that what  
284 we do here is only a recommendation.  
285

286 Commissioner Bonine made a MOTION to deny Leonhardt SUP-234 by Resolution 2022-19  
287 based on the findings presented and discussion. The motion was SECONDED by Commissioner  
288 Ferguson. All in favor. The motion carried. See Resolution 2022-19 attached hereto and  
289 incorporated herein.  
290

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291 **PUBLIC HEARING – Rock Creek Ranch SUP-237:** Judith Jefferis requests consideration of the  
292 Special Use Application and Site Plan for Rock Creek Ranch SUP-237. The applicant is proposing  
293 a major recreation facility use to operate an equine riding and training facility (the indoor riding  
294 arena was previously permitted by SUP-166). The use is proposed on one acre within a 160-acre  
295 parcel located approximately four miles west of the Clark Pioneer Recreation Center and is  
296 described as the W/2SE/4, SE/4SE/4 of Section 23 and the NE/4NE/4 of Section 26 in T57N,  
297 R103W of the 6<sup>th</sup> P.M., Park County, Wyoming with an address of 142 Road 8RA. The property is  
298 in a General Rural 35-acre (GR-35) zoning district.  
299

300 Chairman Brandon-Wintermote opened the public hearing at 2:16pm.  
301

302 There being no comments from Commission members, Kim Dillivan, Planner II, presented the  
303 Staff Report. We have received water test analysis results from the applicant. We have received  
304 a response from the fire district indicating that they can provide fire protection.  
305

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

- 307 • Brian Edwards, County Engineer, said this proposed additional use does not appear to be  
308 significant. County Road 8RA goes through some State land and private land, as well as  
309 USFS land and the USFS road portion receives limited maintenance in certain seasons.  
310 He does recommend a condition that parking be maintained on-site, and events shall not  
311 restrict movement of traffic to access the USFS lands.
- 312 • Mary McKinney, Weed and Pest, explained her reasoning for her written response. There  
313 is some bare ground vegetation control happening. The owner is going to continue that  
314 practice to eliminate vegetation around buildings and parking areas. She wants the  
315 applicant to consider offering only locally produced forage if it is needed at events to  
316 prevent species from moving in from other areas. It will safeguard them and surrounding  
317 public lands from unwanted species. We would not want people to clean out their horse  
318 trailers on the property. Referred to Best Management Practices. She will work with the  
319 applicant on more products that may help with species that have cropped up.
- 320 • Kim Dillivan clarified that an initial response was provided by Mary McKinney but was not  
321 shared with the Commission.  
322

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

- 324 • Judy Jefferis, the applicant, said she feels everything was covered. Clark is growing like  
325 crazy, and it would be nice if we could do some fun stuff in our neighborhood.
- 326 • Jerry Hill, ranch manager, addressed the roads coming in – they keep them well-  
327 maintained. There is a parking area nearby that the Forest Service uses and others for  
328 trailers and trucks. Parking is not going to be a problem. There are a lot of vehicles going  
329 in and out and there should be no problems getting to Forest Service land at all.  
330

331 Chairman Brandon-Wintermote asked if any Commission members had questions for the  
332 applicant.

- 333 • Commissioner Ferguson asked about condition #4 – overnight camping prohibited. He  
334 would like to see it clarified that the applicant could camp on their own property or have  
335 friends over.  
336

337 Commissioner Jones made a MOTION to close the hearing at 2:42pm; SECONDED by  
338 Commissioner Bonine. All in favor. Motion carried.  
339

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

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- 341           • Changed finding #24 to show no instead of not.  
342           • Update findings #25 and #26 to show comments have been received.

343  
344 Commissioner Jones made a MOTION to approve Rock Creek Ranch SUP-237 by Resolution  
345 #2022-20 based upon the findings presented and including the following conditions:

- 346  
347           1. Park County noise, lighting, and other nuisance regulations shall apply;  
348           2. For shows and competitions, or any event where the number of individuals exceeds  
349           ten, the applicant shall provide chemical toilets to augment the bathroom located in  
350           the indoor riding arena, otherwise the existing septic system may need to be  
351           enlarged;  
352           3. Chemical toilets are allowed to serve the use;  
353           4. Overnight camping associated with events is prohibited; and  
354           5. The applicant shall otherwise comply with standards in the Park County  
355           Development Standards and Regulations.

356 The motion was SECONDED by Commissioner Ferguson. The motion carried. See Resolution  
357 #2022-20 attached hereto and incorporated herein.

358  
359 **PUBLIC HEARING – Gillett South MS-65 Sketch Plan:** Donald Gillett requests consideration of  
360 the sketch plan for the Gillett South MS-65. The proposed subdivision is comprised of three lots;  
361 one 10-acre lot and two 9-acre lots, all for residential use. The proposed subdivision is located  
362 approximately two miles south of Powell on the south side of Lane 11H within a 28-acre parcel in  
363 Lot 51-L, T55N, R99W of the 6<sup>th</sup> P.M., Park County, WY in a General Rural Powell (GR-P) zoning  
364 district.

365  
366 Chairman Brandon-Wintermote opened the public hearing at 2:46pm.

367  
368 There being no comments from Commission members, Kim Dillivan, Planner II, presented the  
369 Staff Report. A revised sketch plan was received prior to the hearing and was shared with  
370 commission members. Additional information was provided by MDU to clarify where gas service  
371 exists to serve this subdivision and the planned Graceland minor subdivision to the east and how  
372 the existing gas lines will need to be replaced with 2" gas lines, to be funded by the developer.

373  
374 The Planning Director addressed access to Lot 2 of Graceland minor subdivision which will cross  
375 this property. Currently, the County does not recognize any documentation as serving as  
376 easement/legal access to Lot 2. Therefore, the owners of the land to the east will need to secure  
377 an easement from this landowner if access to Lot 2 is proposed along this subdivision property.

378  
379 Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.  
380           • Brian Edwards, County Engineer, mentioned that he thinks the whole coordination  
381           between this subdivision and Graceland has been confusing. In the end, we want to be  
382           sure, if we end up with 45 feet on one subdivision and 15 on the other side, we want 60  
383           feet of total dedicated easement secured to serve/benefit all properties involved. There  
384           should be a shared improvement and maintenance agreement for the road. The actual  
385           plans for the road improvements are straightforward.

386  
387 Chairman Brandon-Wintermote asked if the applicant had any questions or comments.



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- 388 • Donald Gillett, the applicant, said it is in an area where there are subdivisions. It is rockier  
389 ground. A lot of people want small horse ranch lots. This seems like a good area for that.  
390 The road is in good condition. We are going to widen the road and move it over three feet  
391 from the telephone poles. We will try to make it least impactful for Mason and Copenhaver.  
392 He did talk to MDU. They said they could do it with 3/4" line but for future they will put 2"  
393 to about halfway down. Their line is right down the middle of the road. They must get  
394 addresses to do the gas improvements.
- 395 • The Planning Director notified Mr. Gillett that he is not able to initiate improvements to the  
396 subdivision until SIA and final plat approval have been granted by the Board.  
397

398 Chairman Brandon-Wintermote asked if any Commission members had questions for the  
399 applicant. There were none.  
400

401 Chairman Brandon-Wintermote asked if there were comments from any members of the public.  
402 • Rusty Blough said it sounds like things are in order and he is just waiting to see how things  
403 pan out with Copenhaver.  
404

405 Commissioner Jones made a MOTION to close the hearing at 3:10pm; SECONDED by  
406 Commissioner Bonine. All in favor. Motion passed.  
407

