

## Planning & Zoning Commission Minutes

July 20, 2022

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

### Commission Members Present:

Kimberly Brandon-Wintermote, Chairman  
Duncan Bonine, Vice Chairman  
Eugene Spiering  
Richard Jones  
Robert Ferguson (by virtual means)

### Staff Present:

Joy Hill, Planning Director  
Kim Dillivan, Planner II  
Jenny Cramer, Planner I  
Anthony Camiccia, Planning Tech  
Jolene Brakke, Office Assistant III (by virtual means)  
Brian Edwards, County Engineer (by virtual means)  
Ben McDonald, Public Works \*(by virtual means)  
Mary McKinney, Weed and Pest

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

### APPROVAL OF MINUTES

Chairman Brandon-Wintermote asked the Commission for comments or changes to the June 15, 2022, meeting minutes. A MOTION was made by Commissioner Jones to approve the minutes; the motion was SECONDED by Commissioner Bonine to approve the minutes. Motion was carried unanimously.

### CONSENT AGENDA

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

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

Commissioner Jones made a MOTION to approve the consent agenda. SECONDED by Commissioner Spiering. All in favor. Motion passed.

**MW SS-293 Sketch Plan:** Max Wright requests approval of the application and sketch plan of the MW SS-293 (Property Owners: Charles & Linda Fisher as Trustees of the Fisher Family 1989 Trust and Darrin Fisher). The applicant is proposing a simple subdivision comprised of one residential lot of approximately 10.57-acres which will result in an approximately 35.01-acre remainder parcel. This proposed subdivision is located in Lot 53-D and Lot 53-E, Resurvey of T55N, R99W of the 6<sup>th</sup> P.M., Park County, Wyoming, and is approximately 2 miles southwest of Powell on County Road 12. The property is zoned General Rural-Powell (GR-P).

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54 Commissioner Jones read the conditions of approval (by Resolution #2022-25) for the MW SS-  
55 293 Sketch Plan:

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

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82 **Shumard SS-294 Sketch Plan:** Brian Shumard requests approval of the application and sketch  
83 plan for Shumard SS-294 (Property Owner: Cohano Investments, LLC). The applicant is  
84 proposing a simple subdivision comprised of one residential lot of 12.80-acres which will result in  
85 a remainder parcel of approximately 219-acres. This proposed simple subdivision is located in  
86 Tract 4 of Lot 37, Resurvey T55N, R100W, of the 6<sup>th</sup> P.M., Park County, Wyoming and is in a  
87 General Rural-Powell zoning district. The parcel is located approximately 3 miles southwest of  
88 Ralston on the south side of County Lane 12.

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90 Commissioner Bonine read the conditions of approval (by Resolution #2022-26) for the Shumard  
91 SS-294 Sketch Plan:

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93 1. The applicant shall provide all easements as requested by applicable utilities and  
94 special districts, irrigation districts or public agencies providing services. The width of  
95 any utility easement shall be sufficient to allow adequate maintenance of the system,  
96 but in no case shall such utility easement be less than 20 feet in width. Easements must  
97 be identified on the final plat;
- 98 2. The applicant shall place the following note on the final plat: "Any proposed water wells  
99 on these subdivision lots shall be permitted by the Wyoming State Engineer's Office

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- 100 prior to installation”;
- 101 3. The applicant shall provide a soils report from the Powell-Clarks Fork Conservation  
102 District to the Park County Planning and Zoning Department prior to final plat review  
103 with the Board of County Commissioners;
- 104 4. The applicant shall provide an engineering review from Park County Public Works prior  
105 to final plat review with the Board of County Commissioners;
- 106 5. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of  
107 1991; and
- 108 6. The applicant shall otherwise comply with standards in the Park County  
109 Development Regulations and the minimum subdivision requirements as set forth in  
110 Wyoming Statute 18-5-306.  
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## REGULAR AGENDA

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114 **PUBLIC HEARING CONTINUED – Green Creek Retreat SUP-239:** Michael Gimmeson requests  
115 consideration of the Special Use Permit (SUP) application for Green Creek Retreat SUP-239. The  
116 applicant is proposing a highway commercial business use to operate a “glamping” retreat and  
117 lodging business. The use is proposed on one acre within an eight-acre parcel located in Lot 29  
118 of Green Creek Subdivision with an address of 85 Green Creek Road. The property is located in  
119 a General Rural 5-Acre (GR-5) zoning district.  
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121 Chairman Brandon-Wintermote reviewed the rules of a public meeting and resumed the public  
122 hearing at 1:10pm.  
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124 There being no comments from Commission members, Kim Dillivan, Planner II, presented  
125 updated information since the previous public hearing.

- 126 • Staff received numerous public comments, some in favor, some opposed to the use, which  
127 have been provided to the Commission in advance of the hearing continuance.
- 128 • A report has been received from the Cody Conservation District.
- 129 • A review has been received from the County Engineer stating (in summary) that access  
130 will not need to be changed and a drainage plan is not required.
- 131 • Park County Weed and Pest has approved the Long-Term Noxious Weed Management  
132 Plan.
- 133 • A call was received from Earl McKinney, and he stated he is opposed to this use and  
134 would like it stated on the record.
- 135 • Material was received from the applicant, Mr. Gimmeson. He indicates he wants to change  
136 the name of the use to Pure Heart Retreat. He stated the insulated domes can withstand  
137 low temperatures and have been successfully used in Canada and other cold areas. The  
138 domes are insulated for summer temps as well. There is a visual showing how the domes  
139 will be constructed, also on wooden decks. The domes have very high wind ratings, in part  
140 due to being mounted on decks – similar to those used in high-elevation environments.  
141 The domes will be equipped with fire extinguishers and pasture sprinklers for use  
142 outdoors. The Gimmesons believe the covenants do not apply to Lot 29 of the Green  
143 Creek Subdivision. As for wildlife, Mr. Gimmeson feels the risks are not specific to this use  
144 or property and apply to all properties in the area. Bear-safe activities are encouraged.
- 145 • The materials address concerns about water. Mr. Gimmeson indicated water is available  
146 and adequate to serve the use.

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- Traffic concerns were addressed, and Mr. Gimmeson said the few extra cars that will be added to the road will not be noticeable. Parking was also addressed.
  - They do not intend to run a full-time yoga studio – it will just be for guests or private use.
  - The materials addressed lumber on his property and how it is being used to restore his cabin. He was delayed due to Covid and high material costs.
  - Mr. Gimmeson’s materials also addressed property value concerns and revenues.

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

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- Commissioner Bonine asked the outcome of the County Attorney’s Office review of the covenants. It was the opinion of the CA’s office that this property is not a party to the covenants.
  - Commissioner Jones asked about enforcement of covenants if a use is expressly prohibited.
  - Public Works had no further comments.
  - Mary McKinney from Weed and Pest said she is satisfied with the weed plan.

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

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- Mr. Michael Gimmeson said staff covered much of what he wanted to say. He indicated that they did make a few changes [from what was originally proposed]. He is changing the name to the Pure Heart Retreat because there is another property operating vacation rentals as Green Creek Retreat. Last time someone asked about the life span of the domes. It is 20-25 years. Made of a fire-retardant material. It can come in different colors and be painted. He plans to make them blend in with the environment. The life span may be extended by applying a sealer or it can be replaced. Fire hazards were a concern. They are fire-retardant, the decks are non-flammable composite. There will be fire extinguishers and fire water available to extinguish and potential fires. They have done extensive work clearing brush and dead trees. They talked about the covenants and how they list all the lots – theirs not being on there. He knows the property was run as a church camp for a long time. It is not known if one person or group has enforced the covenants in over 40 years. He is wondering about the other lots in the subdivision that are operating commercial rental uses contradictory to the covenants. And those folks are operating vacation rentals yet are in opposition to this use. As for wildlife, there is a good notice system in the neighborhood on Facebook to let people know when there is activity. On the property, you can see where the drainage comes down and creates a natural, greener vegetation area. They have an open aquifer in their basement that used to be used as a well. They would like to offer a possible tap for neighbors to fill up their tanks and not have to drive to town. He addressed the average daily traffic, stating they would be well under 38 units. Typical guests will be two people or a small family (groups no larger than 4 for a single dome). As far as the yoga studio, for now they do not intend to run a full-time or daily yoga studio. As far as property values being impacted, his research indicated rentals increase property values. People with unorganized systems or parties can decrease it. He bought the property with the intent of operating it as a short-term rental similar to how it has been operated. There is an additional cabin in the back that was also used. They want to limit traffic to the domes to crossing the footbridge across the creek. Low key and private. On the other side of the creek, they have six acres with amazing views.
  - Ms. Taylor Gimmeson (participating virtually) addressed the concern about precedent-setting with commercial use. There are some obvious existing vacation rentals. The precedent was set years and years ago. People who want to have a business already appear to have a business. They are not the original vacation rental business on the road.

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- Chairman Brandon-Wintermote asked that the Planning Director clarify the difference between short-term rentals and the Highway Commercial Use that the applicant is proposing.
  - The Planning Director stated that short-term rentals are exploding in Park County, and this is creating the need for clarification. Short-term rentals on a property where the owner is not residing becomes a commercial use and, if unpermitted, are not allowed. The current applicants are seeking a Highway Commercial Special Use Permit which is the proper way to go about this use. It is undetermined at this time if other uses in the neighborhood would be short-term rentals or highway commercial, and they would have to be considered on a case-by-case basis.

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

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- Commissioner Bonine asked about high-water volume outlets and how the applicant intends to provide that – storage or how? Mr. Gimmeson said that his 45gpm of water is available out of the tap and could be used for fire protection. Commissioner Bonine asked if the well is permitted for 45gpm. Mr. Gimmeson did not know. He got the number from the previous owner.
  - Commissioner Jones asked about the pressure delivery system for the water. Mr. Gimmeson said, if necessary, each dome would have its own system. He just knows they have very good water. He would like to help other people out.

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

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- Judge Gambill said 45gpm for fire suppression is nothing. You would have to check with the fire department. He believes all the lodges up and down the North Fork have multiple gallons of storage that they use for fire suppression. Mountain View and Wapiti lodge have them because he helped put them in. As for bear attractants, they come back for a piece of gum every year. He is highly opposed due to traffic, aesthetics. He thinks the other properties, commercial/VRBOs existing, he doesn't know of any new buildings that have gone in to have the capacity of a VRBO or Airbnb.
  - Madonna Zumbo said she put her concerns in writing.
  - Susan Neal said she lives in Wapiti and while she does appreciate and admire Mike's entrepreneurship. It sounds fun to her. Her problem is that it is not the right setting. It has nothing to do with her living there – maybe Orlando or Los Angeles – white domes. When you drive up Green Creek Road, there is a stunning, gorgeous view. To see more traffic and the white domes interrupting the beauty of the scene...she just can't see it. Personally, she opposes it.
  - Colleen Monahan reiterated that they are not white domes. They will be sagebrush or something that blends in. She also thinks that domes are less intrusive than tall houses. She sees Green Creek from her deck, and she is looking at a very tall house going up across the road. That is more intrusive than what is being proposed. She is supportive of the concept, and she likes what he is trying to do with the walking path to the domes. She goes down Kinkade Trail a lot and it would not be an obnoxious view.
  - Jim Zumbo asked about septic. What is going to happen with the toilets? Will there be a tank and how will it be emptied? Can a truck get back there? Kim Dillivan is not sure if the applicant has addressed how a truck will access emptying the tank. Commissioner Jones recalled firetruck access from Kinkade. Kim indicated that a 1,500-gallon tank is proposed as part of the system.

