

Planning & Zoning Commission Minutes

June 15, 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 Planning Director
Anthony Camiccia, Planning Technician
Jolene Brakke, Office Assistant III (by virtual means)
Brian Edwards, County Engineer
Ben McDonald, Public Works
Mary McKinney, Weed and Pest

Chairman Brandon-Wintermote opened the meeting at 1:03pm.

APPROVAL OF MINUTES

Chairman Brandon-Wintermote asked the Commission for comments or changes to the May 18, 2022, meeting minutes. A MOTION was made by Commissioner Jones to approve the minutes; the motion was SECONDED by Commissioner Spiering to approve the minutes. Motion was carried unanimously.

CONSENT AGENDA

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

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

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.

Commissioner Bonine made a MOTION to approve the consent agenda. SECOND by Commissioner Spiering. All in favor. Motion carried.

Cunning SS-291 Sketch Plan: Beth Cunning requests approval of the sketch plan for the Cunning SS-291. The proposed subdivision is comprised of two 10-acre lots for residential use. The property is located in the SW/4 of Lot 51, Resurvey of T56N, R99W of the 6th P.M., Park County, Wyoming in a General Rural-Powell (GR-P) zoning district. The proposed subdivision is

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53 located approximately three miles north of Powell on Road 8 with an address of 499 Road 8,
54 Powell.

55

56 Commissioner Bonine read the conditions of approval (by Resolution #2022-23) for the Cunning
57 SS-291 Sketch Plan:

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

63 2. The applicant shall provide an approved Long-Term Noxious Weed Management Plan
64 from Park County Weed & Pest prior to final plat review by the Board of County
65 Commissioners;

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

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

72 5. The applicant shall place a note on the final plat: "Due to impervious clay soils,
73 conventional small wastewater systems may not be suitable";

74 6. The applicant shall place the following note on the final plat: "No water analysis was
75 conducted and the availability and quality of potable water is unknown. Cisterns may be
76 required.";

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

80 8. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of
81 1991; and

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

105 See Resolution 2022-23 attached hereto and incorporated herein.

86

87 **REGULAR AGENDA**

88

89 **PUBLIC HEARING – Green Creek Retreat SUP-239:** Michael Gimmeson requests consideration
90 of the Special Use Permit (SUP) application for Green Creek Retreat SUP-239. The applicant is
91 proposing a highway commercial business use to operate a "glamping" retreat and lodging
92 business. The use is proposed on one acre within an eight-acre parcel located in Lot 29 of Green

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93 Creek Subdivision with an address of 85 Green Creek Road. The property is located in a General
94 Rural 5-Acre (GR-5) zoning district.

95
96 Chairman Brandon-Wintermote reviewed the rules of a public meeting and opened the public
97 hearing at 1:11pm.

98
99 There being no comments from Commission members, Kim Dillivan, Planner II, presented the
100 Staff Report. NOTE: An additional response was received from Jerry Parker, Park County Fire
101 District #2 addressing emergency response being achievable to serve the property. Public works
102 found access exists, however, there is not access to the west part of the property from Kinkade
103 Trail. Two additional public comments were received since the Staff Report was provided to the
104 Commission stating opposition to the use.

105
106 Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.

- 107 • Commissioner Jones sought clarification on the Scenic Byway reference.
- 108 • Commissioner Ferguson asked about the covenants and how staff knows the covenants
109 do not include Lot 29. Staff indicated that in their review it appeared that Lot 29 was not
110 listed, while other lots were. Commissioner Bonine stated that his reading of the covenants
111 led him to believe Lot 29 is subject to the covenants.
- 112 • Ben McDonald said Public Works feels there is legal access to the property from Kinkade
113 Trail. The main road is County-maintained. They may have language about bridge
114 conditions and ratings for vehicular traffic bridges. There are planned improvements on
115 Green Creek Road. There are two traffic count locations on Green Creek – 294 vehicles
116 per day by Red Barn. Higher up it is around 112 vehicles per day.
- 117 • Commissioner Jones ask if there are other commercial roadside businesses nearby. Staff
118 knows of some highway commercial businesses nearby but would have to look to see if
119 there are other businesses permitted in the area.
- 120 • Mary McKinney, Weed and Pest, said it will help to have a weed plan in place to ensure
121 there is not the introduction of noxious weeds into the area. She recommends any
122 disturbed areas be reseeded immediately after the construction is done.

123
124 Chairman Brandon-Wintermote asked if the applicant had any questions or comments.