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

- 409 • Chairman Brandon-Wintermote mentioned addressing finding #21 on MDU's gas line  
410 improvement.  
411

412 Commissioner Bonine made a MOTION to approve Gillett South MS-65 Sketch Plan by  
413 Resolution #2022-21 based upon the findings presented and including the following conditions:  
414

- 415 1. The applicants shall provide all easements as requested by applicable utilities and  
416 special districts, irrigation districts or public agencies providing services. The width of  
417 any utility easement shall be sufficient to allow adequate maintenance of the system,  
418 but in no case shall such utility easement be less than 20 feet in width. Easements  
419 must be identified on the final plat;
- 420 2. The applicants shall provide an approved Long-Term Noxious Weed Management  
421 Plan to the Planning and Zoning Department, prior to final plat review by the Board  
422 of County Commissioners;
- 423 3. The applicants shall provide to the Planning & Zoning Department a review and  
424 recommendations from the Shoshone Irrigation District regarding the final water  
425 distribution plan, prior to final plat review by the Board of County Commissioners;
- 426 4. The applicants shall show the location of the buried irrigation tile drain on the final  
427 plat;
- 428 5. The applicants shall comply with the recommendations proposed by Park County  
429 Public Works, including a 60' road right-of-way, improving the shared road,  
430 establishing an agreement for road improvements and maintenance, and obtaining  
431 an approved name for the road;
- 432 6. The applicant shall place a condition on the final plat that any access approach that  
433 is intended to serve the lots of this subdivision shall meet Park County Road & Bridge  
434 Standards and will require a Right-of-Way Permit from Park County Public Works

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- 435 Department;
- 436 7. Following Board approval of the sketch plan and prior to the Board's review of the  
437 final plat, the applicants shall submit an appropriate Subdivision Improvements  
438 Agreement addressing all applicable required improvements (ex. utilities, road,  
439 irrigation system, mailboxes, etc.) for review by staff and approval of the County  
440 Attorney and the Board;
- 441 8. A draft Homeowners Association Agreement that addresses all applicable shared  
442 improvements (e.g., road), must be submitted to the Planning & Zoning Department  
443 prior to Sketch Plan review by the Board of County Commissioners;
- 444 9. The applicants shall place the following note on the final plat: "Any proposed water  
445 wells on these subdivision lots shall be permitted by the Wyoming State Engineer's  
446 Office prior to installation";
- 447 10. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of  
448 1991; and
- 449 11. The applicants shall otherwise comply with standards in the Park County  
450 Development Regulations and the minimum subdivision requirements as set forth  
451 in Wyoming Statute 18-5-306.

452  
453 The motion was SECONDED by Commissioner Jones. The motion carried. See Resolution  
454 #2022-21 attached hereto and incorporated herein.

455  
456 **PUBLIC HEARING – United Pentecostal Church SUP-238:** The United Pentecostal Church of  
457 Cody requests consideration of the Special Use Permit Application and Sketch Plan for the United  
458 Pentecostal Church SUP-238. The applicants are proposing a minor community use to expand  
459 its current facility by adding a new 2,856-square foot worship center. The proposed use is located  
460 on a 1.06-acre parcel described as Heart Mountain Estates #2, Lot 5, and is in a General Rural  
461 5-Acre (GR-5) zoning district.

462  
463 Chairman Brandon-Wintermote opened the public hearing at 3:18pm.

464  
465 There being no comments from Commission members, Kim Dillivan, Planner II, presented the  
466 Staff Report.

467  
468 Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.

- 469 • Commissioner Bonine asked about the recommended condition related to the State Fire  
470 Marshal's Office. Staff indicated that it is essentially a way to put the applicant on notice,  
471 but it can go either way. We just want to ensure the health, safety, and welfare of the  
472 public.
- 473 • Chairman Brandon-Wintermote asked for clarification regarding the Northwest Rural  
474 Water District response.
- 475 • Brian Edwards, County Engineer, had spoken with the applicant's engineer to discuss  
476 drainage. Nez Perce Drive is one of the older roads that does receive limited County  
477 maintenance. We feel with this site plan and additional access will help with stacking on  
478 Nez Perce and help with traffic getting on and off the highway – it will be an improvement.  
479 Mr. Page did provide us a drainage plan and it incorporates a plan for lower runoff despite  
480 the increased impervious areas. It could be clarified that a plan has been provided and  
481 approved by Public Works.

## Planning & Zoning Commission Minutes

May 18, 2022

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

484 • Frank Page, project engineer, provided some updates. He has a letter and provided it to  
485 staff from Park County Fire District – they will provide service. On the electrical inspection,  
486 they are hoping to get all the permits in place so they can start the site grading and  
487 improvements in July/August and then in September they will bring a group in to erect the  
488 whole church. They have a master electrician who met with the state last Friday to discuss  
489 the project plans. One of the questions was lighting. The outside doors will have sconces  
490 – there will be residential-type lighting otherwise. There will be no parking lot lighting.  
491 Rocky Mountain Power does not provide service to this property – Garland Light and  
492 Power does, and he has a letter from them stating they can serve the site. Black Hills  
493 Energy is working on a letter, and they are supposed to have it within a few weeks. He did  
494 receive a Heart Mountain Irrigation District letter yesterday. There are onsite sprinklers for  
495 the line. They highlighted the HMID irrigation line on the plan – it is their lateral. The septic  
496 absorption field is 30 feet east and outside of easements and highway ROW. There is a  
497 15” irrigation lateral that is a point of connection for the district that runs across the  
498 frontage. They provided a letter that they are fine with the plan and the lateral. We have  
499 proposed to put a reinforced concrete sleeve or a concrete cap over 15” PVC line because  
500 it is shallow, and we don’t want to crush it or cause problems. Public Works has addressed  
501 it. There is a 60’ ROW. We are proposing one way in and one way out to improve  
502 circulation and reduce conflicts in the parking lot. We concur with staff on parking. We  
503 have provided handicap parking for the church itself. We did not contact WYDOT because  
504 there is no way they will approve another access and we won’t impact their facilities. For  
505 drainage, everything remains onsite. DEQ requires a small construction general permit  
506 (SWPPP). Retention ponds on the north and east. Trying to prevent stormwater from  
507 impacting adjacent property owners. They are cognizant of being good neighbors. NRWD  
508 has given them a will-serve letter. They already have a tap from Nez Perce from the old  
509 facility. They will allow a tap and a T in that line – they will put in a 1-inch line to address  
510 capacity concerns. Irrigation and HOA – as far as they know they are one in the same, but  
511 they can get a separate letter related to covenants. They may need to get that clarified.  
512 The existing sign will not have to be relocated at this time. We have submitted a permit  
513 application for DEQ for the septic system. The district engineer is concerned about the  
514 depth of the system. The church wants to connect the current service with the new system.  
515 We may leave it deep or put in a lift station for the existing church to raise the whole  
516 system up. That was submitted on May 3<sup>rd</sup>. Legal access is confirmed. The only  
517 outstanding letter is from Black Hills Energy. Fire protection has been addressed. They  
518 can easily address the irrigation facilities. Runoff and erosion control have been  
519 addressed.

520  
521 Chairman Brandon-Wintermote asked if any Commission members had questions for the  
522 applicant.

523 • Chairman Brandon-Wintermote asked if the current site plan has been revised. Frank said  
524 there isn’t much they can do. The only thing that may change is the tanks may be  
525 elevated. When we have the permit to construct, we will update the plan if needed.  
526 • Commissioner Jones asked about the proposed lighting on the structure. He hopes they  
527 will be down-cast. Frank said he will talk with the applicant about shielding, down-casting,  
528 dark sky protection.