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- Jim Zumbo asked if there are any restrictions as far as how far the system must be from the creek. Kim indicated that there will be a drain field. Per regulations, they must be at least 50 feet away from surface water.
  - Tim McCreary – Lot 28 now 128 – north of the Gimmesons. What are the other SUPs in the area? Green Creek is primarily a retirement community. Looking for little disturbance. He is curious if those in favor are in Green Creek or live nearby. He doesn't feel the domes are in harmony. There is also a proposal to put a cell tower in near the Red Barn. That also looks to be a commercial use. Did anyone on the commission visit the site?
  - Bonnie Dallinger wants the question of other SUPs on the Green Creek answered. Are we setting a precedent for other uses? She doesn't want to open the door to future uses. Also, the question of the scope of the size. The other Airbnbs are not of the size of this. It is four new units for year-round use.
  - Brian Clarkson said there is a lot going on in Green Creek. He went to the Clerk's Office, and they said there is a lot going on there. He lives on Green Creek – this use is not really going to affect him. He did some research. The Green Creek subdivision is 70 parcels. 49 of them have covenants. He feels it is clear that Mike is not in them. Within the subdivision, 15 parcels are listed under VRBO or Airbnb. 6 of them have a mailing address that is not within Park County. 11 are under covenants. There are currently 91 guests that can stay on Green Creek. There is already a lot of short-term rentals going on to the tune of over \$4,800 per night. He has mixed feelings about STRs. He feels this individual is doing what he needs to do to follow the rules.
  - Harry Block is concerned about the sewer discharges/leach fields being close to Green Creek. If they will be on the west side of the creek with the domes, when does it stop? When does he add more? He is missing the point of the covenants – he is taking advantage that he is not in them and thumbing his nose at the other folks in the subdivision/surrounding residents. They did a vehicle count – clocked a car doing 70mph. This is not going to stop. We have posted speed limit signs of 35mph. He has cars passing him on Green Creek because he goes 20mph. Adding more homes to this in a confined area, to take on another project like this – it should not be approved.
  - Jim Davis said regarding covenants, they can be evidence of what can be compatible with the neighborhood. The rest of us are subject to those covenants – he lives at 27 next to others. His wife is opposed. Assuming it is approved, he feels the domes should be painted (a requirement). Over the years, people on this lot used fireworks. It can be very dry, and the vegetation can be dry. Assuming this use is approved, there should be no fireworks whatsoever. He doesn't feel that fires are a good idea either.
  - Marcia Britton, 12 Kinkade Trail, she is highly opposed. She has no animosity with her neighbors. She questions the low impact on the environment. There will be six bathrooms, with showers. She has lived there for 22 years and has always had problems with water and now septic. There are problems with the road until recently there was an addition of a home. She still has concerns about fire access. The fragile environment is a concern. She has concerns about preservation and attraction of wildlife. She may not be opposed to one dome, but the number of domes plus the yoga center – she has major questions about it.
  - Lori McCreary said it is a commercial use for the highway. This is a multi-use with a lot of information that is unclear. A big construction project. We don't know enough about the environmental impacts. There is a lot of cost going in without realizing what you are going to get as an end result. We need to look at what is going on – is it more of a resort than a rental. Doesn't think it is a good idea.
  - Judge Gambill asked about the covenants of Green Creek Subdivision. He has lived there nearly 29 years. The covenants were written for him to uphold and his neighbor. It is not

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294 something where you need a homeowners' association to do it. It's based upon your own  
295 integrity. He has built all within the covenants. He didn't need anyone expressing to him  
296 what to do. The covenants are self-judging. Self-ruling. As long as you read them, that is  
297 what it is.

- 298 • Chairman Brandon-Wintermote asked about the SUPs in the area. Staff indicated that  
299 there is just one SUP on the Kinkade property for a bed and breakfast. We do have a few  
300 use permits (not SUPs) for small businesses. We are not certain if the Kinkade use is  
301 active.
- 302 • The Planning Director clarified that the use is a highway commercial business, as defined  
303 by staff based upon the description of the use. It is not a short-term rental. It is more closely  
304 related to a hotel/motel, transient stay type of use.
- 305 • Tim McCreary asked about the zoning. Kim Dillivan read the definition of GR-5 from the  
306 staff report.

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308 Chairman Brandon-Wintermote gave the applicant an opportunity to respond. Mike Gimmeson  
309 addressed those in attendance:

- 310 • He addressed the septic tank being pumped. He is trying to avoid extra traffic. He is able  
311 to access across the river. A vehicle cannot go across the bridge. He has spoken to a  
312 septic pumping system. They have reach of 180 feet and said they could access the tank.
- 313 • People are concerned about the visibility of this [use]. Eric Kinkade, the neighbor, is really  
314 who will be able to see this. There is a trail around the property right now. They want to  
315 keep it wild. How many more are we going to build? No more. They had a 4-bedroom  
316 rental on the property. They want to replace it with a 4-bedroom rental. These domes are  
317 very private. There is a shop to the north that would partially block view to the use. He has  
318 taken a lot of time and consideration for his neighbors. He wants to keep it close to the  
319 trees/stream. The people coming want privacy and quiet. If anyone is disruptive, they will  
320 be asked to leave. He said he is the only family with children, except for the people down  
321 the road at the Red Barn. This is for the benefit of his family to make a living. It is hard to  
322 raise a family – this is for extra income so he can be home with his family instead of being  
323 gone all the time. He said they will probably start off with just two. He said he is  
324 approachable and would like for people to address concerns with him directly. It's not  
325 going to be a resort. What if he was to put a house over there with 4 bedrooms? He can  
326 put a bridge in, and it would be more impactful.
- 327 • Ms. Gimmeson addressed the concerns about the impact. She said she, her kids and her  
328 dog are there every day. They never see anyone out there. They have never seen the  
329 neighbors out to where they would be impacted. It is a great place to do it because there  
330 doesn't seem like there are a lot of people out there who would be bothered by it.
- 331 • Mr. Gimmeson added a comment about the fireworks. Someone talked to him about it,  
332 and he won't do it anymore. It's that simple – someone talked to him, and he responded.  
333 He understands that they do not want to set the Green Creek on fire. In the past they had  
334 fire protection when they did shoot off fireworks. He understands the noise and he doesn't  
335 want to alarm people. They did shoot off some low-noise ones at 4<sup>th</sup> of July.
- 336 • Ms. Gimmeson said they sent photos of the area and distance to the septic tank to a  
337 pumping company and got confirmation that he is able to pump the tank from that location.  
338 They also got confirmation from the power company that they can provide power service.

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

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342 Commissioner Jones made a MOTION to close the hearing at 2:27pm; SECONDED by  
343 Commissioner Bonine. The motion was carried unanimously.

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

- Commissioner Jones made general comments. The covenant issue is moot because the covenants do not apply. There was mention of a few businesses in Wapiti. There are many business entities in the Wapiti Valley and short-term rentals. He is not concerned about visitors and guests being more dangerous than residents. He doesn't buy that. One of the biggest fires they had was started by a resident. As for fire danger, he doesn't see how this one place could be more dangerous. Same with danger for bears compared to other properties. As for fire suppression and water delivery for fires. Fire people have told him that because of lack of water, they almost always go with their own loaded tanker trucks. Some places do have a supply, but the vast majority do not have a water source. He doesn't see a concern about lighting.
- Commissioner Spiering said that the use impresses him as a low-impact development. When you consider what he is doing, he should be complemented for designing a project that may be completely unnoticeable – much less than big buildings, fences, bridges. The neighborhood should encourage this type of thinking.
- Commissioner Ferguson said that he admits he is torn on this one. He can easily see both sides. Would he want this next to his property and view – no. In his view, his decision turns on a few things. He was initially very concerned about covenants – it did not make sense that it was excluded. But he is comforted that the County Attorney indicated it is not in the covenants. He is interested in Kinkade's input since he is the most affected and how he is in favor of the use. He agrees with Gene Spiering in that this seems to be low impact or mostly low impact. If it were larger, he would not approve. He feels we can separate the two. He is likely in favor of it but does appreciate the neighbors that are concerned about the impact. If it was much bigger, with a bigger impact and footprint, he would probably not be in favor.
- Commissioner Jones asked if a campground would be allowed. Staff indicated that it would be if approved by an SUP.
- Chairman Brandon-Wintermote agreed that with a campground there is a greater impact.
- Commissioner Bonine said his primary concern was based on the covenants.

### Changes to findings:

- #25 should be updated to show that public comments have been received;
- #42 – there are 8 proposed parking spaces, in addition to overflow parking;
- #43 – strike;
- #23 – a formal response has been received from Public Works;
- #37 – a soils report has been received; and
- There should be a condition that the domes be of a color that is in harmony and compatible with the neighborhood.

Commissioner Bonine made a MOTION to approve Green Creek SUP-239 by Resolution 2022-27 based on the findings presented and including the following conditions:

1. Park County noise, lighting, and other nuisance regulations shall apply;



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2. The applicant shall submit a plan for outdoor lighting, for the nighttime safety of guests, to the Planning and Zoning Department, prior to review by the Board of County Commissioners;
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3. The applicant shall construct an approved septic system to serve the domes, prior to commencing the use;
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4. The applicant shall submit building permit applications for each dome, prior to commencing the use;
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5. The applicant shall construct the domes of a color that is in harmony and compatible with the neighborhood; and
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6. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

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400 The motion was SECONDED by Commissioner Spiering. The motion carried. See Resolution  
401 2022-27 attached hereto and incorporated herein.  
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403 **PUBLIC HEARING –Kardos Zoning Map Amendment:** Nathan Kardos is requesting approval  
404 to rezone an approximately 50.5-acre parcel from Residential ½-Acre (R-H) to General Rural 5-  
405 Acre (GR-5), thereby changing zoning district boundaries depicted on the Official Zoning Map of  
406 Park County. The property is located immediately southwest of the Cody city limits, west of State  
407 Highway 291 and south of Pauley Avenue. The purpose of the request is to pursue subdivision of  
408 the property described as the west portion of Lot 78, Resurvey, T52N, R102W, of the 6th P.M.,  
409 Park County, Wyoming. The R-H zoning district allows moderate density (1/2-acre average  
410 density) residential housing developments served by public water and sewer; the property does  
411 not have public water or sewer readily available.  
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413 Chairman Brandon-Wintermote opened the public hearing at 2:52pm.  
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415 There being no comments from Commission members, Kim Dillivan, Planner II, presented the  
416 Staff Report. The Planning Director made a statement about urban growth and the planned zoning  
417 at the time the Land Use Plan was written over 20 years ago.  
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419 Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.