- 125 • Michael Gimmeson, the applicant, said he has lived in the area for the past 8 years. He
126 said he has a good feel for the North Fork and the Wapiti area. He understands this
127 [proposal] is a sensitive issue for the neighbors and he intends to be very low key about
128 Ned Frost used to own the property and he would run expeditions of Yellowstone, up to
129 150 passengers per trip, not based off the property, but it was believed that he had guests
130 staying there. When they first bought the property, they did vacation rental with the
131 property in the summer. Prior to them, the owners ran the property as a church camp and
132 vacation rentals. It is a 4BR house with a cabin. They want to take that same space to
133 make their use. Former guests wrote notes, some that go back to the 1950s and 1960s.
134 They are trying to be as low impact across the creek as possible. Guests will use a
135 footbridge to access the domes. They do not intend to build a bridge for vehicle access.
136 He can drive an excavator across the bridge as it is. No concrete will be used. As far as
137 access from Kinkade – they do not need access. Others drive through their property to
138 access their houses on Kinkade. He was told there is a permissible easement, and he is
139 working on finding that information. Guests will not be using Kinkade Trail passed their
140 driveway. He knows glamping is becoming more popular and referenced West
141 Yellowstone “Under the Canvas” where they pack wall tents into a field. The geodesic
142 domes are made in Sheridan. He referenced the construction features of the domes (e.g.,
143 wind resistance). They had considered other structures, but the domes seemed like a

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144 good fit. They plan on vegetating around the domes so there are trees and shrubs. Once
145 matured, you won't be able to see the domes. The area is extremely private – only a few
146 neighbors can see. They do not plan on having campfires. There will be a guidebook with
147 rules and regulations – they will be there to enforce them. They clearly mark the private
148 properties. The ideal guest would be a couple or a family renting multiple domes. They
149 realize the local rental market makes it tough to find rentals. They would provide rentals
150 from October through April/May. They might be able to offer Sleeping Giant employee
151 housing.

- 152 • Taylor Kuharske-Gimmeson, applicant, discussed the yoga use. She said it is compatible
153 with the Green Creek Area in that it is peaceful and private. They are trying to use the
154 portion of their property that has not historically been used for whatever reason. They are
155 not doing anything different than anything that is already going on in the Green Creek
156 area. There is a compound down the road with a multiple-unit rental facility. There are
157 several along the Green Creek Road that are used as rentals. The domes are aesthetic,
158 nice looking and appealing. She showed photos of a brochure. She has a history of rental
159 management in other locations, with good reviews. She pointed out on a photo, where the
160 domes would be situated on the property, pointing out that only one home was visible from
161 the site and one other would be able to view the site. Other neighbors in the immediate
162 vicinity will not be able to see the domes.
- 163 • Michael Gimmeson said the property on the west side [of the creek] is 6 acres. It is
164 extremely private.

165
166 Chairman Brandon-Wintermote asked if any Commission members had questions for the
167 applicant.

- 168 • Chairman Brandon-Wintermote asked about access from Kinkade. Michael said that Jerry
169 Parker said under emergency conditions the fire district could access the site from Kinkade
170 Trail. Chairman Brandon-Wintermote is concerned that there is no private agreement with
171 other landowners.
- 172 • Commissioner Ferguson asked about the covering of the domes. Michael said they are
173 winterized and would be insulated.
- 174 • Commissioner Ferguson asked about wind resistance/wind rating. Michael said they will
175 be anchored, and he is sure there are specifications. Taylor said they can check with the
176 company to find out if there are wind ratings.
- 177 • Commissioner Jones had questions about the construction. They are by design
178 temporary/short-term structures. He wanted to know the life-expectancy of the domes.
179 Taylor said she doesn't know. She will try to find out.
- 180 • Commissioner Jones asked about the winterization – specs for temperatures. Michael said
181 the decking will be insulated underneath. R32 insulation will be used.
- 182 • Commissioner Jones asked about the source of heat. Michael said there will be electric
183 heat. Taylor said the company has an option for a stove, but they have not chosen that
184 option for obvious reasons (fire).
- 185 • Commissioners Jones is concerned about longevity and durability of the domes. Michael
186 said yurt material has a life expectancy of 20 years.
- 187 • Commissioner Jones had questions about screening and trees. He is concerned about
188 the future of the property if it is turned over to someone else.
- 189 • Commissioner Spiering asked if the material is fire-resistant. Michael said yes.
190 Commissioner Spiering said fire moves so quickly and there is very little time to get out.
191 He asked if the applicant has any plans for around the structures to put in some kind of
192 fire break. Taylor said they plan to use native species to create wind breaks and enhanced