529  
530 Chairman Brandon-Wintermote asked if there were comments from any members of the public.  
531 There were no comments from those in attendance.

## Planning & Zoning Commission Minutes

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533 Commissioner Bonine asked about condition #8 – evidence that the proposed use is in  
534 compliance with covenants. Staff has been advised that we do not enforce covenants, but we  
535 should not ignore them.

536  
537 Commissioner Ferguson made a MOTION to close the hearing at 3:54pm; SECONDED by  
538 Commissioner Jones. All in favor. Motion passed.

539  
540 Chairman Brandon-Wintermote asked Commission members if they had any discussion.  
541 Commissioner \_ asked

- 542 - Finding #9 – remove parentheses at the end
- 543 - Finding #24 – Should be Garland Light & Power
- 544 - Finding #26 – HMID has provided comments and were asking for the irrigation line to be  
545 relabeled
- 546 - Finding #27 – Public Works has provided comments
- 547 - Finding #34 – change “addition” to “new structure”
- 548 - Finding #40 – remove “not”
- 549 - Remove Conditions #6, #7, and #9.

550  
551 Commissioner Jones made a MOTION to approve the United Pentecostal Church SUP-238 by  
552 Resolution 2022-22 based upon the findings presented and including the following conditions:

- 553  
554 1. Park County noise, lighting, and other nuisance regulations shall apply;
- 555 2. The applicant shall provide comments from Park County Fire District #2 regarding their  
556 ability to provide fire protection, prior to SUP review by the Board of County  
557 Commissioners;
- 558 3. The applicant shall provide evidence of review and approval of the use/plan from the  
559 State Fire Marshal’s Office, prior to commencing the use;
- 560 4. The applicant shall provide statements from electric, natural gas, and water providers  
561 regarding their ability to provide services to the proposed structure, prior to SUP review  
562 by the Board of County Commissioners;
- 563 5. The applicant shall provide a response from HMID regarding the protection of irrigation  
564 systems and infrastructure and label the lateral on the site plan, prior to SUP review  
565 by the Board of County Commissioners;
- 566 6. The applicant shall provide evidence that the proposed use is compliant with Heart  
567 Mountain Estates #2 covenants, prior to SUP review by the Board of County  
568 Commissioners; and
- 569 7. The applicant shall otherwise comply with standards in the Park County Development  
570 Standards and Regulations.

571  
572 The motion was SECONDED by Commissioner. All in favor. The motion carried. See Resolution  
573 #2022-22 attached hereto and incorporated herein.

574  
575 Chairman Brandon-Wintermote delivered the Chair’s report.

576  
577 The Planning Director delivered a report for the Planning and Zoning Department.

**Planning & Zoning Commission Minutes**

May 18, 2022

578  
579 There being no other business, a MOTION was made by Commissioner Spiering to adjourn the  
580 meeting at 4:27pm. The motion was seconded by Commissioner Bonine. All in favor.

581  
582 Respectfully submitted,



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Jolene Brakke, Secretary

583  
584  
585

**RESOLUTION 2022-17  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE  
ROCKING HORSE M BUFFALO RANCH SIMPLE SUBDIVISION-289 (SS-289)  
SKETCH PLAN**

**WHEREAS**, Timothy E. McNett proposes to create a subdivision comprised of one 12.71-acre lot and one 14.92-acre lot for residential use. The subdivision is located in a General Rural 5-Acre (GR-5) zoning district;

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

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

**WHEREAS**, the Planning & Zoning Commission held a duly noticed meeting on May 18, 2022 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision Permit Application, including payment, was received from Timothy E. McNett on April 14, 2022;
2. The applicant proposes to create a subdivision consisting of two lots; one 12.71-acre lot and one 14.92-acre lot for residential use. The existing parcel is 27.63 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 of the parcel is affirmed by a Warranty Deed (dated October 20, 2020, Doc. 2020-6909) to Timothy E. McNett and Catherine L. McNett, husband and wife as tenants by the entirety;
6. The property is within Lots 24, 25, 26 and 27, Section 15, Tract 53, T.52N., R.104W., 6<sup>th</sup> P.M., Park County, Wyoming;
7. The proposed subdivision is located approximately 11 miles west of Cody, Wyoming;
8. The property is located within a GR-5 zoning district;
9. The lot sizes proposed are consistent with the General Rural 5-Acre (GR-5) zoning district;
10. Surrounding land uses are exempt lands owned by the Bureau of Land Management to the west, south, and northeast, as well as agricultural and residential lands to the north/northwest;

11. The land slopes substantially from the south boundary to the river at the north boundary of the parcel.
12. The northern portions of proposed Lots 1 and 2 are located within the FEMA floodplain;
13. The proposed subdivision is not within a mile of a municipality;
14. Simple subdivisions are exempt from public hearing requirements;
15. Notice of Intent to Subdivide was published in the *Cody Enterprise* on April 5, 2022 and April 12, 2022;
16. All agency referral requirements have been met;
17. Park County Fire Protection District #2 can provide fire protection to the proposed subdivision;
18. TCT may have the availability and capacity to provide terrestrial wireless internet and VOIP phone service to the proposed subdivision;
19. Park County School District #6 will provide bus service to serve this subdivision;
20. USPS has confirmed mail delivery is available to this proposed subdivision;
21. The Park County Treasurer has stated the taxes are paid current on this property;
22. Park County Public Works has stated that any new approaches will require a Right-of-Way Permit; site distance, drainage and slope could prove to be limiting factors to proposed accesses for Lot 2;
23. Park County Public Works stated that addressing standards will apply when the lots are developed;
24. Park County Public Works stated that where there is development in steep terrain, drainage and erosion control should be considered and storm water runoff will not be permitted to drain onto the County roadway surface from the proposed lots;
25. The Wyoming Game & Fish Department recommends that future development be located above the floodplain to minimize aquatic habitat alteration, water quality impairment and impacts to aesthetic values;
26. The Wyoming Game & Fish Department stated the proposed subdivision is located within crucial mule deer winter range and recommends avoidance of human activity from November 15- April 30.
27. The Wyoming Game & Fish Department stated the proposed subdivision is located within grizzly bear habitat. They strongly advise the proponents to exercise "bear awareness".
28. Rocky Mountain Power has the capacity to provide electrical service to this subdivision. Right-of-way permits may be required;

29. Park County Weed & Pest indicated a Long-Term Noxious Weed Management plan is required;
30. Cody Conservation District has submitted a soils report indicating that soils may be limiting to very limiting for dwellings, roads and streets and septic tank absorption fields;
31. The State Engineer's Office confirmed the Upton Ditch (Enlargement) runs through proposed Lots 1 and 2 and a right-of-way exists for the ditch;
32. No public comments have been received;
33. All application submission requirements for sketch plan review have been met;
34. A pre-application meeting was held on March 29, 2022;
35. Steep slopes and potential for rock fall and landslides exist on the parcel; no other hazardous features are known;
36. All wastewater requirements have been met;
37. Conventional septic systems are likely sufficient should the lots be further developed; however, engineered systems may be required in certain areas on each lot;
38. On-site wells are proposed for the subdivision lots. The applicant was unable to obtain a water sample from a well within ½ mile of the property and a statement will be required to be placed on the final plat with regard to unknown availability and quality of water;
39. Agricultural impacts have been addressed;
40. There are no water rights tied to this property, therefore no water distribution plan is required;
41. The Shoshone River borders the property to the north, therefore a note regarding riparian rights is required on the final plat;
42. Simple subdivisions are not required to install any utilities;
43. The proposed subdivision lots meet lot size requirements;
44. No common maintenance of facilities is proposed;
45. No roads, drainage, sidewalks, street lighting, alleys or open spaces are proposed;
46. Portions of Lot 1 and 2 are in a Flood Overlay District;
47. Any future development occurring in the floodplain will require compliance with current floodplain development regulations;
48. The subdivision is not within an Airport or Agricultural Overlay District; and
49. No open spaces, natural areas, schools or parks are proposed or required.