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- Commissioner Jones said it appears that it could be annexed, it is just a matter of money.
  - Ben McDonald, Public Works, said Pauley Ave is within a 40-foot road easement. They have concerns about that easement handling up to half-acre lot density (~100 lots). To try and handle that within a 40-foot road easement has a lot of impact to the neighboring properties. It is rather tight. In that regard, this zoning change makes sense. In terms of room for utilities, snow storage...it doesn't suit the higher-density zoning.
  - Mary McKinney, Weed and Pest, said she doesn't have comments about the zoning, but will have comments at the time of subdivision.
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429 Chairman Brandon-Wintermote asked if the applicant had any questions or comments.

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- Cody Schatz, applicant's representative, said they spoke with the city about annexation. It would be a checkerboard situation. It would be a flag addition. The City's water tank is on the property to the west. To run a water main back to feed the subdivision, it would be a hard time to get water pressure to serve a high number of lots. There is a 4-acre lot to the north that was somehow allowed.
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- Commissioner Jones inquired what if properties nearby are annexed in the future. He could see that being problematic.
  - Nathan Kardos indicated the city attorney indicated that the parcel may not meet annexation requirements as just the corner touches. It is a very unusual situation in that city water runs through it, but cannot be connected, NRWD is not extending mail lines and may not want to due to proximity to the city, a well cannot be drilled as the water is too sulphury; the GR-5 zoning just makes more sense.
  - The Planning Director read an email exchange from Todd Stowell, planner for the City of Cody from May regarding this property. He indicated that he and Philip Bowman, the Public Works Director, had a very preliminary meeting with Mr. Kardos and it would be suggested that a geotechnical investigation be considered as there is a possibility that potential caverns and gas pockets may exists at the base of the mountain in that area. The existing water line and complications providing adequate water pressure to serve additional subdivision lots and access concerns were discussed as well as the lack of any sewer mains in proximity to the property. Property must be within the city limits to be provided city utility services.

452 Chairman Brandon-Wintermote asked if any Commission members had questions for the  
453 applicant. There were none.

454

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

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- Bev Richard, here representing the Boot and Bottle, said she thinks the Boot and Bottle Club is on City water. Also, there is a 20-year Forest Service lease on the western side of the Boot and Bottle property (south of Kardos).
  - Nathan Kardos said SMP has an easement for their pipeline.
  - The Planning Director mentioned that SMP was concerned that they have some sort of flood overflow directed/planned into the south portion of the property.
  - Bev Richard mentioned that leases and the Cody Canal are also impacting the property which makes it less favorable for higher-density development.
  - Commissioner Bonine asked if there is an access easement for the Forest Service to their facility. Nathan said there is a private agreement of some sort, but he is not sure if it was for the construction of the ditch or a fence for horses. The road before that fence cuts off a small corner of his property. He spoke with Boot and Bottle, and he is fine with them still using it.
  - Commissioner Spiering asked what the development to the south is. Cody Schatz said it is the Shoshone Municipal Pipeline treatment center that serves the entire area.
  - Bev Richard said that the Boot and Bottle Club was established in 1939 and the property lines are not always identified well with fences. When the fencing came about, they did a 20-year lease to the Forest Service, but no one checked in with a survey. They were told that the road is a canal road for the ditch riders. They agreed that if they would ever need to enlarge the road, they could do a property line adjustment to accommodate.

477 Commissioner Bonine made a MOTION to close the hearing at 3:38pm; SECONDED by  
478 Commissioner Jones. All in favor. The motion passed.

479

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

481 - Commissioner Jones said the competing interests of the city to expand where it makes  
482 sense. This spot is problematic and complicated. With all these complications, he likes  
483 the simplicity of the larger parcel sizes. With more houses, a lot of these other issues

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- 484 could be compounded exponentially. It's a sticky issue. The zoning change would be  
485 appropriate and solve a few issues down the road.
- 486 - Commissioner Spiering addressed the concerns about pockets of gas – he would  
487 avoid that for high-density development.
  - 488 - Chairman Brandon-Wintermote mentioned the pipeline easement running through  
489 there is limiting.
  - 490 - Commissioner Bonine said if you look at the actual approval standards and what they  
491 are supposed to evaluate, in just looking at the 1998 Land Use Plan would suggest  
492 that it is appropriate but may not be suitable at all based upon current considerations.
  - 493 - Commissioner Ferguson said it seems more appropriate for lower density  
494 development.  
495

496 Commissioner Bonine made a MOTION to approve the Kardos Zoning Map Amendment by  
497 Resolution 2022-28 based upon the findings presented and the approval standards are met.

498  
499 The motion was SECONDED by Commissioner Spiering. The motion carried. See Resolution  
500 2022-28 attached hereto and incorporated herein.

501  
502 Commissioner Ferguson announced that he had to leave the meeting at 3:44pm.

503  
504 **PUBLIC HEARING – NWC Temp Dining Facility SUP-241:** Northwest College requests  
505 approval of the Special Use Permit (SUP) Application and Site Plan for the NWC Temp Dining  
506 Facility SUP-241. The applicant is proposing a major community use to operate an approximately  
507 3,360-square foot temporary dining facility which will ultimately be utilized as offices for coaches  
508 and locker rooms for the Northwest College soccer team. The use is proposed on approximately  
509 1.5-acres within a 13.21-acre unaddressed parcel located immediately north and west of the  
510 Powell city limits. The property is described as within Tr. 75-G, Section 10, T55N, R99W of the  
511 6<sup>th</sup> P.M., Park County, Wyoming. The property is in a Residential ½-Acre (R-H) zoning district.

512  
513 Chairman Brandon-Wintermote opened the public hearing at 3:44pm.

514  
515 There being no comments from Commission members, Kim Dillivan, Planner II, presented the  
516 Staff Report. The Planning Department received a response from Weed and Pest. A Long-Term  
517 Noxious Weed Management Plan is not required; however, following best practices for weed  
518 management is recommended.

519  
520 Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.

- 521 • Brian Edwards, County Engineer, addressed access. It is his understanding that access  
522 will be just north of the LDS church on west 8<sup>th</sup> street. It is a county property that is  
523 accessed from a city street. He reached out to Zack Thorington, City Administrator.  
524 Normally the County would address the property, but the City of Powell will not enforce  
525 anything relating to this property. As far as we are concerned, it would just be for  
526 addressing purposes. It would be county-issued. A site drainage plan will be required,  
527 showing that surrounding properties will not be impacted.
- 528 • Mary McKinney, Weed and Pest, said that following best management practices and  
529 limiting disturbances in the area will be key. After construction, she would like reseeding  
530 and landscaping done sooner [rather than later].

531  
532 Chairman Brandon-Wintermote asked if the applicant had any questions or comments.

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- 533 • Laura Finuf, applicant's representative, said they are trying to keep the project in scale  
534 with surroundings. This would be helpful to the college.  
535 • Erik Wachob, applicant's representative, said the college owns and operates its own  
536 utilities for water, power and gas, as well as fiber optic communications. While the water  
537 is provided by the City of Powell, it goes through a metered connection that is the college's  
538 control.  
539 • Kim Dillivan asked if we can conclude that the college provides utilities for this use.  
540 • Dennis Quillen, Facilities Director for the College, said that they manage the utilities for  
541 the campus. And there is a water line to the north of the facility that feeds the equine  
542 facility. They will tap into that line. There is an existing gas line that goes over to the  
543 physical plant building that they will tap for the gas. The city will not provide any of that.  
544 The water and the power do ultimately come from the city.  
545 • Kim Dillivan wondered about solid waste. Dennis said it will likely be contracted through  
546 Keele, though the city does take the trash from the other college facility. He hasn't spoken  
547 to the city about that.  
548 • The Planning Director asked why the college has not annexed into the city. Dennis Quillen  
549 said the costs to connect to the services would have killed the project. The plan for this  
550 facility has been on the books. Currently, near the soccer facility, there are other lands  
551 where growth is going to occur.  
552 • The Planning Director strongly suggests that future annexation be considered and  
553 discussed with the city related to growth plans for the college.  
554

555 Chairman Brandon-Wintermote asked if any Commission members had questions for the  
556 applicant.

- 557 • Commissioner Bonine mentioned that Shoshone Irrigation District has been notified but  
558 hasn't responded. Dennis indicated that they know there is an irrigation drain running  
559 through the soccer field. Staff indicated that it would be prudent to get a response from  
560 the district considering the presence of irrigation infrastructure on the project site.  
561

562 Chairman Brandon-Wintermote asked if there were comments from any members of the public.  
563 There were no comments from those in attendance.  
564

565 Commissioner Jones made a MOTION to close the hearing at 4:18pm; SECONDED by  
566 Commissioner Spiering. The motion was carried unanimously.  
567

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

- 569 - Finding #24 – a response has been received from Weed and Pest  
570 - Finding #44, 50, and 51 – Northwest College has the capacity to provide water, gas,  
571 and electrical services from existing connections as one finding.  
572 - Have a single condition regarding a response from the City of Powell addressing  
573 access, solid waste, and any other concerns they may have.  
574

575 Commissioner Jones made a MOTION to approve the NWC Temp Dining Facility SUP-241 by  
576 Resolution #2022-29 based on the findings presented and including the following conditions:  
577

- 578 1. Park County noise, lighting, and other nuisance regulations shall apply;  
579 2. The applicant shall provide to the Planning and Zoning Department a response from  
580 the City of Powell regarding access, solid waste, and any other concerns prior to SUP  
581 review by the Board of County Commissioners;

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- 582 3. An erosion control plan shall be approved by Public Works, prior to SUP review by the  
583 Board of County Commissioners;
- 584 4. The applicant shall provide to the Planning and Zoning Department a response from  
585 Shoshone Irrigation District; and
- 586 5. The applicant shall otherwise comply with standards in the Park County Development  
587 Standards and Regulations.