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- 193 privacy. Michael said each unit will have water and they have the opportunity to provide
194 sprinklers.
- 195 • Commissioner Bonine asked about support from the neighbor, Mr. Kinkade and whether
196 there was written support from him. Michael said he can ask; he just has text messages.
 - 197 • Commissioner Bonine asked for the applicant's thoughts on Game and Fish's
198 recommendations about disturbances. Michael said the larger area is considered habitat,
199 but living on the property, all the deer he's seen are on the east side in the garden. He is
200 familiar with the habits and patterns of the deer. He strongly believes they would not be
201 harming the deer population.
 - 202 • Commissioner Bonine asked about wintertime access and safety. Michael said it takes a
203 special person to understand they can't drive up to the dome. As far as snow, surely there
204 will be times when there is snow to deal with, but they would deal with that to provide safe
205 conditions for occupants.
 - 206 • Chairman Brandon-Wintermote asked about outdoor lighting. Taylor said they plan to have
207 solar lighting along the paths. Chairman Brandon-Wintermote mentioned that it may not
208 work well in the winter. Michael said they can put permanent lighting in. They plan on
209 providing light. Commissioner Jones mentioned the dark skies and light pollution
210 concerns. We have some of the last remaining dark skies. Down-cast shielded lighting is
211 what's best. Lighting should not be cast outward or upward. The Planning Director
212 mentioned the lighting regulations and the need to follow them.
 - 213 • Chairman Brandon-Wintermote asked if a soils report has been requested. Taylor said
214 she has tried to contact the conservation district for three days with no reply.
 - 215 • Chairman Brandon-Wintermote asked about signage. With so many people going to the
216 wrong doors, do they propose any signage to keep people going in the right direction.
217 Michael said they plan to have signage on their property. The Planning Director mentioned
218 the sign permitting requirements.
 - 219 • Chairman Brandon-Wintermote said that earlier they asked about commercial uses in the
220 area. Taylor mentioned that when she met with staff, she noticed a property to the south
221 has a special use permit.

- 222
223 Chairman Brandon-Wintermote asked if there were comments from any members of the public.
- 224 • Mary Sauve said this piece of property is a classic occasion of highway commercial
225 business use. It is in a residential area. That doesn't make her happy. The amount of traffic
226 being added to the road is a concern. It is not just during the summer; it is in the winter
227 also. She said there are concerned neighbors.
 - 228 • Tim McCreary lives at 75 Green Creek – neighbor to the Gimmesons. They have had a
229 lot of discussions about the property and this permit. Initially he was caught off guard when
230 they told them about the plan. At first, it didn't sound like a big deal. Over the next couple
231 of weeks, he felt differently. He told the Gimmesons his concerns. Some of the things they
232 discussed – they always lived in the country, they like the quiet. The more they thought
233 about it, there is a concern that if this happens, it may not be as quiet. When he sits on his
234 deck, it may not be as quiet. They may hear people. They knew when they bought their
235 properties that it was a residential property. That is why we bought where we did. They
236 bought their retirement home. They expect more quiet as they get older. He is concerned
237 about the traffic. Road and Bridge didn't talk much about what they've been doing. They
238 have been surveying and studying the road. He bought extra land adjacent to his for
239 privacy. The County is looking to possibly pave the road because it gets a lot of use and
240 has a terrible washboard [effect]. He is also concerned about commercial use adversely
241 affecting the value of their property. They bought expecting residential use. If this small