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

**NOW, THEREFORE, BE IT RESOLVED** based on the foregoing, the Planning & Zoning Commission hereby recommends approval of the sketch plan for Rocking Horse M Buffalo Ranch SS-289, 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 place a condition on the final plat that any access approach that is intended to serve the lots of this subdivision shall meet Park County Road & Bridge Standards and will require a Right-of-Way Permit from Park County Public Works Department;
3. The applicant shall identify the Upton Ditch (Enlargement) on the final plat;
4. The applicant shall place a note on the final plat stating that a Right-of- Way exists for the Upton Ditch by United States Patent as recorded in the records of the Park County Clerk's Office, Book 15, Page 33;
5. The applicant shall place a note on the final plat stating there are no water rights tied to the property;
6. The applicant shall provide an approved Long-Term Noxious Weed Management plan to the Planning & Zoning Department, prior to final plat review by the Board of County Commissioners;
7. The applicant shall state **"NO WATER ANALYSIS WAS CONDUCTED AND THE AVAILABILITY AND QUALITY OF POTABLE WATER IS UNKNOWN. CISTERNS MAY BE REQUIRED"** on the final plat.
8. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991;
9. The applicant shall place a condition on the final plat that any development within the floodplain requires a Floodplain Permit to be issued by the Planning & Zoning Department prior to commencement of development;
10. The applicant shall place a note on the final plat: "Portions of Lots 1 and 2 are subject to steep slopes and possible landslides and rockfalls.";
11. 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";

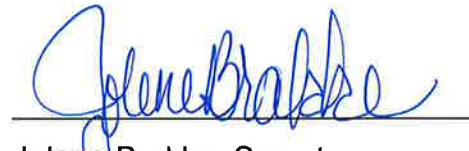
12. The applicant shall include the following statement on the final plat in bold, capital letters: "**SELLER DOES NOT WARRANT TO THE PURCHASER THAT THERE ANY RIGHTS TO THE NATURAL FLOW OF ANY STREAM WITHIN OR ADJACENT TO THE PROPOSED SUBDIVISION. WYOMING LAW DOES NOT RECOGNIZE ANY RIPARIAN RIGHTS TO THE CONTINUED NATURAL FLOW OF A STREAM OR RIVER FOR PERSONS LIVING ON THE BANKS OF THE STREAM OR RIVER.**"; and
13. 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 18<sup>th</sup> day of May, 2022.

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

**ATTEST:**

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

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

**RESOLUTION 2022-18  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE  
TWO TREE SIMPLE SUBDIVISION-290 (SS-290) SKETCH PLAN**

**WHEREAS**, Rudi and Carla Booher propose to create a subdivision comprised of one 5.4-acre lot and one 3.26-acre lot; leaving an exempt remainder parcel of 36.88-acres. The subdivision is located in a General Rural Powell (GR-P) zoning district;

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

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

**WHEREAS**, the Planning & Zoning Commission held a duly noticed meeting on May 18, 2022 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision Permit Application, including payment, was received on April 15, 2022;
2. The applicant requests approval of the sketch plan for a subdivision to create one 5.4-acre lot and one 3.26-acre lot from an existing 45.52-acre parcel, each for residential use in the Powell 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 Warranty Deed dated July 23, 2020 (Doc. #2020-4472), to Rudi M. Booher and Carla R. Booher, husband and wife as tenants by the entirety;
6. The parcel is located in Lot 70-G and Lot 70-L, Lot 70, in T.55N., R98W., 6th P.M., Park County, Wyoming;
7. The proposed subdivision is located approximately two miles southeast of Powell, north of Lane 10 and west of Road 6 with an address of 960 Road 6;
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. The neighboring land uses are primarily agricultural and residential with some residential/vacant lands;
11. The proposed subdivision is situated on vacant 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 April 7, 2022 and April 14, 2022;
15. All agency referral requirements have been met;
16. 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;
17. USPS has confirmed mail delivery is available to this proposed subdivision;
18. Park County Fire Protection District #1 is able to provide fire protection to the proposed subdivision;
19. Park County School District #1 has bus service available to this subdivision;
20. Montana-Dakota Utilities Company is able to install a gas main to the shared property line of Lots 1 and 2;
21. Park County Weed & Pest indicated a Long-Term Noxious Weed Management Plan is required;
22. Garland Light and Power has the capacity to provide electrical services to this subdivision;
23. Shoshone Irrigation District has been notified and a water distribution plan will be required;
24. The Park County Treasurer stated property taxes are current on this parcel;
25. The Wyoming Game & Fish Department stated they have no terrestrial wildlife concerns, but offered their standard subdivision recommendations;
26. Park County Public Works responded that the proposed shared access is favorable;
27. Powell-Clarks Fork Conservation District has not provided a soils report;
28. No public comments have been received;
29. A pre-application meeting was held on March 17, 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 engineered septic systems may be required for this proposed subdivision;

36. Domestic water requirements have been met;
37. A water quality test revealed high total dissolved solids, high sulfate and elevated manganese and sodium;
38. Agricultural impacts have been addressed;
39. Water rights requirements pertaining to sketch plan have been met;
40. No stream or river passes within or adjacent to the property;
41. Lot standards have been met;
42. No common maintenance of facilities is proposed;
43. Easement standards apply;
44. No drainage, sidewalks, street lighting or alleys are proposed;
45. The subdivision is not within an Agricultural or Flood Overlay District; and
46. 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 Two Tree SS-290, 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 a Water Distribution Plan that has been approved by the Shoshone Irrigation District to the Park County Planning and Zoning Department prior to final plat review by the Board of County Commissioners;
4. The applicant shall provide a soils report that has been prepared by the Powell-Clarks Fork Conservation District to the Planning and Zoning Department prior to final plat review by the Board of County Commissioners;
5. The applicant shall place a note on the final plat: "Due to slow soil percolation

rates, engineered small wastewater systems may be required”;

6. The applicant shall place the following note on the final plat: “Any proposed water wells on these subdivision lots shall be permitted by the Wyoming State Engineer’s Office prior to installation”;
7. The applicant shall place a condition on the final plat that any access approach that is intended to serve the lots of this subdivision shall meet Park County Road & Bridge Standards and will require a Right-of-Way Permit from Park County Public Works Department;
8. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991; and
9. The applicant shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306.

**ADOPTED** by the Park County Planning & Zoning Commission this 18<sup>th</sup> day of May, 2022.

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

**ATTEST:**

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

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

**RESOLUTION 2022 - 19**  
**PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO DENY LEONHARDT**  
**MULTI-FAMILY HOUSING**  
**SPECIAL USE PERMIT-234 (SUP-234)**

**WHEREAS**, Tim & Gina Leonhardt submitted a Special Use Permit Application requesting review and approval of a Special Use Permit to construct and operate a multi-family residential structure consisting of 8 units, each 756 sq. ft. in size, in a Residential 1/2-Acre (R-H) zoning district, and in the Sage Creek planning area;

**WHEREAS**, the use is located on a portion of Tract A, Paddock Estates, located in the Southeast Quarter of Sec. 4, T52N, R101W, 6<sup>th</sup> PM, Park County, Wyoming;

**WHEREAS**, the property is addressed as 14 Jamieson Circle, Cody, Wyoming. The property is located approximately 0.5 miles southeast of the Yellowstone Regional Airport, south of U.S. Highway 14-16-20, and east of Highway 120.