588  
589 The motion was SECONDED by Commissioner Bonine. All in favor. The motion carried. See  
590 Resolution 2022-29 attached hereto and incorporated herein.  
591

592 **PUBLIC HEARING – Sheffield MS-68 Sketch Plan:** Spencer Sheffield requests approval of the  
593 Application and Sketch Plan for the Sheffield Minor Subdivision (MS-68). The proposed  
594 subdivision is comprised of two lots; one 5-acre lot and one 10-acre lot, each for residential use.  
595 The proposed subdivision is a 15-acre parcel in Lot 2 of Nose SS-127, located approximately 2.5  
596 miles southeast of Cody and approximately 300 feet north of the terminus of Screaming Eagle  
597 Drive, in Park County, WY. The property is in a General Rural 5-Acre (GR-5) zoning district with  
598 an address of 13 Screaming Eagle Drive.  
599

600 Chairman Brandon-Wintermote opened the public hearing at 4:26pm.  
601

602 There being no comments from Commission members, Kim Dillivan, Planner II, presented the  
603 Staff Report.  
604

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

- 606 • Ben McDonald, Public Works, indicated that they provided a response this morning. Legal  
607 access is via Spice Lane and Screaming Eagle Drive. Legal access is definitely there. The  
608 20' existing access and utility easement through the parent parcel does not meet the  
609 current standards for easement width, but it was designated for that use for two  
610 residences. With that understanding, limited to two residences, they are okay with it  
611 remaining as is. They recommend that the two lots be part of road maintenance and  
612 improvement for Spicer Lane and Screaming Eagle and a shared driveway.
- 613 • Mary McKinney, Weed and Pest, said that the conditions of the weed management plan  
614 do require reseeding any of the areas that are disturbed. There are areas that need to be  
615 reseeded due to overuse of the pasture. They can purchase seed anywhere, but we are  
616 cost-sharing the cost of any seed we carry. If you don't reseed to something desirable,  
617 you will just have a patch of weeds.  
618

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

- 620 • Cody Schatz, applicant's representative, said they have reached out to Cody Canal  
621 Irrigation District and are working on a water distribution plan. They are sprinkled and that  
622 will continue to be in effect. Rocky Mountain Power is along the north and east sides of  
623 the property. For NRWD, it comes up the driveway and there is a 30-foot easement that  
624 covers the service. It is below the property and did not show on the title report.
- 625 • Spencer Sheffield, applicant, pointed out that power is available to the house and pump  
626 house on the property. Gas does run all the way down the whole section/east side.  
627

628 Chairman Brandon-Wintermote asked if any Commission members had questions for the  
629 applicant.

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- 630 • Chairman Brandon-Wintermote asked about the road maintenance agreement with  
631 Spicer. Spicer said there is a road association that he pays into that covers Joann Road  
632 and Screaming Eagle (which pays into Screaming Eagle).  
633 • Ben McDonald clarified that they would like to see both lots a party to the existing road  
634 agreements, while also establishing an agreement for the shared drive to serve the  
635 subdivision lots.  
636

637 Chairman Brandon-Wintermote asked if there were comments from any members of the public.  
638 There were no comments from those in attendance.  
639

640 Commissioner Jones made a MOTION to close the hearing at 4:47pm; SECONDED by  
641 Commissioner Bonine. All in favor. The motion carried.  
642

643 Commissioner Bonine made a MOTION to approve Sheffield MS-68 Sketch Plan by Resolution  
644 #2022-30 based on the findings presented and including the following conditions:  
645

- 646 1. The applicants shall provide all easements as requested by applicable utilities and  
647 special districts, irrigation districts or public agencies providing services. The width  
648 of any utility easement shall be sufficient to allow adequate maintenance of the  
649 system, but in no case shall such utility easement be less than 20 feet in width.  
650 Easements must be identified on the final plat;
- 651 2. The applicants shall provide to the Planning and Zoning Department an approved  
652 Long-Term Noxious Weed Management Plan, prior to final plat review by the Board  
653 of County Commissioners;
- 654 3. The applicants shall provide to the Planning & Zoning Department a review and  
655 recommendations from the Cody Canal Irrigation District regarding the final water  
656 distribution plan, prior to final plat review by the Board of County Commissioners;
- 657 4. The applicants shall provide a response from Rocky Mountain Power to the Planning  
658 and Zoning Department, prior to final plat review by the Board of County  
659 Commissioners;
- 660 5. The applicants shall place a note on the final plat stating that an existing Easement  
661 and Right of Way as recorded in Book 205, Page 03 in the Park County Clerk and  
662 Recorder's Office may be in effect and situated under the existing residence on Lot  
663 2;
- 664 6. The applicants shall place a note on the final plat that the Amended Easement and  
665 Right-of-Way dated November 17, 2020, which provides access from the terminus  
666 of Screaming Eagle Drive across the S/2SW/4 of Lot 55-B to proposed Lot 1 and  
667 Lot 2 is to allow easement for two (2) single-family dwellings only;
- 668 7. The applicants shall provide an engineering review from the Park County Public  
669 Works Department to the Planning and Zoning Department, prior to final plat review  
670 by the Board of County Commissioners;
- 671 8. The applicants shall provide evidence that the entire existing NRWD water line is  
672 located within a legal easement, prior to final plat review by the Board of County  
673 Commissioners;
- 674 9. Following Board approval of the sketch plan and prior to the Board's review of the  
675 final plat, the applicants shall submit an appropriate Subdivision Improvements

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- 676 Agreement addressing all applicable required improvements (ex. electric, water  
677 service connection, irrigation infrastructure, etc.) for review by staff and approval of  
678 the County Attorney and the Board, if applicable;
- 679 10. A draft Homeowners Association Agreement that addresses all applicable shared  
680 improvements (e.g., shared irrigation infrastructure), must be submitted to the  
681 Planning & Zoning Department prior to Sketch Plan review by the Board of County  
682 Commissioners;
- 683 11. The applicants shall place the following note on the final plat: "Any proposed water  
684 wells on these subdivision lots shall be permitted by the Wyoming State Engineer's  
685 Office prior to installation";
- 686 12. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of  
687 1991; and
- 688 13. The applicants shall otherwise comply with standards in the Park County  
689 Development Regulations and the minimum subdivision requirements as set forth  
690 in Wyoming Statute 18-5-306.

691 The motion was SECONDED by Commissioner Jones. The motion carried. See Resolution  
692 #2022-30 attached hereto and incorporated herein.  
693

694 Chairman Brandon-Wintermote delivered the Chair's report.  
695

696 The Planning Director delivered a report for the Planning and Zoning Department.  
697

698 There being no other business, a MOTION was made by Commissioner Bonine to adjourn the  
699 meeting at 5:09pm. The motion was seconded by Commissioner Spiering. All in favor.  
700

701 Respectfully submitted,  
702

703   
704 \_\_\_\_\_  
705 Jolene Brakke, Secretary

**RESOLUTION 2022-25  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE  
MW SIMPLE SUBDIVISION SS-293 (SS-293) SKETCH PLAN**

**WHEREAS**, Max Wright proposes to create a subdivision consisting of one 10.57-acre lot from an existing 45.58-acre parcel for residential use in the Cody/Powell Rural Planning Area;

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

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

**WHEREAS**, the Planning & Zoning Commission held a duly noticed meeting on July 20, 2022 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision Permit Application, including payment, was received from Max Wright on June 8, 2022, including a sketch plan and a copy of the Notice of Intent to Subdivide, and other supporting documentation;
2. The applicant requests approval of the sketch plan for a subdivision to create one 10.57-acre lot from an existing 45.58-acre parcel for residential and possibly agricultural use in the Cody/Powell Rural planning area;
3. The subdivision will create an approximately 35-acre remainder parcel;
4. Ownership is affirmed by a Corrective Warranty Deed dated March 15, 2022 (Doc. #2022-1482), to Charles W. Fisher and Linda D. Fisher, Trustees of the Fisher Family 1989 Trust, and Darrin William Fisher;
5. Applicable regulations are the *Park County, Wyoming 2015 Development Standards and Regulations*, adopted September 15, 2015;
6. The subdivision is classified as a simple subdivision;
7. The subdivision is in the General Rural Powell (GR-P) zoning district;
8. The lot size proposed is consistent with the GR-P zoning district;
9. The Parcel is within Lots 53-D, 53-C, and 53-E of Lot 53 (Resurvey), T.55N., R.99W., 6<sup>th</sup> P.M., Park County, Wyoming.
10. The proposed subdivision is located on an unaddressed parcel approximately two miles southwest of Powell, less than one mile south of Highway 14A, directly south of County Lane 11 and east of County Road 12;



11. Proposed Lot 1 has an existing structure, well and small wastewater system, in addition to irrigated crop land; The proposed subdivision is surrounded by primarily large agricultural properties with some smaller residential properties in the vicinity;
12. The proposed subdivision is not within a mile of a municipality;
13. A Notice of Intent to Subdivide was published in the *Powell Tribune* on June 9, 2022, and June 16, 2022;
14. Simple subdivisions are exempt from public hearing requirements and may be eligible for approval under the Consent Agenda;
15. Agency referral notification requirements have been met;
16. Park County School District #1 has bus service available to this subdivision;
17. Park County Fire Protection District #1 can provide fire protection to the proposed subdivision as long as accesses are constructed to accommodate their fire equipment;
18. Montana-Dakota Utilities Company has the capacity provide natural gas to the proposed subdivision;
19. Rocky Mountain Power has the capacity to provide electricity to the proposed subdivision;
20. Public Works stated legal access already exists to Lot 1 from County Road 12 and PW will provide a written review of the subdivision in the near future;
21. The Wyoming Game and Fish Department has no terrestrial wildlife concerns but offer standard subdivision recommendations;
22. The Park County Treasurer indicated property taxes are current on the parcel;
23. TCT has the capacity to provide wireless internet and VOIP phone services to the subdivision provided line of sight to the TCT tower;
24. Park County Weed and Pest found noxious weed species present during their initial investigation, however, a Long-Term Noxious Weed Management Plan will not be required;
25. No response has been received from Shoshone Irrigation District or the Powell-Clarks Fork Conservation District, however, responses are required prior to final plat review and approval;
26. No response has been received from the United States Postal Service; however, postal service and mail delivery must be confirmed prior to final plat review and approval;
27. No public comments have been received;
28. A pre-application meeting occurred on April 13, 2022;

29. Application submission requirements for sketch plan review have been met, with the exception that mail delivery service has not been confirmed and the locations of irrigation facilities have not been confirmed;
30. No new roads are proposed as a part of this subdivision;
31. Simple subdivisions are not required to install utilities;
32. No hazardous features are known to exist on the property;
33. Wastewater requirements pertaining to sketch plan review have been met;
34. The Park County Small Wastewater Administrator stated that conventional septic systems will likely be sufficient for this proposed subdivision;
35. Domestic water requirements have been met;
36. Agricultural impacts have been addressed;
37. The property is in an Agricultural Overlay District;
38. Water rights requirements pertaining to sketch plan have been met;
39. No stream or river passes within or adjacent to the proposed subdivision;
40. Lot standards have been met;
41. No common maintenance of facilities is proposed;
42. Easement standards apply;
43. No, sidewalks, street lighting or alleys are proposed;
44. The subdivision is not within a Flood Overlay District; and
45. 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 MW SS-293, 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 to the Planning and Zoning Department an

- Engineering Review from the Park County Public Works Department prior to Board of County Commissioners final plat review and approval;
3. The applicant shall provide to the Planning and Zoning Department a response from USPS prior to Board of County Commissioners final plat review and approval;
  4. The applicant shall provide to the Planning and Zoning Department a soils report from the Powell-Clarks Fork Conservation District before review and approval of the final plat;
  5. The applicant 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;
  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 final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991; and
  8. 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 20<sup>th</sup> day of July, 2022.