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- 242 project goes in it won't make a big impact. But what if the next guy wants to put in a
243 campground. He is opposed to this permit.
- 244 • Marcia Wolter-Britton, 12 Kinkade Trail, has been a permanent resident for near 30 years.
245 For 22 years her family has cherished their Green Creek property. Had they encountered
246 a commercial business with a parking lot, they would not have been attracted to the
247 location. It has been a magical area, a gift to preserve. A commercial business would
248 impact the integrity of this fragile environment. She would like to see the environment
249 preserved. How does this meet Planning and Zoning's rules to conserve lands,
250 environment, etc. During all her years there, she has struggled with water issues. The
251 addition of structures with toilets/showers/kitchens is concerning. Access is challenging to
252 maintain, particularly in the winter and spring. There are issues with visibility – it is terrible.
253 She is also concerned about emergency access for the west side and the east side. The
254 condition of the bridge and road are very difficult. Wildlife preservation and safety are our
255 responsibility. Aesthetics should be considered with property values. The establishment
256 of the first commercial business on Green Creek will compromise the aesthetic. What if
257 there are more businesses permitted? Preservation is important.
 - 258 • Donna Zumbo wonders if the bridge, cross traffic, if they would need lighting. She wonders
259 how this existing bridge came to be. Is there a permit? She is opposed to the use and
260 supports what others have said.
 - 261 • Tina Wray asked about the covenants. She doesn't know if that section of land was
262 included. Her concern is that she believes it is covered under the covenants of Green
263 Creek. She agrees with most of the things that have been said and she is opposed to a
264 commercial business.
 - 265 • Joy Simpson said it comes under the covenants. She is also wondering about the well
266 water to be used to supply the use. It is hard to get water – a lot of people don't have
267 water. She is wondering if that amount of water is going to affect the wells down below.
 - 268 • Denise Shirley lives next to Marcia Britton. Her concerns are fireworks going off late at
269 night. The property owners admitted to doing it. Last year it was right before the burn ban.
270 She waters her lawn every day (using water off the creek) to keep the fire hazard down.
271 She would like to know who will be watching over the property. There has been a lot of
272 undone projects left in their front yard – piles of things, dozens of undone projects. We
273 have grizzly bears come through. She has a mountain lion that comes through her
274 property. The mule deer are there in the winter. She is worried about the wildlife. She
275 would like the Commission to drive the road and see the area. There is a visibility issue.
276 There are snow drifts in winter that snow people in.
 - 277 • Steven Shirley said when you use Green Creek Road, this property is the one that is paid
278 attention to because it doesn't have the projects finished. There is lumber all over. The
279 property is disheveled. When you go down Kinkade Trail, you cross their property in one
280 corner for about 20 feet. The rest is easement to get back there. The bridge on Kinkade
281 would make him leery to drive a firetruck across.
 - 282 • Jim Zumbo lives on Green Creek for 37 years. His big concern is fire. It won't take any
283 time for a fire. How about someone smoking out there? That creek is loaded with choke
284 cherries – Grizzly bear containers would be needed [for trash].
 - 285 • Judge Gambill said most have answered his questions. The property is within the Green
286 Creek Subdivision. Why would the parking lot be zoned commercial? Staff clarified that
287 the property is within the Green Creek Subdivision, it is just unclear if it is under the
288 covenants.
 - 289 • Bonnie Dallinger said she objects to the SUP. She has been living up Green Creek for 23
290 years. There are problems with adequate supply of water to serve the homes. She is

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- 291 concerned about further intrusion on the aquifer. It could be a real issue. She is very
292 concerned about safety. Access to the road is unsafe.
- 293 • Brian Clarkson shares some of the same concerns, the biggest being traffic. He sees cars
294 zip up and down Green Creek every day. He referenced the traffic of 294 cars. With 12
295 additional cars, there could be a 5% increase in traffic. He feels there is a slippery slope
296 about if we allow this, what will happen next. He doesn't think we should focus on what
297 could happen, we should focus on the now. He also doesn't look forward to the
298 development of Cody's Country nearby. We mostly won't even see this use. As far as fire
299 protection, he is concerned about the other folks who are already there (along Kinkade
300 Trail). Eric Kinkade will be the most impacted by this use – he can see it from his residence.
301 If he's okay with it, why shouldn't I be? He moved here because he doesn't want people
302 telling him what he can and cannot do. People should be allowed to do what they want. If
303 they follow all the rules and covenants are reviewed, then he is for it.
 - 304 • Joy Simpson wonders about the turnover of the units – will it be a one-night stay or a few
305 days? Will there be Harleys going up and down the road?

306
307 Chairman Brandon-Wintermote asked if Commission members had additional questions.