**WHEREAS**, this project is defined by Park County Development Standards and Regulations as Multi-family housing: Buildings containing three or more dwelling units such as triplexes, apartments, and townhouses;

**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 continued the public hearing until May 18, 2022;

**WHEREAS**, the Planning & Zoning Commission held a duly noticed public hearing on May 18, 2022, to consider the Special Use Permit application and made findings as follows:

1. A Special Use Permit Application, including payment, was received from Tim & Gina Leonhardt on March 10, 2022;
2. The applicants propose to construct and operate a multi-family residential structure consisting of eight (8) 756-square foot units, each with garage space available;
3. The use will occupy approximately 1.85 acres within a 14.8-acre parcel;
4. Applicable regulations are the *Park County, Wyoming 2015 Development Standards and Regulations* (adopted September 15, 2015);

5. The proposed use is classified as Multi-Family Housing;
6. Ownership is affirmed by Warranty Deed to Timothy F. & Gina L. Leonhardt Trust, from Timothy F. Leonhardt and Gina L. Leonhardt, husband and wife (Document #2021-7750).
7. The property is described as a portion of Tract A, Paddock Estates, located in the Southeast Quarter of Sec. 4, T52N, R101W, 6<sup>th</sup> PM, Park County, Wyoming;
8. The property is addressed as 14 Jamieson Circle and is located approximately 0.5 miles southeast of the Yellowstone Regional Airport, south of U.S. Highway 14-16-20 and east of Highway 120;
9. The applicants provided several site plans, floor plans, and elevation diagrams identifying proposed structures, planned access, and parking;
10. The proposed use is located in a Residential 1/2-Acre (R-H) zoning district;
11. Multi-Family Housing uses are allowed in the R-H 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 slight change in elevation from north to south;
13. The property is bounded to the north and west by the City of Cody;
14. Surrounding land uses are primarily residential, residential vacant, and commercial;
15. A Cody Canal irrigation canal crosses the property from west to east along the southern boundary of the proposed development;
16. The City of Cody was notified of the proposed development on March 14, 2022;
17. Public notice requirements have been met;
18. Agency referral requirements have been met;
19. Park County Fire District #2 Fire Marshal stated he has no concerns;
20. A copy of a contact was provided by the applicants from Rocky Mountain Power stating conditions for residential electrical service on the property;
21. Park County Fire District #2 requested all roads meet their equipment weight specifications;
22. The Park County Treasurer has stated that property taxes are paid current;
23. Park County School District #6 indicated they would be able to provide school bus service;
24. A soils report from the Cody Conservation District has been received;
25. TCT stated they have the ability and capacity to provide service to this property;
26. The Wyoming Game & Fish Wildlife Management Coordinator stated he has no wildlife concerns;
27. Park County Weed & Pest found the presence of noxious weeds; however,



conditions are such that a Long-Term Noxious Weed Management Plan will not be required. Weed & Pest does recommend the applicants follow *Best Management Practices for Controlling the Spread of Noxious Weeds*;

28. USPS and the applicant have discussed the location of a mailbox tower on the property;
29. WYDOT has provided comments and residential access is permitted;
30. The Cody Canal Irrigation District has provided a letter stating that they are working with the applicants;
31. The State Electrical Inspector has concerns about the design of electrical services to support the use and recommends that the County require an engineered electrical plan to serve the use;
32. The City of Cody's Planner stated that the City would be open to connecting services to the property, but annexation would be required;
33. Park County Public Works has not provided any comments;
34. No public comments have been received;
35. The applicant provided a statement addressing how the use will be compatible with the neighborhood and area;
36. The facility will be a one-story, eight-unit, multi-family structure;
37. Each unit will be one bedroom and there will be two garage buildings;
38. Total square footage for the residential portion will be 6,048, and the garage square footage will be 2,808;
39. The applicants anticipate tenants will be temporary medical professionals, renting for at least one month, but less than 12 months;
40. The applicants anticipate that noise or other nuisances will not be an issue given their clients will be working medical professionals;
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 required for this use, and has been provided;
47. Access is proposed from Highway 14-16-20 onto Jamieson Circle;
48. WYDOT has provided a response regarding permitted access;
49. Domestic water for this use will be provided by a new, permitted well;
50. The applicants have not provided evidence of adequate water quality;
51. The use is located within the Cody Canal Irrigation District;

52. Septic will be provided by a new in-ground septic system sized appropriately to serve the use;
53. The applicants have submitted a septic system application;
54. Electricity will be available to serve the use;
55. Natural gas is not necessary or proposed to serve the use;
56. No signs are proposed;
57. Solid waste, if any, will be disposed of by a private company and according to County regulations;
58. No specific criteria are identified for this use;
59. This property is not located in a floodplain or agricultural overlay district;
60. The project is located in an airport overlay district;
61. A written recommendation from the Yellowstone Regional Airport is required;
62. YRA stated that a FAA, Form 7460-1 review will be required for the residential structure
63. Site Plan Review is required for multi-family housing uses;
64. No hazardous substances will be produced, stored, or handled at this site;
65. The use is not expected to impact any lakes, reservoirs or streams;
66. The use is not expected to impact any federal wetlands;
67. A runoff and erosion control plan is required to be reviewed and approved by Public Works;
68. Air quality is not expected to be impacted by this use;
69. Building setback requirements apply and have been met by the project design plan;
70. Special Site Plan Standards apply;
71. There are no stream corridors proximate to the use;
72. There are no steep slopes proximate to the use;
73. The proposed use is not in crucial big game habitat; and
74. The proposed use is not within one mile of a designated scenic byway.

**WHEREAS**, the Planning & Zoning Commission heard testimony from the applicants and from members of the public, and considered the information provided in the staff report;

**WHEREAS**, the Planning & Zoning Commission concludes the following:

1. The use is not in harmony and compatible with surrounding land uses and with the neighborhood and will potentially create a substantial adverse impact on adjacent properties even with conditions;


- 2. R-H zoning district allows moderate density residential housing developments served by public water and public sewer, and this development has neither public sewer nor public water; therefore, adequate services and infrastructure are not available to serve the use and are not available to 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 denial of the special use permit for the Leonhardt Multi-Family Housing Special Use Permit-234.