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

**ATTEST:**

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

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

**RESOLUTION 2022- 26  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE  
SHUMARD SIMPLE SUBDIVISION SS-294 (SS-294) SKETCH PLAN**

**WHEREAS**, Brian Shumard proposes to create a subdivision consisting of one 12.80-acre lot from an existing 232-acre parcel for residential use in the Cody/Powell Rural Planning Area;

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

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

**WHEREAS**, the Planning & Zoning Commission held a duly noticed meeting on July 20, 2022 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision Permit Application, including payment, was received from Brian Shumard, manager of Cohano Investments, LLC on June 17, 2022;
2. The applicant requests approval of the sketch plan for a subdivision to create one 12.80-acre lot from an existing 232.31-acre parcel for residential use in the Cody/Powell Rural planning area;
3. Ownership is affirmed by a Corrective Warranty Deed dated April 9, 2021 (Doc. #2021-2567), to Cohano Investments, LLC;
4. Applicable regulations are the *Park County, Wyoming 2015 Development Standards and Regulations*, adopted September 15, 2015;
5. The subdivision is classified as a simple subdivision;
6. The proposed subdivision is in the GR-P Zoning District;
7. The lot size, as proposed, is consistent with the GR-P Zoning District;
8. The property is 232.31 acres described as: LOTS 55-AA, 55-BB, 55-CC, 55-DD, 55-EE & 55-Z, T54 R100; LOTS 52 TRACT 15, 55-A, 55-Q, 55-R & 55-S; TRACT 65-B; LOT 66; TRACT 37-4; TRACT 38-5, T55 R100. Proposed Lot 1 is located within Tract 37-4;
9. The proposed subdivision is located just over a mile West of Highway 294, over 8 miles from Southwestern Powell and over 12 miles from Northeastern Cody (see Figure 3).
10. The property address is 1850 Lane 12, Powell, WY;

11. Proposed Lot 1 is both developed and irrigated agricultural land, while the remainder parcel is primarily irrigated agricultural land. Lot 1 has a 2,800 sq-foot home and multiple storage and utility buildings on the Northeast corner of the parcel;
12. The topography is relatively flat with a gentle slope downward in the southeastern direction.
13. Parcels to the east, west and south are agricultural and there are residential parcels to the north;
14. The proposed subdivision is not within a mile of any municipality;
15. A Notice of Intent to Subdivide was published in the Powell Tribune on June 7, 2022, and June 14, 2022;
16. Agency referral requirements have been met;
17. Park County Fire Protection District #1 can provide fire protection to said properties if all accesses are constructed to accommodate their fire equipment;
18. Public Works has no initial concerns, and indicated that legal access is from County Lane 12 and any new proposed accesses will be reviewed during the subdivision review process;
19. Northwest Rural Water District stated they will not be able to provide service to the subdivision;
20. Park County School District #1 will have school bus service available to the proposed subdivision;
21. Garland Light and Power Company has the capacity to serve the proposed subdivision;
22. Heart Mountain Irrigation District will require a water distribution plan;
23. TCT may have the availability and capacity to provide terrestrial wireless internet and VOIP phone service to the proposed subdivision. Line of sight to one of the TCT towers is required, therefore service is not guaranteed;
24. Black Hills Energy stated that natural gas service is available to the proposed subdivision;
25. The United States Postal Service stated they will be able to provide mail delivery to this new subdivision;
26. DEQ addressed permitting requirements for specific activities related to
27. The Park County Treasurer's Office stated property taxes are current on this parcel;
28. The Wyoming Game and Fish Department stated they have no terrestrial wildlife concerns and offered standard subdivision recommendations;

29. Park County Weed and Pest found noxious weed species present during the initial inspection, however, a Long-Term Noxious Weed Management plan will not be required;
30. Powell-Clarks Fork Conservation District has not provided a soils report;
31. No public comments have been received;
32. A pre-application meeting was held on June 29, 2022;
33. Application submission requirements for sketch plan review have been met;
34. No new roads are proposed as a part of this subdivision;
35. Simple subdivisions are not required to install utilities;
36. The site may be subject to flooding and high groundwater, but no other hazards are known to exist;
37. Wastewater requirements pertaining to sketch plan review have been met;
38. The Park County Small Wastewater Administrator stated that conventional septic systems will likely be sufficient for this proposed subdivision;
39. Domestic water requirements have been met;
40. Water quality results from a water sample analysis revealed that the water was safe for primary standards, though elevated total dissolved solids (a secondary standard) were detected;
41. Wells must comply with the requirements of the Wyoming State Engineer's Office;
42. Agricultural impacts have been addressed;
43. Water rights requirements pertaining to sketch plan have been met;
44. A Water Distribution Plan will be required;
45. Lot standards have been met;
46. No common maintenance of facilities is proposed;
47. Easement standards apply;
48. No drainage, sidewalks, street lighting or alleys are proposed;
49. The subdivision is within an Agricultural Overlay District (AOD) and AOD standards apply; and
50. No open spaces, natural areas, schools, or parks are proposed or required.

**WHEREAS**, the Planning & Zoning Commission concludes the proposed subdivision is generally consistent with the goals and policies of the Park County

Land Use Plan and is consistent with the standards and procedures of the *2015 Park County Development Standards and Regulations*;

**NOW, THEREFORE, BE IT RESOLVED** based on the foregoing, the Planning & Zoning Commission hereby recommends approval of the sketch plan for MW SS-293, 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 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";
3. The applicant shall provide a soils report from the Powell-Clarks Fork Conservation District to the Park County Planning and Zoning Department prior to final plat review with the Board of County Commissioners;
4. The applicant shall provide an engineering review from Park County Public Works prior to final plat review with the Board of County Commissioners;
5. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991; and
6. The applicant shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306.

**ADOPTED** by the Park County Planning & Zoning Commission this 20<sup>th</sup> day of July, 2022.

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

**ATTEST:**

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

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

**RESOLUTION 2022 - 27  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE GREEN CREEK RETREAT  
HIGHWAY COMMERCIAL BUSINESS USE  
SPECIAL USE PERMIT-239 (SUP-239)**

**WHEREAS**, Michael Gimmeson submitted a Special Use Permit Application requesting review and approval of a Special Use Permit for a highway commercial business that will consist of four geodesic lodging domes, and one larger dome for use as a yoga classroom;

**WHEREAS**, the use is located approximately 0.8 miles south of State Highway 14-16-20, on the west side of County Road 6DU (Green Creek Road). This lot is approximately 20 miles west of Cody. The property has an address of 3 Kinkade Trail, Cody;

**WHEREAS**, this project is defined by Park County Development Standards and Regulations as a Highway Commercial Business: A business that provides a substantial portion of its goods and services to tourists and travelers, including motels, hotels, restaurants, gift shops, automobile service stations, gasoline filling stations, and truck stops;

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

1. A Special Use Permit Application, including payment, was received from the applicant on April 15, 2022, with supplemental materials also received;
2. The applicant requests approval of a Special Use Permit for a highway commercial business consisting of four lodging domes and one recreation dome;
3. The total area of the wooden decks upon which the domes will rest is approximately 3,296 sq. ft.;
4. The applicant estimates the total developed site area is approximately one acre. In addition, an existing foot and bicycle trail will be available for guests.
5. Applicable regulations are the *Park County, Wyoming 2015 Development Standards and Regulations*, adopted September 15, 2015;
6. The use is classified as a highway commercial business;



7. Ownership is affirmed by Warranty Deed dated July 6, 2018, to Michael Gimmeson, as sole owner, from Lloyd A. Buswell and Carol A. Buswell, husband and wife, recorded as Document #2018-3521;
8. The property is eight (8) acres described as Lot 29, Green Creek Subdivision, In Sec. 21, 22, 27, and 28, T52N, R105W, Park County, Wyoming;
9. The property is located approximately 0.8 miles south of State Highway 14-16-20, on the west side of County Road 6DU (Green Creek Road). This lot is approximately 20 miles west of Cody. The property has an address of 3 Kinkade Trail, Cody, WY;
10. The property is in a General Rural 5-Acre (GR-5) zoning district;
11. Highway commercial businesses are allowed in the North Fork planning area, in a GR-5 zoning district, provided a Special Use Permit is approved;
12. Neighboring land uses are a mixture of residential and residential vacant land;
13. The proposed use location has a modest change in elevation;
14. Green Creek flows through the property just east of the site of the proposed use;
15. Legal notice requirements were met, including notice to property owners within 660 ft. of the property boundary;
16. The applicant provided a site plan drawing for the use, as well as a floor plan drawing for one of the smaller domes;
17. The application was forwarded to relevant agencies as required;
18. Park County Fire Protection District #2 responded with concerns regarding access to the domes;
19. The Park County Treasurer stated property taxes are paid current;
20. The Wyoming Game & Fish Department responded with some specific details regarding potential negative impacts on wildlife, and various recommendations related to riparian habitat, garbage containment and more. Given this property is in crucial mule deer winter range, the Department recommends this use have no activity from November 15 – April 30 of each year;
21. Rocky Mountain Power indicated they can provide power for this use;
22. Park County Weed and Pest stated that a Long-Term Noxious Weed Management Plan will be required because noxious weeds were detected on neighboring property;
23. A formal response has been received from PW;
24. No response has been received from the Wyoming State Fire Inspector;
25. Public comments have been received;
26. The applicant made a statement of how compatibility will be achieved;
27. The applicant proposes a short-term vacation rental business during the summer months with longer-term rentals during the winter;

28. The applicant proposes five dome structures, all of which will have electricity, water, and septic;
29. A 9:00pm curfew will be enforced;
30. A list of rules and regulations will be provided to guests;
31. The applicant lives on the property and will manage the facility;
32. The proposed use will not be within 20 feet of a County road right-of-way;
33. The covenants for Green Creek Subdivision do not appear to apply to Lot 29;
34. Outdoor lighting is not proposed;
35. There are no known nonconformities on the property;
36. No nuisances have been reported at this location;
37. A soils report has been received;
38. Access is proposed via County Road 6DU (Green Creek Road);
39. Domestic water will be provided by an existing well;
40. Lab results of a water quality test showed the well water was bacteriologically safe because no coliform was detected, nitrogen was detected at levels below maximum contaminant levels, and neither lead nor arsenic were detected;
41. The use is not located in any Irrigation District;
42. Eight parking spaces are proposed, in addition to proposed overflow parking;
43. The applicant proposes a new septic system to serve the domes;
44. The estimated peak total daily wastewater flow is 700 gallons;
45. The septic tank to serve the use must be a minimum of 1,500 gallons;
46. The proposed drain field size is estimated to be 1,522 sq. ft.;
47. Adequate utilities, public services and infrastructure exist or will be available to serve the proposed use;
48. No signs are proposed for this use, though staff question whether signage should be required to direct visitors to the property and prevent movement of traffic further down Kinkade Trail (private drive);
49. Solid waste will be disposed of according to County regulations;
50. No specific criteria are identified for this use;
51. The proposed use is not located in an Overlay District;
52. Site plan review is required;
53. No hazardous substances will be stored, handled, or disposed of on the site;
54. The use is not expected to impact any lakes, reservoirs, or streams;
55. No federally protected wetlands are expected to be impacted by this use;

56. A runoff and erosion control plan is not required for this use;
57. Air quality is not expected to be impacted by this use;
58. The proposed use is not considered a specific use;
59. Special Site Plan Standards do apply;
60. Stream corridors: Other than foot and bicycle traffic on a bridge that spans Green Creek, no new development is proposed that will impact the stream or riparian areas;
61. Steep slopes: No new development is proposed on or near steep slopes;
62. Wildlife habitats: Wyoming Game & Fish stated the proposed use is in crucial mule deer winter range. Game & Fish recommends no human activity from November 15 – April 30. Game & Fish has other recommendations that are detailed in their agency response; and
63. Designated Scenic Byways: The proposed use is not within one mile of a designated Scenic Byway.