- 308 • Commissioner Ferguson referenced Figure 2. He is curious about the neighboring
309 property impacts.
- 310 • Commissioner Jones addressed property rights and freedom of use. Two things he feels
311 are important are that zoning in general helps to protect the current landowner and buyers
312 from future actions. You buy for a particular reason. That's the value of zoning. We have
313 always had a problem in planning and zoning with precedent.
- 314 • Commissioner Bonine said he's heard a lot of comments about this being a commercial
315 use and he argues that any use of property that results in income is commercial. There
316 are people in this room with vacation rentals which is a commercial use in a residential
317 area. He cautions people from arguing for and against certain things related to this use.
- 318 • Mary Sauve said there was an SUP given to a commercial property in a residential area
319 and they violated. Their fee for violation was \$500 and they continued to violate it. As far
320 as the comment about commercial going on, yes it does. This is different, in her opinion.
321 We are here because we agree.
- 322 • Judge Gambill said he agrees with Commissioner Bonine. Everyone needs to be
323 concerned about commercial. He is for Green Creek Subdivision being residential. He
324 would rather see it be used for residential.
- 325 • Marcia Wolter-Britton said there are many Airbnb's up the road. To her, access and the
326 parking lot are of concern to her as major issues. It's the visibility of the commercial entity.
327 Many of us do Airbnb but it is not defacing the view in terms of a big parking lot.
- 328 • Joy Simpson asked if they are using their residential area to aid their commercial area by
329 having a parking lot in a residential area.
- 330 • Taylor Kuharske-Gimmeson said parking for her yoga studio will not be a bunch of cars.
331 There will probably be four cars for the domes. Due to regulations, they are required to
332 plan for more. She is not expecting huge volumes of traffic for the use.
- 333 • Michael Gimmeson said the parking that is there now – they are not putting in a paved
334 parking lot – it's already there. He parks his car and trailer there. As for the unfinished
335 projects, he started his garage last summer and Covid 19 put the breaks on his project
336 due to expense. One big goal is to spend more time at home. They are spending a lot of
337 money on fuel. As a contractor, he is driving all over the place. He has a unique situation
338 of having a child with a rare seizure disorder and they can't work odd hours. They are
339 thinking of creative ways to make income at home. There is a lot of talk about the bridge
340 being inadequate, but all the homes over there had a full concrete truck come in. He

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341 wonders if anyone over the years have had issues with the church camps and rentals that
342 occurred on the property previously. He understands the concern about fire. The property
343 has not been maintained over the years and they are working to clean up the dense
344 material.

345
346 Commissioner Spiering made a MOTION to close the hearing at 3:00pm; SECONDED by
347 Commissioner Ferguson. Commissioner Bonine shared concern about staff needing time to
348 review covenants. Commissioner Jones would also like to have the covenants defined. It would
349 clarify the intentions of the subdivision. As well as information about other permitted businesses
350 nearby. Michael Gimmeson said the Red Barn gas station is in the Green Creek Subdivision. All
351 opposed. Motion failed.

352
353 Commissioner Bonine made a MOTION to continue the public hearing to the next meeting on July
354 20th, 2022 @ 1:00pm after any consent agenda items. SECONDED by Commissioner Jones. All
355 in favor. Motion passed.

356
357 **PUBLIC HEARING – Cottonwood Homes MS-67 Sketch Plan:** Julie Forconi requests
358 consideration of the application and sketch plan for the Cottonwood Homes Minor Subdivision
359 (MS-67). The proposed subdivision is comprised of three lots: one 7.48-acre lot, one 5.68-acre
360 lot and one 1.33-acre lot, all for residential use. The proposed subdivision is located approximately
361 3.25 miles southwest of Powell in Lot 1 of Herrington SS-210, Lot 54F, Resurvey, T55N, R100W
362 of the 6th P.M., Park County, WY in a General Rural Powell (GR-P) zoning district.

363
364 Chairman Brandon-Wintermote opened the public hearing at 3:09pm.

365
366 There being no comments from Commission members, Kim Dillivan, Planner II, presented the
367 Staff Report.

368
369 Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.

370

- Commissioner Ferguson asked for clarification regarding the requirement of a 60 ft.
371 easement. Kim Dillivan explained that due to the number of lots, the regulations require
372 the 60 ft. easement, however Public Works indicated they would allow a 40 ft. easement.
373 Commissioner Ferguson asked is this was the reason for the variance request. Kim
374 Dillivan explained that the variance request was to ask for relief from the requirement to
375 stub gas to each lot.

376

- Mary McKinney, Weed and Pest, said that things have improved over the last couple
377 years. They had a weed plan previously. Until they reseed the area to some sort of
378 perennial grass, they are going to have weed issues, which impact downwind ag
379 producers. In order to assist people to do that, beginning July 1, the Board decided that
380 they will cost share 50% of the grass seed to help people. You can't just get rid of weeds
381 without putting something desirable in there. She recommends staying on top of noxious
382 weed issues.

383
384 Chairman Brandon-Wintermote asked if the applicant had any questions or comments.

385

- Nick Hummel with Engineering Associates said that he has been working with Shoshone
386 Irrigation District on the water distribution plan. The plan is for Lot 1 to continue being flood
387 irrigated. Lots 2 and 3 will be sprinkler irrigated to prevent drainage issues for the Lot 2 of
388 Herrington landowner.

389
390 Chairman Brandon-Wintermote asked if any Commission members had questions for the
391 applicant.