**ADOPTED** by the Planning & Zoning Commission this 18<sup>th</sup> day of May, 2022.

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

**ATTEST:**

  
Kimberly Brandon-Wintermote, Chairman

  
Jolene Brakke, Secretary

**RESOLUTION 2022 - 20**  
**PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE ROCK CREEK RANCH**  
**RECREATION FACILITY**  
**SPECIAL USE PERMIT-237 (SUP-237)**

**WHEREAS**, Judith Jefferis submitted a Special Use Permit Application requesting review and approval of a Special Use Permit to host equine arena events such as trainings, clinics, shows, and competitions in a General Rural 35-Acre (GR-35) zoning district. The activities will occur on property with an existing 22,097-square foot indoor riding arena and an existing 14,400-square foot outdoor riding arena. The applicant has indicated the activities will occur on an infrequent basis and only during daylight hours;

**WHEREAS**, the property is located on a portion of a 160-acre parcel of land, all owned by Rock Creek Ranch, Inc., approximately one mile northwest of Road 8VC and approximately four miles west of Clark. The property is bordered by land managed by USDA Forest Service to the south, west, and north. BLM managed-land borders the parcel to the east;

**WHEREAS**, this project is defined by Park County Development Standards and Regulations as a Major recreation facility: Any commercial recreation business or outdoor recreation facility with over 5,000 square feet of building floor space or over one acre of land developed in association with use including driving ranges, golf courses, shooting ranges, skeet and trap ranges, commercial bird raising and hunting operations, outdoor riding arenas, and cross-country (Nordic) ski centers;

**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 May 18, 2022, to consider the Special Use Permit application and made findings as follows:

1. A Special Use Permit Application, including payment and additional information, was received on March 18, 2022;
2. The applicant requests approval of an SUP, with Site Plan Review, to host equine arena events such trainings, clinics, shows, and competitions; in an existing approximately 22,000-square foot indoor riding arena and a 14,400-square foot outdoor riding arena;
3. Applicable regulations are *Park County, Wyoming 2015 Development Standards and Regulations* adopted September 15, 2015;
4. In 2018, the County approved a Special Use Permit for a Large Impact Structure

- (Resolution #2018-38) for the indoor riding arena;
5. The use is classified as a major recreation facility;
  6. Ownership is affirmed by Warranty Deed to Rock Creek Ranch, Inc., a Delaware Corporation, from Evelyn D. Donaldson, dated September 14, 1972 (Book 368, Page 246);
  7. The property where the proposed use will occur is in Sections 23 and 26, T57N, R103W in Park County, WY;
  8. The property is located at 142 Road 8RA, approximately one mile northwest of Road 8VC and approximately four miles west of Clark;
  9. The property is located within a General Rural 35-Acre (GR-35) zoning district;
  10. Major recreation facility uses are permitted in the GR-35 zoning district provided a Special Use Permit is approved;
  11. Surrounding land uses are a mixture of public, residential, and residential vacant;
  12. There is an existing residence, other ranch buildings, an outdoor riding arena, and an indoor riding arena on this property;
  13. The property is relatively flat where the use is proposed;
  14. Rock Creek flows through the southwest portion of this property;
  15. Access to the arena will be from County Road 8RA;
  16. The applicant has planned two parking areas to accommodate guests;
  17. The property owner's residence is located just north of the use area;
  18. All public notice requirements have been met;
  19. Notice of Public Hearing was placed in the *Powell Tribune* on May 3, 2022 and May 10, 2022;
  20. Agency referral requirements have been met;
  21. The Park County Treasurer stated that property taxes have been paid;
  22. Beartooth Electric stated they provide service to this property;
  23. Park County Public Works stated the facility appears to have adequate access and parking. Public Works also referenced a letter they submitted in 2018 regarding the Large Impact Structure;
  24. Clark Fire District has submitted a comment stating that the District has no concerns with this SUP application;
  25. Wyoming Game & Fish has submitted comments;
  26. Park County Weed & Pest has submitted comments;
  27. The Big Horn Basin Fire Inspector has not submitted any comments;
  28. No public comments have been received;
  29. The applicant provided statements as to how compatibility with surrounding land

- uses and the neighborhood will be achieved;
30. The applicant states that negative impacts from this use to the neighborhood/general area will be minimal;
  31. The applicant has stated that domestic water will be provided by an existing well;
  32. A water sample was analyzed, and the water was determined safe: Total coliform, including E-Coli was absent, Nitrogen was detected at a level below the maximum contaminant level, and neither Lead nor Arsenic were detected;
  33. A permitted septic system serves the indoor riding arena;
  34. The applicant proposes using chemical toilets for large events;
  35. The proposed use has no buildings or structures within 20 feet of a County road right-of-way;
  36. No covenants exist or are proposed;
  37. No outdoor lighting is proposed for this use;
  38. There are no known nonconformities on the property;
  39. No nuisances have been reported at this location;
  40. No soils review is required for this use;
  41. Access exists from County Road 8RA via County Road 8VC;
  42. Adequate water exists to serve the use;
  43. The property is not located within an Irrigation District. This use will not impact any irrigation facilities;
  44. There is adequate parking for this use;
  45. The applicant has not provided sufficient information to determine if adequate sewage disposal exists to serve the use;
  46. Electricity and propane are available to serve the use;
  47. No permanent signs are proposed;
  48. Solid waste will be disposed of according to County regulation standards;
  49. No specific criteria are identified for this use;
  50. The proposed use is not located in any Overlay District;
  51. Site Plan Review is required for the proposed use;
  52. No hazardous substances will be stored, handled, or disposed of on the site;
  53. The use is not expected to impact any lakes, reservoirs, or streams;
  54. No federally protected wetlands are expected to be impacted by this use;
  55. A runoff and erosion control plan is not required for this use;

- 56. Air quality is not expected to be impacted by this use;
- 57. The proposed use is not considered a specific use; and
- 58. Special Site Plan Standards do 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 Rock Creek Ranch Recreational Facility Special Use Permit-237 subject to the following conditions:

- 1. Park County noise, lighting, and other nuisance regulations shall apply;
- 2. For shows and competitions, or any event where the number of individuals exceeds ten, the applicant shall provide chemical toilets to augment the bathroom located in the indoor riding arena, otherwise the existing septic system may need to be enlarged;
- 3. Chemical toilets are allowed to serve the use;
- 4. Overnight camping associated with events is prohibited; and
- 5. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

**ADOPTED** by the Planning & Zoning Commission this 18<sup>th</sup> day of May, 2022.

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

**ATTEST:**

  
Kimberly Brandon-Wintermote, Chairman

  
Jolene Brakke, Secretary

**RESOLUTION 2022 - 21  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE  
GILLETT SOUTH MINOR SUBDIVISION-65 (MS-65) SKETCH PLAN**

**WHEREAS**, Donald S. Gillett proposes to create a three-lot subdivision consisting of two 9.0-acre lots and one 10.0-acre lot, for residential use. The subdivision is located in a General Rural Powell (GR-P) zoning district;

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

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

**WHEREAS**, the Planning & Zoning Commission held a duly noticed public hearing on May 18, 2022 to consider the sketch plan application and made findings as follows:

1. A Minor Subdivision Application, including payment, was received on March 23, 2022;
2. A revised sketch plan was received on May 5, 2022;
3. The applicants request approval of a three-lot subdivision consisting of two 9.0-acre lots and one 10.0-acre lot, for residential use;
4. Applicable Regulations for this development are the *Park County, Wyoming 2015 Development Standards and Regulations* adopted September 15, 2015 ("Regulations");
5. This subdivision is classified as a Minor Subdivision;
6. Ownership is affirmed by Warranty Deed (dated November 16, 2020, Doc. #2020-7589) to Donald S. Gillett and Dana K. Gillett, husband and wife, as tenants by the entirety;
7. The parcel is located in Lot 51-L and Lot 51-M, Resurvey, T.55N., R.99W., 6<sup>th</sup> P.M., Park County, Wyoming, according to the records of the County Clerk and Recorder of Park County, State of Wyoming;
8. The proposed subdivision is located approximately two miles south of Powell and approximately a half mile west of Highway 295 on County Lane 11½. The property is situated south of County Lane 11½;
9. The property is currently vacant, irrigated cropland and is relatively flat;
10. Neighboring land uses are a combination of agricultural and residential. Properties bordering the north, west, south and east boundaries of this parcel are currently in agricultural use. The neighboring parcel to the northeast is a