**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 Green Creek Retreat Special Use Permit-239 subject to the following conditions:

1. Park County noise, lighting, and other nuisance regulations shall apply;
2. The applicant shall submit a plan for outdoor lighting, for the nighttime safety of guests, to the Planning and Zoning Department, prior to review by the Board of County Commissioners;
3. The applicant shall construct an approved septic system to serve the domes, prior to commencing the use;

4. The applicant shall submit building permit applications for each dome, prior to commencing the use;
5. The applicant shall construct the domes of a color that is in harmony and compatible with the neighborhood; and
6. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

**ADOPTED** by the Planning & Zoning Commission this 20<sup>th</sup> day of July, 2022.

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

**ATTEST:**



Kimberly Brandon-Wintermote, Chairman



Jolene Brakke, Secretary

**RESOLUTION 2022 - 28**  
**PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO CHANGE THE NATHANIAL D. KARDOS PARCEL**  
**FROM RESIDENTIAL ½-ACRE (R-H) ZONING TO GENERAL RURAL 5-ACRE (GR-5**  
**ZONING, THUS AMENDING THE COUNTY ZONING MAP**

**WHEREAS**, Nathan Kardos (“the applicant”), is the owner of a 50.457-acre parcel being a portion of Lot 78 Resurvey, Township 52 North, Range 102 West of the 6<sup>th</sup> P.M. lying west of the following described line: Beginning at the southwest corner of Lot 6, Section 3, T52N-R102W; thence southerly, parallel with the east boundary of said Lot 78, to the south boundary of said Lot 78;

**WHEREAS**, the applicant submitted a Zoning Map Amendment Application on June 2, 2022 seeking review and approval of a zoning map amendment that would rezone a 50.46-acre parcel of land from Residential ½-Acre (R-H) zoning to General Rural 5-Acre (GR-5) zoning;

**WHEREAS**, approval of a zoning map amendment will change the zoning district boundaries on the Official Zoning Map;

**WHEREAS**, Chapter IV, Section 4f. of the *Park County, Wyoming 2015 Development Standards and Regulations*, adopted September 15, 2015 (“regulations”), provide a means for changing zoning district boundaries depicted on the Official Zoning Map;

**WHEREAS**, the Park County Planning and Zoning Commission held a duly noticed public hearing on July 20, 2022 to consider the Zoning Map Amendment Application, as well as testimony from Planning and Zoning Department staff, the applicant, and members of the public;

**WHEREAS**, the Park County Planning and Zoning Commission made the following findings:

1. A Zoning Map Amendment Application, including payment, was received from Nathan Kardos on June 2, 2022;
2. The applicant requests review and approval of a zoning map amendment that would rezone a 50.46-acre parcel of land from Residential ½-Acre (R-H) zoning to General Rural 5-Acre (GR-5) zoning, in the Cody Local Planning Area;
3. Applicable regulations are the *Park County, Wyoming 2015 Development Standards and Regulations*, adopted September 15, 2015;
4. The property is located within an R-H zoning district;
5. The R-H zoning district allows moderate density (1/2-acre average density) residential housing development served by public water and sewer;

6. The applicant intends to subdivide the property, but central water and central sewer services are not available unless the applicant annexes into the City of Cody at a considerable expense;
7. The parcel is located immediately southwest of Cody, west of Highway 291 and south of Pauley Avenue;
8. A City of Cody subdivision (Spirit Mountain) is just to the northeast. The Shoshone Municipal Water Plant is directly south. Residential and residential vacant properties are located west, north, and southeast. A parcel of land in agricultural use is located southwest of the property. Commercial property is east of the parcel, and north along Highway 14-16-20. Lot 4 of the Allen Subdivision (4 acres) borders the property to the northwest;
9. The property is bordered by land with significant elevation changes to the west, and land relatively flat with no drastic change in elevation to the east;
10. The properties to the north, east, and south are in an R-H zoning district, while properties to the west are in a General Rural 5-Acre (GR-5);
11. The GR-5 district allows moderate-intensity land uses. Conventional subdivisions will average 5 acres per housing unit. A variety of uses is permitted in this district in recognition of the varied land uses typical of rural areas;
12. Ownership is affirmed by Warranty Deed to Nathaniel D. Kardos, a single person, from Steven L. Parkes, Trustee of the Elle Walker Stoddard Trust dated November 30, 2005, and any amendments thereto, and Steven L. Parkes, Trustee of the Lane Kelly Stoddard Trust dated November 30, 2006, also shown as dated November 30, 2005, and any amendments thereto, dated October 27, 2021;
13. The property is described as a portion of Lot 78, RS, T52N, R102W, 6th PM, Park County, Wyoming. And more particularly described as: That part of Lot 78 lying west of the following described line: Beginning at the southwest corner of Lot 6, Section 3, T52N, R102W, thence southerly, parallel with the east boundary of said Lot 78, to the south boundary of said Lot 78;
14. No portion of the property is located within an Overlay District;
15. Public notice requirements have been met;
16. Agency referral requirements have been met;
17. Park County Public Works had no comments or concerns regarding this zoning map amendment;
18. The Park County Treasurer's Office stated property taxes are current for 2021;
19. WYDOT had no concerns with a future subdivision provided access from Highway 291 is via Pauley Avenue or Agua Via;
20. Park County Fire Protection District #2 stated they have no comments;
21. Park County Weed & Pest stated they have no comments or concerns regarding the zoning map amendment;

22. The City of Cody was notified of this proposed amendment and no comments have been received;
23. No public comments have been received;
24. Regarding the property, Park County Planning & Zoning staff conducted a review of Land Suitability Analysis provided in the 1998 Park County Land Use Plan;
25. The 1998 Land Use Plan, Land Suitability Analysis, identifies the property area as in Map Unit U-2 (an urban area);
26. Urban land is generally suitable for 0.5 to 2-acre subdivisions, conditionally suitable for 2 to 5-acre subdivisions, and not suitable for 5 to 20-acre subdivisions;
27. Application submission requirements for zoning map amendment review have been met;
28. The applicant has addressed all zoning map amendment approval standards; and
29. Park County Planning & Zoning staff have evaluated the applicant's response to all approval standards and provided comments.

**WHEREAS** the Planning & Zoning Commission concludes that the land in question, when considered within its surroundings, lends itself best to a moderate-density zoning designation, such as General Rural 5-Acre (GR-5), which allows conventional subdivisions averaging 5 acres per housing unit and is intended to promote the retention of open space, agricultural land, wildlife habitat, riparian habitat and scenic areas and prevent development on unstable geologic features;

**WHEREAS**, amending the County Zoning Map to assign GR-5 zoning district to the Park County parcel meets the following criteria:

- I. The map amendment does not single out a parcel of land for a zoning classification that would promote a land use that is incompatible and inconsistent with the existing or planned uses of the surrounding area;
- II. The map amendment is in accordance with the County's land use plan and with any municipal plans having jurisdiction;
- III. The map amendment substantially addresses a public purpose or need that outweighs any detriment to the rights of neighboring property owners;

**NOW, THEREFORE, BE IT RESOLVED** based on the foregoing, the Planning and Zoning Commission hereby recommends an amendment to the County Zoning Map to assign a GR-5 zoning designation to the Park County parcel described herein.

**ADOPTED** by the Park County Planning and Zoning Commission this 20<sup>th</sup> day of July, 2022.

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

**ATTEST**

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

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



**RESOLUTION 2022 - 29**  
**PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE NWC TEMPORARY DINING FACILITY**  
**MAJOR COMMUNITY USE**  
**SPECIAL USE PERMIT-241 (SUP-241)**

**WHEREAS**, Laura Finuf, on behalf of Northwest Community College Foundation submitted a Special Use Permit Application requesting review and approval of a Special Use Permit to construct and operate a temporary dining facility for Northwest College (NWC) while their new Student Center is under construction. Initially, the proposed facility will be used by the college and the community as a dining facility, and eventually the building will be repurposed as a locker room and office building for soccer coaches and players;

**WHEREAS**, the use is located on an unaddressed 13.21-acre parcel just north of Eighth Street, and adjacent to Powell, Wyoming, city limits. East of the property is the northwest College campus;

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

1. A Special Use Permit Application, including payment and supplementary information, was received from Laura Finuf on June 17, 2022;
2. The applicant requests approval to construct and operate an approximately 3,360-square foot temporary dining facility for Northwest College while their new Student Center is under construction;
3. Eventually the building will be repurposed as a locker room and office building for soccer coaches and players;

4. The applicant provided several site plans, floor plans, and elevation diagrams identifying the proposed structure, planned access, and parking;
5. The use will operate in an area of approximately 1.5 acres within a 13.21-acre parcel;
6. Applicable regulations are the *Park County, Wyoming 2015 Development Standards and Regulations* (adopted September 15, 2015);
7. The proposed use is classified as major community use;
8. Ownership is affirmed by Warranty Deed, dated December 21, 1967, to Northwest Community College Foundation, a Wyoming Corporation, from Stanley Kreps, a single man (Document #0361 CONV 00176);
9. The property is 13.21 acres described as: BEG. AT THE SW COR. OF LOT 75-G, THENCE N.00°02'35"E. 300.24', E. 355', N. 320', E.165', N. 589.89', S.89°51'21"E. 391.22', S.00°00'51"W. 849.95', N.89°52'01"W. 300', S.00°00'51"W. 360', N.89°52'01"W. 611.49' TO POB (12.79 AC. NET) LOT 75 T55 R99 (DESC. FOR ASSESSMENT PUROSES ONLY);
10. The proposed use is in a Residential ½-Acre (R-H) zoning district;
11. Major Community uses are allowed in the R-H zoning district provided a Special Use Permit is approved;
12. The property is unaddressed, and is located just north of Eighth Street, and adjacent to Powell, Wyoming, city limits. East of the property is the Northwest College campus;
13. The proposed use will be located on a site with almost no change in elevation;
14. Surrounding land uses are residential, residential vacant, and exempt;
15. The property is within one mile of the City of Powell, therefore, municipal review is required;
16. Legal notice requirements have been met;
17. Agency referral requirements have been met;
18. The Park County Treasurer has stated that property taxes are paid current;
19. DEQ provided contact information for agencies regarding permitting associated with various construction activities;
20. The State Fire Marshal's Office stated they are working with the applicant regarding appropriate permits;
21. Park County Fire District #1 stated they can provide fire protection;
22. Park County Public Works has not provided a response;