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- 392 • Commissioner Bonine asked where they anticipate a homesite will be on Lot 2. Julie
393 Forconi mentioned a flat, rocky space.
394 • Commissioner Ferguson asked what the structure on Lot 3 is. Julie said it is a house with
395 a garage attached. She added that she doesn't want to get gas b/c the house is already
396 served by propane.
397

398 Chairman Brandon-Wintermote asked if there were comments from any members of the public.
399 There were no members of the public present.
400

401 Commissioner Ferguson asked if neighbors were notified. Staff indicated that they were.
402

403 Commissioner Bonine made a MOTION to close the hearing at 3:31pm; SECONDED by
404 Commissioner Jones. The motion was carried unanimously.
405

406 Chairman Brandon-Wintermote asked Commission members if they had any discussion. There
407 was none.
408

409 Commissioner Bonine made a MOTION to approve the Sketch Plan of Cottonwood Homes MS-
410 67 by Resolution 2022-24 based upon the findings presented and including the following
411 conditions:
412

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

418 2. The applicants shall provide an approved Long-Term Noxious Weed Management
419 Plan to the Planning and Zoning Department, prior to final plat review by the Board
420 of County Commissioners;

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

424 4. The applicants shall provide a soils report prepared by Powell Clarks Fork
425 Conservation District prior to final plat review by the Board of County Commissioners;

426 5. The applicants shall place the following condition on the final plat: "Further
427 development within this subdivision will require the 40' wide access and utility
428 easement serving Lots 2 and 3 to be widened to 60' ";

429 6. The applicant shall place a condition on the final plat that any new access approach
430 or improvements to existing accesses off of County Road 13 or County Lane 11H
431 that is intended to serve the lots of this subdivision shall meet Park County Road &
432 Bridge Standards and will require a Right-of-Way Permit from Park County Public
433 Works Department;

434 7. Following Board approval of the sketch plan and prior to the Board's review of the

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435 final plat, the applicants shall submit an appropriate Subdivision Improvements
436 Agreement addressing all applicable required improvements (e.g., utilities, road,
437 irrigation system, mailboxes, etc.) for review by staff and approval of the County
438 Attorney and the Board;

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

442 9. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of
443 1991; and

444 10. The applicants shall otherwise comply with standards in the Park County
445 Development Regulations and the minimum subdivision requirements as set forth
446 in Wyoming Statute 18-5-306.

447
448 The motion was SECONDED by Commissioner Spiering. Chairman Brandon-Wintermote asked
449 if finding #44 should state Gas is stubbed to Lot 1 and a variance is being requested for Lots 2
450 and 3. The motion carried. See Resolution 2022-24 attached hereto and incorporated herein.
451

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

453
454 The Planning Director delivered a report for the Planning and Zoning Department.

455
456 There being no other business, a MOTION was made by Commissioner Jones to adjourn the
457 meeting at 3:51pm. The motion was seconded by Commissioner Spiering. All in favor.

458
459 Respectfully submitted,

460
461
462


Jolene Brakke, Secretary

**RESOLUTION 2022 - 23
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
CUNNING SIMPLE SUBDIVISION-291 (SS-291) SKETCH PLAN**

WHEREAS, Elizabeth Cunning proposes to create two 10-acre lots from an existing 20-acre parcel for residential use in the General Rural Powell (GR-P) zoning district and the Cody/Powell Rural Planning Area;

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

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

WHEREAS, the Planning & Zoning Commission held a duly noticed meeting on June 15, 2022 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision Permit Application, including payment, was received on May 10, 2022;
2. The applicant requests approval of the sketch plan to create two 10-acre lots from an existing 20-acre parcel for residential use in the Cody/Powell Rural Planning Area;
3. Applicable regulations are the *Park County, Wyoming 2015 Development Standards and Regulations*, adopted September 15, 2015;
4. The subdivision is classified as a simple subdivision;
5. Ownership is affirmed by an Affidavit of Survivorship dated June 14, 2011 (Doc. #2011-3721), evidencing that by operation of law, title in the lands is vested in Elizabeth A. Cunning, as surviving tenant by the entireties;
6. The parcel is located in that part of Farm Unit "E", described as the W1/2SW1/4SW1/4 of Lot 51, in T.56N., R99W., 6th P.M., Park County, Wyoming;
7. The proposed subdivision is located approximately three miles north of Powell, north of Lane 5 and east of Road 8, with an address of 499 Road 8;
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. Proposed Lot 1 has an existing primary residence, outbuildings, and small wastewater system and it is irrigated. Proposed Lot 2 is vacant and un-irrigated 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 May 5, 2022 and May 12, 2022;
15. Agency referral requirements have been met;
16. Park County Fire Protection District #1 is able to provide fire protection to the proposed subdivision;
17. Northwest Rural Water District does not currently have capacity to serve the proposed subdivision;
18. Park County School District #1 can provide bus service to this subdivision;
19. USPS has confirmed mail delivery is available to this proposed subdivision;
20. Montana-Dakota Utilities is able to provide service to the proposed subdivision;
21. 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;
22. Garland Light and Power has the capacity to provide electrical services to this subdivision;
23. The Wyoming Game & Fish Department stated they have no terrestrial wildlife concerns, but offered their standard subdivision recommendations;
24. The Park County Treasurer stated property taxes are paid on this parcel;
25. Park County Weed & Pest indicated a Long-Term Noxious Weed Management Plan is required;
26. Shoshone Irrigation District has been notified and a water distribution plan will be submitted. No response has been received from the District;
27. Park County Public Works has not provided a response;
28. Powell-Clarks Fork Conservation District has not provided a response;
29. No public comments have been received;
30. A pre-application meeting was held on April 7, 2022;
31. Application submission requirements for sketch plan review have been met;
32. No new roads are proposed as a part of this subdivision;
33. Simple subdivisions are not required to install utilities;
34. No hazardous features are known to exist on the property;