- residential lot in the Ley Subdivision;
11. The property is in a GR-P zoning district;
  12. The lot sizes as proposed are consistent with the GR-P zoning district;
  13. This property is not located within one mile of any municipality; therefore, municipal review is not required;
  14. All notice requirements have been met;
  15. Agency referral requirements have been met;
  16. Park County Fire Protection District #1 stated they can provide fire protection, provided accesses are constructed to accommodate fire equipment;
  17. USPS stated they are able to deliver mail for the new addresses;
  18. Park County School District #1 stated they will have bus stops at all exit points onto Lane 11½;
  19. Garland Light & Power Co. stated they have the ability to supply residential service, provided a plan for feeding service to each lot and indicated an easement will be needed;
  20. Park County Weed & Pest stated noxious weeds were discovered and a Long-Term Noxious Weed Management Plan is required;
  21. Montana-Dakota Utilities Company stated they have the capacity to serve the lots in this proposed subdivision utilizing the existing 30' utility easement along the east boundary of the proposed lots where a 2" main will be installed at the developer's expense;
  22. The Powell Clarks Fork Conservation District submitted a soils report that addresses soil types and suitability of the soils for dwellings with or without basements, as well as septic tanks and absorption fields;
  23. The Park County Treasurer stated property taxes are current on this parcel;
  24. Shoshone Irrigation District stated they have received a preliminary water distribution plan;
  25. Shoshone Irrigation District stated a buried tile irrigation drain is located under the proposed subdivision;
  26. Wyoming Game & Fish stated they have no major concerns with this subdivision, but they do continue to have concerns with the number of subdivisions proposed recently in Park County;
  27. Park County Public Works stated the following: 1) Legal access exists via direct frontage to County Lane 11H. Lot 1 has direct frontage to Lane 11H and proposed Lots 2 and 3 will be served by a 30' access and utility easement; 2) A 60' minimum road right-of-way will be required for the proposed shared access subdivision road that will serve Lots 2 and 3. It will also need to be named in accordance with Park County Road & Bridge Standards; 3) The road surface shall be improved to a finished roadway width of 24 feet with a suitable crushed gravel surface over a prepared pit-run sub-

- base; 4) A road improvements and maintenance agreement between all users of the proposed subdivision road should be entered into; 5) A right-of-way permit from PW will be required for any new access or improvements to existing accesses off of County Lane 11H; 6) Upon completion of the roadway, a Wyoming licensed professional engineer shall provide a letter type certification that the road was constructed in accordance with the approved design plans/specifications. Any construction quality assurance data (ie, compaction tests), as-built drawings, and photographs shall be enclosed with the engineer's certification; 7) There are no concerns with runoff and erosion control at this time;
28. TCT stated they have terrestrial wireless service available and may be able to provide internet and VOIP phone service;
  29. Overhead power lines are adjacent to each lot;
  30. No public comments have been received;
  31. Application submission requirements for sketch plan have been met;
  32. A pre-application meeting was held on September 9, 2021;
  33. Access to proposed Lot 1 will be from County Lane 11H. Access to Lot 2 and Lot 3 will be from a private road that originates from County Lane 11H;
  34. Wastewater requirements pertaining to sketch plan review have been met and, based upon subsurface evaluation information provided by the applicant, conventional septic systems will likely be sufficient to serve the subdivision;
  35. Domestic water requirements pertaining to sketch plan review have been met;
  36. Domestic water will be provided by on-site wells;
  37. A well water sample was collected from a well located at 996 County Lane 11½. The analysis indicates the water sample meets the Safe Drinking Water Act (SDWA) requirements;
  38. Agricultural impacts have been addressed including impacts to and from agricultural activities on or near the property;
  39. Water rights requirements pertaining to sketch plan review have been met;
  40. No stream/river passes within or adjacent to the proposed subdivision lots;
  41. Electricity is adjacent to each lot;
  42. It is unclear whether gas is stubbed to each lot line;
  43. Utility requirements pertaining to sketch plan review have not been met; therefore, a Subdivision Improvements Agreement will be required;
  44. Lot standards have been met;
  45. Common maintenance of facilities is proposed;
  46. Easement, road and drainage standards apply; a maintenance agreement/HOA will be required;

47. The subdivision is not within any Overlay District;
48. No hazardous features are known to exist on the property; and
49. No open spaces, natural areas, schools or parks are proposed or required.

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

**NOW, THEREFORE, BE IT RESOLVED** based on the foregoing, the Planning & Zoning Commission hereby recommends approval of the sketch plan for Gillett Minor Subdivision-65 (MS-65), subject to the following conditions:

1. The applicants shall provide all easements as requested by applicable utilities and special districts, irrigation districts or public agencies providing services. The width of any utility easement shall be sufficient to allow adequate maintenance of the system, but in no case shall such utility easement be less than 20 feet in width. Easements must be identified on the final plat;
2. The applicants shall provide an approved Long-Term Noxious Weed Management Plan to the Planning and Zoning Department, prior to final plat review by the Board of County Commissioners;
3. The applicants shall provide to the Planning & Zoning Department a review and recommendations from the Shoshone Irrigation District regarding the final water distribution plan, prior to final plat review by the Board of County Commissioners;
4. The applicants shall show the location of the buried irrigation tile drain on the final plat;
5. The applicants shall comply with the recommendations proposed by Park County Public Works, including a 60' road right-of-way, improving the shared road, establishing an agreement for road improvements and maintenance, and obtaining an approved name for the road;
6. The applicant shall place a condition on the final plat that any access approach that is intended to serve the lots of this subdivision shall meet Park County Road & Bridge Standards and will require a Right-of-Way Permit from Park County Public Works Department;
7. Following Board approval of the sketch plan and prior to the Board's review of the final plat, the applicants shall submit an appropriate Subdivision Improvements Agreement addressing all applicable required improvements (ex. utilities, road, irrigation system, mailboxes, etc.) for review by staff and approval of the County Attorney and the Board;

8. A draft Homeowners Association Agreement that addresses all applicable shared improvements (e.g., road), must be submitted to the Planning & Zoning Department prior to Sketch Plan review by the Board of County Commissioners;
9. The applicants 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";
10. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991; and
11. The applicants shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306.

**ADOPTED** by the Park County Planning & Zoning Commission this 18<sup>th</sup> day of May, 2022.

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

**ATTEST:**



Kimberly Brandon-Wintermote, Chairman



Jolene Brakke, Secretary

**RESOLUTION 2022 - 22**  
**PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE UNITED PENTECOSTAL CHURCH**  
**MAJOR COMMUNITY USE**  
**SPECIAL USE PERMIT-238 (SUP-238)**

**WHEREAS**, United Pentecostal Church submitted a Special Use Permit Application requesting review and approval of a Special Use Permit to construct and operate a new 2,856 square-foot worship center, including classrooms, bathrooms, and a sanctuary on a 1.06-acre property. The addition will complement the existing building currently used as a church. The existing building is a single-story structure with a basement;

**WHEREAS**, the use is located on Lot 5, Heart Mountain Estates #2, a Subdivision of Lots 1 & 2, Heart Mountain Estates and has an address 5 Nez Perce Drive, Cody, Wyoming, and is immediately east of State Highway 14A;

**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 May 18, 2022, to consider the Special Use Permit application and made findings as follows:

1. A Special Use Permit Application, including payment, was received from the applicant, United Pentecostal Church of Cody, on April 15, 2022;
2. The applicant also submitted supplemental application information, including a SUP Report and Project Drawings;
3. The applicant requests approval to construct and operate a new 2,856-square foot worship center, including bathrooms, classrooms, and a sanctuary, to complement the existing church structure on the 1.06-acre property;
4. The applicant provided several site plans, floor plans, and elevation diagrams identifying proposed structures, planned access, and parking;
5. Applicable regulations are the *Park County, Wyoming 2015 Development Standards and Regulations* (adopted September 15, 2015);

6. The proposed use is classified as major community use;
7. Ownership is affirmed by Warranty Deed to United Pentecostal Church of Cody (Document #2004-03920);
8. The property is described as Lot 5, Heart Mountain Estates #2, a subdivision of Lots 1 & 2, Heart Mountain Estates, Park County, Wyoming;
9. The existing church was permitted by Zoning Certificate #1974-207;
10. The property is Lot 5 of Heart Mountain Estates #2, is addressed as 5 Nez Perce Drive, and is immediately east of State Highway 14A;
11. The property is relatively flat;
12. Surrounding land uses are primarily residential and residential vacant;
13. The proposed use is in a General Rural 5-Acre (GR-5) zoning district;
14. Major community uses are allowed in the GR-5 zoning district provided a Special Use Permit is approved;
15. The property is not within one mile of a municipality;
16. Public notice requirements have been met;
17. Agency referral requirements have been met;
18. Park County Fire District #2 stated review by the State Fire Marshal's office may be required;
19. Availability of fire protection has not been confirmed;
20. The Park County Treasurer confirmed the use is tax exempt;
21. The Wyoming Game & Fish Wildlife Management Coordinator stated he has no wildlife comments;
22. The Big Horn Basin Fire Inspector stated this type of use requires a plan be submitted to the State Fire Marshal's Office;
23. Park County Weed & Pest stated that a Long-Term Noxious Weed Management Plan is not required and recommends that the applicant follow *Best Management Practices for Controlling the Spread of Noxious Weeds*;
24. Garland Light & Power has not provided any comments;
25. Black Hills Energy has not provided any comments;
26. Heart Mountain Irrigation District has provided comments and specifically asked for relabeling of an irrigation lateral;
27. Park County Public Works has provided comments;
28. WYDOT has not provided any comments;
29. NRWD has provided 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 a sanctuary;
33. The occupancy of the existing church is 40;
34. The occupancy of the new structure will be a maximum of 100;
35. A new asphalt parking lot will have 16 parking spaces;
36. The facility has one part-time employee;
37. The applicants anticipate that noise or other nuisances will not be a concern given the nature of the use;
38. The proposed use will not be within 20 feet of a county road right-of-way;
39. Covenants exist for Heart Mountain Estates #2;
40. Outdoor lighting has been addressed by the applicant;
41. There are no known nonconformities on the property;
42. No nuisances have been reported at this location;
43. A soils report has been provided for this proposed use;
44. Access is proposed from Nez Perce Drive;
45. Domestic water for this use will be provided by NRWD;
46. The property is located within the Heart Mountain Irrigation District and irrigation facilities are not expected to be impacted by the use;
47. Parking is adequate;
48. Septic will be provided by an in-ground septic system sufficiently sized to serve the use;
49. Electricity serves the current use; however, the ability for electricity to serve the new structure has not been confirmed;
50. Natural gas serves the current use; however, the ability for natural gas to serve the new structure has not been confirmed;
51. An existing sign will likely be relocated;
52. Solid waste, if any, will be disposed of by a private company and according to County regulations;
53. No specific criteria are identified for this use;
54. The property is not in any Overlay District;
55. Site Plan Review is required for a major community uses;
56. No hazardous substances will be produced, stored, or handled at this site;
57. The use is not expected to impact any lakes, reservoirs, or streams;

- 58. The use is not expected to impact any federal wetlands;
- 59. A runoff and erosion control plan is required;
- 60. Air quality is not expected to be impacted by this use;
- 61. Building setback requirements apply and have been met by the project design plan;  
and
- 62. 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 United Pentecostal Church Special Use Permit-238 subject to the following conditions:

- 1. Park County noise, lighting, and other nuisance regulations shall apply;
- 2. The applicant shall provide comments from Park County Fire District #2 regarding their ability to provide fire protection, prior to SUP review by the Board of County Commissioners;
- 3. The applicant shall provide evidence of review and approval of the use/plan from the State Fire Marshal's Office, prior to commencing the use;
- 4. The applicant shall provide statements from electric, natural gas, and water providers regarding their ability to provide services to the proposed structure, prior to SUP review by the Board of County Commissioners;
- 5. The applicant shall provide a response from HMID regarding the protection of irrigation systems and infrastructure and label the lateral on the site plan, prior to SUP review by the Board of County Commissioners;



6. The applicant shall provide evidence that the proposed use is compliant with Heart Mountain Estates #2 covenants, prior to SUP review by the Board of County Commissioners; and
7. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

**ADOPTED** by the Planning & Zoning Commission this 18<sup>th</sup> day of May, 2022.

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

**ATTEST:**

  
Kimberly Brandon-Wintermote, Chairman

  
Jolene Brakke, Secretary

# PLEASE SIGN IN

## PLANNING and ZONING COMMISSION REGULAR MEETING May 18, 2022

		Leonhardt SUP-234	
		Rock Creek Ranch SUP-237	
		Gillett South MS-65 Sketch Plan	
		United Pentecostal Church SUP-238	
	Please <b>PRINT</b> your name	Name of the <b>HEARING OF INTEREST</b>	DO YOU WISH TO SPEAK
1	Catherine McNett	Rocking Horse M.	NO
2	Jim McNett	Rocking Horse M.	NO
3	Lizbeth Mitchell	Leonhardt Sup 234	NO
4	Donald Gillett	Gillett South	NO
5	Gina Leonhardt	Leonhardt SUP	
6	Tim Leonhardt	Leonhardt SUP	
8	Judith Jeffers	Rock Creek Ranch	
9	Jerry Hill	Rock creek Ranch	NO
10	Cody Schatz	Both SS	Maybe
11	Zach Paris	United Pentecostal Church	?
12	Frank PAGO	United Pentecostal	?
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# PLEASE SIGN IN

## PLANNING and ZONING COMMISSION REGULAR MEETING May 18, 2022

		Leonhardt SUP-234	
		Rock Creek Ranch SUP-237	
		Gillett South MS-65 Sketch Plan	
		United Pentecostal Church SUP-238	
	<b>Please PRINT your name</b>	<b>Name of the HEARING OF INTEREST</b>	<b>DO YOU WISH TO SPEAK</b>
1	RUSTY BLOUGH	DON GILLETT	
2	Mary McKinney	any/all	✓
3	BOB MASON	<del>DON GILLETT</del> GILLETT SKETCH	
4	KATHY MASON	"	
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**Park County Planning & Zoning Department**

1002 Sheridan Avenue, Suite #109

Cody, Wyoming

(307) 527-8540

**PARK COUNTY PLANNING & ZONING COMMISSION**

Meeting 1:00 P.M., **Wednesday, May 18, 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 April 20, 2022 meeting.

**CONSENT AGENDA**

[Rocking Horse M Buffalo Ranch SS-289 Sketch Plan](#)

[Two Tree SS-290 Sketch Plan](#)

**REGULAR AGENDA**

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

[PUBLIC HEARING – Rock Creek Ranch SUP-237](#)

[PUBLIC HEARING – Gillett South MS-65 Sketch Plan](#)

[PUBLIC HEARING – United Pentecostal Church SUP-238](#)

**OTHER BUSINESS**

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

**ADJOURN**