23. Wyoming Game & Fish has not provided a response;
24. Park County Weed & Pest has provided a response;
25. Shoshone Irrigation District has not provided a response;
26. MDU has not submitted any comments;
27. No public comments have been received;
28. The applicant provided a statement addressing how the use will be compatible with the neighborhood and area;
29. Food will be prepared offsite and transported to the facility;
30. Approximately 250 to 300 meals will be served daily during the semester;
31. There will be five to seven employees;
32. When repurposed, approximately 35 to 45 student athletes will use the locker rooms, and five to seven coaches and college employees will use the offices;
33. Hours of operation will be approximately 7am to 7pm;
34. Parking includes a total of 13 parking spaces;
35. The applicants anticipate that noise or other nuisances will not be an issue given the nature of the use;
36. The proposed use will not be within 20 feet of a county road right-of-way;
37. No covenants exist or are proposed;
38. Shielded, down-directed outdoor lights are proposed;
39. There are no known nonconformities on the property;
40. No nuisances have been reported at this location;
41. A soils report is not required for this use;
42. A Geotechnical Engineering Report has been provided;
43. Planned access is from Eighth Street, although access has not been confirmed;
44. Northwest College has the capacity to provide domestic water, electrical and natural gas services from existing connections;
45. The use is located within the Shoshone Irrigation District;
46. Comments from the Irrigation District have not been received;
47. Septic will be provided by an in-ground septic system sufficiently sized to serve the use;
48. The septic design incorporates two 1,500-gallon septic tanks in a series, and a drain field (bed) of 168 chambers;

49. Planning & Zoning will request co-review of the SWW application by DEQ;
50. No new signs are proposed;
51. Solid waste will be disposed of by the City of Powell; however, the City has not confirmed it will facilitate solid waste disposal;
52. No specific criteria are identified for this use;
53. This property is not located in any Overlay District;
54. Site Plan Review is required for major community uses;
55. No hazardous substances will be produced, stored, or handled at this site;
56. The use is not expected to impact any lakes, reservoirs, or streams;
57. The use is not expected to impact any federal wetlands;
58. A runoff and erosion control plan is required;
59. Air quality is not expected to be impacted by this use;
60. Building setback requirements apply and have been met by the project design plan; and
61. 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 NWC Temporary Dining Facility Special Use Permit-241 subject to the following conditions:

1. Park County noise, lighting, and other nuisance regulations shall apply;

2. The applicant shall provide to the Planning and Zoning Department a response from the City of Powell regarding access, solid waste and any other concerns prior to SUP review by the Board of County Commissioners;
3. An erosion control plan shall be approved by Public Works, prior to SUP review by the Board of County Commissioners;
4. The applicant shall provide to the Planning and Zoning Department a response from Shoshone Irrigation District; and
5. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

**ADOPTED** by the Planning & Zoning Commission this 20<sup>th</sup> day of July, 2022.

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

**ATTEST:**

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

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

**RESOLUTION 2022 - 30  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE  
SHEFFIELD MINOR SUBDIVISION-68 (MS-68) SKETCH PLAN**

**WHEREAS**, Spencer and Karly Sheffield propose to partially vacate and re-subdivide Lot 2 of Nose SS-127 into a two-lot subdivision consisting of one 5.00-acre lot and one 10.00-acre lot each for residential use. The subdivision is located in a General Rural 5-Acre (GR-5) zoning district and the Sage Creek 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 July 20, 2022 to consider the sketch plan application and made findings as follows:

1. A Minor Subdivision Application, including payment, was received from Spencer and Karly Sheffield on June 8, 2022;
2. A revised sketch plan was received on June 27, 2022;
3. The applicants request approval of a partial vacation and re-subdivision of Lot 2 of Nose SS-127 into a two-lot subdivision consisting of one 5.00-acre lot and one 10.00-acre lot each for residential use;
4. Ownership is affirmed by Warranty Deed (dated July 2, 2014, Doc. #2014-3300) to Spencer O. Sheffield and Karly A. Sheffield, husband and wife, from Randy Smith, also known as Randall Smith, a single person;
5. Applicable Regulations for this development are the *Park County, Wyoming 2015 Development Standards and Regulations* adopted September 15, 2015 ("Regulations");
6. This subdivision is classified as a minor subdivision;
7. The property is in a General Rural 5-Acre (GR-5) zoning district;
8. The lot sizes as proposed are consistent with the GR-5 zoning district;
9. The parcel is described as Lot 2, Nose SS-127, according to the plat recorded in Book "J" of Plats, page 58, Park County, Wyoming;
10. The proposed subdivision is located approximately two miles east of Cody and approximately one-half mile south of Highway 14-16-20 East;
11. Proposed Lot 1 is vacant and irrigated land. Proposed Lot 2 is developed with

an existing residence, outbuildings and irrigated pastureland. The property is relatively flat;

12. Neighboring land uses are primarily residential, with some residential vacant and agricultural lands in the vicinity;
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. Park County Fire Protection District #2 stated they can provide fire protection, and they request that all roads and crossings be constructed to Park County Road and Bridge specifications;
17. USPS stated they are able to deliver mail for the new address;
18. Park County School District #6 will provide transportation to and from school for any students residing within the proposed subdivision and bus stop locations will be determined at the time service is requested;
19. TCT stated they have terrestrial wireless service available and may be able to provide internet and VOIP phone service;
20. Cody Conservation District submitted a soils report indicating that soils are 1) not limited for dwellings with or without basements, 2) somewhat limited for road and street placement due to frost action and shrink-swell, and 3) somewhat limited to very limited for septic tank absorption fields;
21. Northwest Rural Water District currently has the capacity to provide additional service to the proposed subdivision, however, a tap has not been secured or installed to serve proposed Lot 1;
22. Park County Weed & Pest stated noxious weeds were discovered and a Long-Term Noxious Weed Management Plan is required;
23. Cody Canal Irrigation District has submitted an initial response and will require a water distribution plan;
24. Wyoming Department of Environmental Quality has provided information regarding activities that would require permitting from their office;
25. The Park County Treasurer stated property taxes are current on this parcel;
26. Wyoming Game & Fish Department stated they have no major terrestrial wildlife concerns, but continue to be concerned with the amount of subdivisions recently proposed in Park County;
27. Black Hills Energy stated they currently serve an existing residence on proposed Lot 2 and can provide natural gas service to proposed Lot 1 by extending service from an existing 1-1/4 PE running along the east boundary of the proposed subdivision once a structure is erected and service is requested. Gas service is currently stubbed to proposed Lot 1 and Lot 2;
28. Rocky Mountain Power has been notified and has not provided a response;

29. Park County Public Works has not provided an engineering review;
30. No public comments have been received;
31. Application submission requirements for sketch plan have been met, with the exception of a response from Rocky Mountain Power regarding their capacity to serve the proposed subdivision and the location of current service infrastructure;
32. A pre-application meeting was held on May 6, 2022;
33. Access to the proposed Lots will be from an existing driveway that will be shared by Proposed Lot 1 and Lot 2. The driveway is accessed from Spicer Lane to Screaming Eagle Drive (both private roads). Spicer Lane is accessed directly from Highway 14-16-20 E;
34. The existing residence situated on proposed Lot 2 has been built over an existing Easement and Right of Way (Recorded under Book 205, Page 03) for a two-inch pipeline for the delivery of water over and through the proposed subdivision;
35. The Amended Easement and Right-of-Way dated November 17, 2020 which provides access from the terminus of Screaming Eagle Drive across the S/2SW/4 of Lot 55-B to proposed Lot 1 and Lot 2 is to allow easement for two (2) single-family dwellings only;
36. The proposed lots are currently irrigated using a sprinkler system;
37. Should new irrigation infrastructure be proposed to irrigate the lots separately, a Subdivision Improvements Agreement will be required;
38. 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;
39. Domestic water requirements pertaining to sketch plan review have been met;
40. Domestic water will be provided by Northwest Rural Water District;
41. Northwest Rural Water service has not yet been connected to proposed Lot 1;
42. Agricultural impacts have been addressed including impacts to and from agricultural activities on or near the property;
43. The property is not located within an Overlay District;
44. Water rights requirements pertaining to sketch plan review have been met;
45. No stream/river passes within or adjacent to the proposed subdivision lots;
46. It is unclear whether electricity is adjacent to each lot;
47. Gas is stubbed to each lot line;
48. It is unclear whether the entire existing NRWD service line is covered under a legal easement;



49. Utility requirements pertaining to sketch plan review have not been met; therefore, a Subdivision Improvements Agreement may be required;
50. Lot standards have been met;
51. No new roads, sidewalks, street lighting, alleys or open spaces are proposed;
52. Common maintenance of irrigation facilities may be proposed, therefore a Homeowners Association Agreement may be required;
53. No hazardous features are known to exist on the property; and
54. 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 Sheffield Minor Subdivision-68 (MS-68), subject to the following conditions:

1. The applicants shall provide all easements as requested by applicable utilities and special districts, irrigation districts or public agencies providing services. The width of any utility easement shall be sufficient to allow adequate maintenance of the system, but in no case shall such utility easement be less than 20 feet in width. Easements must be identified on the final plat;
2. The applicants shall provide to the Planning and Zoning Department an approved Long-Term Noxious Weed Management Plan, 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 Cody Canal 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 response from Rocky Mountain Power to the Planning and Zoning Department, prior to final plat review by the Board of County Commissioners;
5. The applicants shall place a note on the final plat stating that an existing Easement and Right of Way as recorded in Book 205, Page 03 in the Park County Clerk and Recorder's Office may be in effect and situated under the existing residence on Lot 2;
6. The applicants shall place a note on the final plat that the Amended Easement and Right-of-Way dated November 17, 2020 which provides access from the terminus of Screaming Eagle Drive across the S/2SW/4 of

Lot 55-B to proposed Lot 1 and Lot 2 is to allow easement for two (2) single-family dwellings only;

7. The applicants shall provide an engineering review from the Park County Public Works Department to the Planning and Zoning Department, prior to final plat review by the Board of County Commissioners;
8. The applicants shall provide evidence that the entire existing NRWD water line is located within a legal easement, prior to final plat review by the Board of County Commissioners;
9. 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. electric, water service connection, irrigation infrastructure, etc.) for review by staff and approval of the County Attorney and the Board, if applicable;
10. A draft Homeowners Association Agreement that addresses all applicable shared improvements (e.g., shared irrigation infrastructure), must be submitted to the Planning & Zoning Department prior to Sketch Plan review by the Board of County Commissioners;
11. 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";
12. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991; and
13. 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 20<sup>th</sup> day of July, 2022.