35. Wastewater requirements pertaining to sketch plan review have been met;
36. The Park County Small Wastewater Administrator stated that conventional small wastewater systems may not be suitable for this proposed subdivision due to clay soils;
37. Domestic water requirements have been met;
38. A water analysis was not available and a note on the final plat regarding cisterns will be required;
39. Agricultural impacts have been addressed;
40. The proposed subdivision is within an Agricultural Overlay District;
41. Water rights requirements pertaining to sketch plan have been met;
42. A water distribution plan will be required;
43. No stream or river passes within or adjacent to the property;
44. Lot standards have been met;
45. No common maintenance of facilities is proposed;
46. Easement standards apply;
47. No drainage, sidewalks, street lighting or alleys are proposed;
48. The subdivision is not within a Flood 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 Cunning SS-291, 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 impervious clay soils, conventional small wastewater systems may not be suitable";
6. The applicant shall place the following note on the final plat: "No water analysis was conducted and the availability and quality of potable water is unknown. Cisterns may be required.";
7. 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";
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 15th day of June, 2022.

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

ATTEST:



Kimberly Brandon-Wintermote, Chairman



Jolene Brakke, Secretary

**RESOLUTION 2022 - 24
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
COTTONWOOD HOMES MINOR SUBDIVISION-67 (MS-67) SKETCH PLAN**

WHEREAS, Julie Forconi proposes to partially vacate and re-subdivide Lot 1 of Herrington SS-210 into a three-lot subdivision consisting of one 7.5-acre lot, one 5.7-acre lot and one 1.3-acre lot, for residential use. The subdivision is located in a General Rural Powell (GR-P) zoning district and the Cody/Powell Rural planning area;

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 June 15, 2022 to consider the sketch plan application and made findings as follows:

1. A Minor Subdivision Application, including payment, was received on May 12, 2022;
2. A revised sketch plan was received on May 18, 2022;
3. The applicants request approval of a partial vacation and re-subdivision of Lot 1 of Herrington SS-210 into a three-lot subdivision consisting of one 7.5-acre lot, one 5.7-acre lot and one 1.3-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 December 21, 2015, Doc. #2015-6908) to Julie Forconi, an individual, from James W. Caslick and Edna N. Caslick, co-trustees of the Caslick Living Trust U/A April 28, 2015;
7. The parcel is described as Lot 1, Herrington SS-210, according to the plat recorded in Book “K” of Plats, page 150, Park County, Wyoming;
8. The proposed subdivision is located approximately three miles southwest of Powell. The property is situated on the northeast corner of Road 13 and Lane 11H;
9. Proposed Lot 1 is developed with an existing residence, outbuildings and irrigated pastureland. Proposed Lot 2 is vacant and irrigated. Proposed Lot 3 is developed with an existing residence and an active Special Use Permit for

- the Forconi Group Home (SUP-155);
10. Neighboring land uses are a combination of agricultural and residential;
 11. The property is in a General Rural Powell (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. Notice requirements have been met;
 15. Agency referral requirements have been met;
 16. USPS stated they are able to deliver mail for the new addresses;
 17. Park County Fire Protection District #1 stated they can provide fire protection, provided accesses are constructed to accommodate fire equipment;
 18. TCT stated they have terrestrial wireless service available and may be able to provide internet and VOIP phone service;
 19. Rocky Mountain Power stated they can provide residential service with existing infrastructure provided any required rights of way and permits are granted;
 20. Park County School District #1 stated they will have bus stops at all exit points onto Road 13;
 21. Montana-Dakota Utilities Company stated they have the capacity to serve the lots in this proposed subdivision. Lot 1 has an existing gas service line. To serve proposed Lots 2 and 3, a 20' utility easement would be required across Lots 1 and 2 prior to the start of gas line construction;
 22. Park County Weed & Pest stated noxious weeds were discovered and a Long-Term Noxious Weed Management Plan is required;
 23. The Park County Treasurer stated property taxes are current on this parcel;
 24. Park County Public Works stated the proposed lots have legal access from County Road 13 via existing approved access points;
 25. Park County Public Works recommends the proposed 40' access and utility easement serving proposed Lots 2 and 3 be approved for this proposed subdivision with the understanding that no further development of these lots can be served by this access without bringing it to a full 60' wide access and utility easement;
 26. Park County Public Works stated the shared access to Lots 2 and 3 will not be required to be a named road at this time and is considered a shared driveway for the purpose of this development;
 27. Park County Public Works stated a right of way permit will not be required for existing accesses but will be required for any new access/improvements to existing accesses. Construction plans and details of the shared driveway will not be required;

28. The Powell Clarks Fork Conservation District has not submitted a soils report;
29. Shoshone Irrigation District has not responded, however a water distribution plan will be required for review;
30. Wyoming Game & Fish has not responded;
31. No public comments have been received;
32. Application submission requirements for sketch plan have been met;
33. A pre-application meeting was held on April 7, 2022;
34. Access to proposed Lot 1 exists from County Road 13. Access to Lot 2 and Lot 3 will be from an existing access that originates from County Road 13 utilizing a shared driveway;
35. 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;
36. Domestic water requirements pertaining to sketch plan review have been met;
37. Domestic water will be provided by on-site wells;
38. A well water sample was collected from a well located at 1139 County Road 13. The analysis indicates the water sample meets the Safe Drinking Water Act (SDWA) requirements;
39. Agricultural impacts have been addressed including impacts to and from agricultural activities on or near the property;
40. The property is located in an Agricultural Overlay District;
41. Water rights requirements pertaining to sketch plan review have been met;
42. No stream/river passes within or adjacent to the proposed subdivision lots;
43. Electricity is adjacent to each lot;
44. Gas is stubbed to Lot 1 and a variance is being requested for Lots 2 and 3;
45. Utility requirements pertaining to sketch plan review have not been met; therefore, a Subdivision Improvements Agreement will be required;
46. Lot standards have been met;
47. Common maintenance of facilities is not proposed, therefore a Homeowners Association Agreement will not be required;
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 Cottonwood Homes Minor Subdivision-67 (MS-67), 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 provide a soils report prepared by Powell Clarks Fork Conservation District prior to final plat review by the Board of County Commissioners;
5. The applicants shall place the following condition on the final plat: "Further development within this subdivision will require the 40' wide access and utility easement serving Lots 2 and 3 to be widened to 60'";
6. The applicant shall place a condition on the final plat that any new access approach or improvements to existing accesses off of County Road 13 or County Lane 11H 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. 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";
9. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991; and
10. 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 15th day of June, 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
June 15, 2022

		Green Creek Retreat SUP-239	
		Cottonwood Homes MS-67 Sketch Plan	
	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	MARY T. SAUVE	Green Creek Retreat	yes
2	Tim & Lori McGreevy	Green Creek Retreat	Yes
3	MARCIA WALTER BRITTON	GREEN CREEK RETREAT	Yes
4	Jane Schreiner	Green Creek	No
5	Madonna Zumbo	Green Creek	No
6	Cody Schatz	Lunning/Cottonwood	maybe
8	Lina Wray	Green Creek	?
9	Joy Simpson	Green Creek	?
10	Denise + Steven Shirley	Green Creek	maybe
11	Lilla Forami	Cottonwood	
12	Fia Troth	Green Creek	NO
13	Mary Melnyk	all	yes
14	Jim Zumbo	Green Creek	NO
15	Judge Gambill	Green Creek	NO!
16	Bonnie Dellinger	105 Green Creek	maybe
17	BRIAN CLARKSON	GREEN CREEK	?
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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, June 15, 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 May 18, 2022 meeting.

CONSENT AGENDA

[Cunning SS-291 Sketch Plan](#)

REGULAR AGENDA

[PUBLIC HEARING -Green Creek Retreat SUP-239](#)

[PUBLIC HEARING – Cottonwood Homes MS-67 Sketch Plan](#)

[PUBLIC HEARING – ~~One Cornerstone LLC SUP-229~~ **WITHDRAWN**](#)

OTHER BUSINESS

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

ADJOURN