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

**ATTEST:**

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

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



**Park County Planning & Zoning Department**

1002 Sheridan Avenue, Suite #109

Cody, Wyoming

(307) 527-8540

**PARK COUNTY PLANNING & ZONING COMMISSION**

Meeting 1:00 P.M., **Wednesday, July 20, 2022** in the Alternate Emergency Operating Center (EOC Room), basement of the Courthouse Addition  
1002 Sheridan Ave. Cody, WY.

This is a regular meeting of the Park County Planning & Zoning Commission open to the public. For more information please contact the Park County Planning & Zoning Department at 527-8540, 754-8540, or 1-800-786-2844.

**APPROVAL OF MINUTES**

Approve minutes from June 15, 2022 meeting.

**CONSENT AGENDA**

[MW SS-293 Sketch Plan](#)

[Shumard SS-294 Sketch Plan](#)

**REGULAR AGENDA**

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

[PUBLIC HEARING – Kardos Zoning Map Amendment](#)

[PUBLIC HEARING – NWC Temp Dining Facility SUP-241](#)

[PUBLIC HEARING – Sheffield MS-68 Sketch Plan](#)

**OTHER BUSINESS**

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

**ADJOURN**

Dear Park County Commissioners and P&Z,

We have changed the name " Green Creek Retreat" to the **Pure Heart Retreat**. Another Green Creek property owner is operating a vacation rental as " Green Creek Retreat". The Historical owner of our property, Lillian Buswell, named the cabin CALON LAN (Welsh for "pure in heart"). Calon Lan is the Welsh National Anthem and is sung at all Welsh Soccer Games and other events still today.

Also, below are some answers and comments to the questions asked at the June meeting.

**Dome specs:**

1. An insulated dome can withstand very cold temps: domes have been in successful year-round use across Canada and the northwestern US. The insulation will also provide cooling in the summer months.
2. see attachment titled "dome site preparation" for detailed visual on how dome decks are constructed and how domes are attached to decks. We will be constructing the deck method using nonflammable composite decking with a pressure treated frame. The bearer beams will sit on concrete deck blocks. 4 inches of R-20 rigid foam will be placed between floor joists. The dome walls will be insulated with a synthetic down, rated as R-24
3. Very high wind rating, based on the manner in which domes are attached to the decks and the strength of the design. Suitable for use in Mt. Everest base camp. The domes we have researched can withstand 150 mph winds.
4. I am a licensed building contractor and will be building the decks and all associated components to local building codes and standards. I have over 20 years' experience building and living in yurts, a similar style structure.
5. Fire hazards were mentioned as a concern. The domes are fire retardant, and the decks will be made from a non-flammable composite decking. Also, each dome site will be equipped with a fire extinguisher and high-volume water outlets that pasture sprinklers can connect to for watering the surrounding area and extinguishing any potential fires. There will not be any outdoor fire rings and the domes will be heated with electric heat.

**In comments both from the commissioners and the public, the covenants have been mentioned numerous times.** From our research, the covenants do not apply to lot 29. It is also noted that not one person or group has enforced any of the covenants in over 40 years. We are curious about all the other vacation rentals on green creek road who are benefitting commercially regardless of the covenants that clearly do apply to those lots. There are a few visible examples of vacation rentals where the landowners rent out more than one structure on the property. It is contradictory that other property owners in the green creek subdivision are operating vacation rentals and opposing our plan.

**Concern for the Mountain Lions and bears.** Those who voiced concern against vacation rentals in order to protect the habitat of Mountain lions also have vacation rentals, so we

don't fully understand the motive. Another concern was that we would affect the grizzly bear habitat. Cougar and grizzly bear issues are not specific to Green Creek. We are not promoting grizzly bear and mountain lion habitat on our property as we have small children, and we want them to be able to go outside and play. All campsites and the yoga dome are sealed off like a traditional home and will not attract animals any more than other residential structures, nor will they harm the animals. Guests will be required to use refrigerators and kitchen cabinets for food storage just like any other vacation rental. We are not allowing or promoting outdoor cooking.

**Water:** People voiced concerns that this project would affect their well water. I called the state water engineer and asked if its possible for our water use to affect the neighbors. They stated that a large study would need to be done to truly determine the effects. They also added that If there has not been a problem historically with the well or unless there is an extreme increase in water usage, it would unlikely affect the neighboring wells. Our property has an abundance of water and our well pumps 45 gallons per minute. We estimate that under full capacity, our guests could be using approximately 200- 400 gallons per day and that's extremely generous. This is comparable to the amount used when watering an average lawn. The previous owners used sprinklers and driplines to water their grass and hillsides, which we no longer use. We have more than enough water to facilitate this venture. Due to the abundance of water we do have, we are also considering putting in a water tap and offering water tank fill ups for neighbors that use cisterns so they don't have to drive to town, thus saving fuel costs and carbon emissions.

**Traffic.** We have addressed that out of the 294 average vehicles per day, 4-8 extra cars will not be very noticeable. Our personal observations are that we rarely pass another car when traveling up and down Green Creek Road. We have also never witnessed any traffic problems on Green Creek. It's actually a pretty quiet road. See attached file: Road ADT. Table 5-2 lists campgrounds having 7 allotted units per campsite of Average Daily Traffic (ADT) which would allow 28 total units and an additional 10 units for our residence. We are well under the 38 units considering our maximum capacity would be 21 units with four domes fully rented at 16 units and 5 additional units with our single-family residence.

A typical guest is going to be a couple or small family. Families larger than four would need to rent two or more domes to accommodate their group size.

**Traffic and Parking regarding a Yoga Studio:**

1. A "parking lot" visible from the road is a concern. There are at least two other "parking lots" for existing vacation rentals on Green Creek Road (actually one of them is on paintbrush drive) so we do not see this as precedent setting or as a huge imposition as the proposed parking area is already a parking area.
2. After further consideration, we do not intend to run a full time or daily yoga studio. We do not feel there will be enough interest or participants to facilitate a year-round yoga business. We intend for the yoga dome to be for guest use, and our own private use.

**Complaint regarding the appearance of unfinished projects and piles of lumber:**

We have done a primary clean-up of the property and will continue to do so. This property was in great distress when we purchased it five years ago. The owner turned down several full price

offers because everyone wanted to tear down the cabin. I was the only one who wanted to restore the cabin (My construction company specializes in cabin restoration) but it can't all happen in a day. Construction of our garage was halted due to high material costs from Covid 19. Fortunately, prices have come down significantly and trusses are now ordered and set to be installed in August. We have brought in a storage container to help contain materials and equipment.

**Visibility of turning from/onto Kinkade trail from Green Creek Road.** We have never had a problem entering or exiting our property off Green Creek Road onto Kinkade Trail. If this needs to be addressed, it would be easy to install one of those circular mirrors for better visibility when turning onto Green Creek Road from Kinkade trail. A sign could also be placed stating: "Caution, merging traffic".

**Property values affected by vacation rentals:** Online research shows that property values can increase in an area where there are other successful vacation rentals, and you are not operating a "party house". We certainly will not cater to guests that want to party.

Here is one article on the matter:

[How your neighbor's Airbnb rental can affect your property values - The Washington Post](#)

A neighbor also mentioned that he bought property in Green Creek Subdivision with the idea that it's a residential development and commercial activity was not allowed. We bought our property with the intention that we would be able to continue to operate a vacation rental as it had been for the last 100+ years. We purchased the property as a turnkey vacation rental business and rented it out for the summer of 2015.

**Here are some other notes we would like to include:**

1. Revenue earned from this venture will stay in the community as we (the owners) live in Wapiti and choose to support local businesses. We will promote and give business to local restaurants, and tour operations for guests to enjoy and support business owners in the Wapiti Valley, North fork, Cody and surrounding areas. We think this is an important factor compared to someone who operates a vacation rental from out of the area and the revenue is not injected back into the local community.
2. The cost to construct each dome is approximately \$37,000 with a total cost of approximately \$185K - \$200K including all utilities, materials and labor costs.
3. Funding for the Pure Heart retreat will be provided by the owner. If additional funding is needed, we have a personal lender who supports our project.

Revenue gained from a four-month summer vacation rental season will provide about \$6,000 in Lodging taxes to the community with a 75% occupancy rate. Link to view how taxes are collected and administered by Airbnb in Wyoming.:

<https://www.airbnb.com/help/article/2338/occupancy-tax-collection-and-remittance-by-airbnb-in-wyoming>

Sincerely, Mike and Taylor Gimmeson

# PLEASE SIGN IN

## PLANNING and ZONING COMMISSION

### REGULAR MEETING

July 20, 2022

		Green Creek Retreat SUP-239
		Kardos Zoning Map Amendment
		NWC Temp Dining Facility SUP-241
		Sheffield MS-68 Sketch Plan

	Please <b>PRINT</b> your name	Name of the <b>HEARING OF INTEREST</b>	DO YOU WISH TO SPEAK
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1	Mike Gimmeson	Green Creek Retreat	Yes
2	Judge Gambill	43 Green Creek Rd	Maybe
3	Shannon Rosenberg	Aerie Rd. Green Creek	No
4	Maibom Zumbo	Green Creek Retreat	No
5	Susan Neal	Green Creek	NO
6	Bev Richard	ZMA	NO
8	Colleen Monahan	Green Creek	no
9	Dennis Quillen	NWC	NO
10	Jane Schreiner	Green Creek	NO
11	Jim Zumbo	Green Creek	NO
12	Tim & Lori McCreary	Green Creek	Yes
13	Bonnie Dallinger	"	Yes maybe
14	BRIAN CLARKSON	"	?
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## PLANNING and ZONING COMMISSION REGULAR MEETING July 20, 2022

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1	HARRY BLOCK	P/Z GREEN CREEK	
2	Craig Barsness	Shoshone Municipal Pipeline	no
3	Bryan Mick	Shumard Sketch Plan	Yes
4	Mary McKinney	all	✓
5	Lady Schok	All	maybe
6	Kevin Killough	SUP-241	no
8	Jim Davis	Green Creek	
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## PLANNING and ZONING COMMISSION REGULAR MEETING July 20, 2022

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	Please <b>PRINT</b> your name	Name of the <b>HEARING OF INTEREST</b>	DO YOU WISH TO SPEAK
1	Nathan Kardos	Kardos	
2	Maura Satta	Kardos	
3	JIM DAVIS	Crimmeson	maybe
4	ERIK WACHOS, ENGINEERING ASSOC	NWC TEMPORARY DINING	if requested
5			
6			
8			
9	Name	Hearings of Interest	Do you wish to
10	Spencer Sheffield	Sheffield MS	Speak?
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