

1 **Planning & Zoning Commission Minutes**
2 **September 21, 2022**

3
4 This is a regular meeting of the Park County Planning & Zoning Commission held at 1:00pm in
5 the EOC Room of the County Courthouse at 1002 Sheridan Ave., Cody, WY.

6
7 **Commission Members Present:**

8 Kimberly Brandon-Wintermote, Chairman
9 Duncan Bonine, Vice Chairman
10 Eugene Spiering
11 Richard Jones
12 Robert Ferguson
13

14 **Staff Present:**

15 Joy Hill, Planning Director
16 Kim Dillivan, Assistant Planning Director
17 Jenny Cramer, Planner I
18 Anthony Camiccia, Planning Tech
19 Jolene Brakke, Office Assistant III (by virtual means)
20 Brian Edwards, County Engineer (by virtual means)
21 Ben McDonald, Public Works
22 Mary McKinney, Weed and Pest
23

24 Chairman Brandon-Wintermote opened the meeting at 1:01pm.

25
26 **APPROVAL OF MINUTES**

27
28 Chairman Brandon-Wintermote asked the Commission for comments or changes to the August
29 17, 2022, meeting minutes. A MOTION was made by Commissioner Jones to approve the
30 minutes; the motion was SECONDED by Commissioner Spiering to approve the minutes as
31 presented. All in favor. Motion carried.
32

33 **CONSENT AGENDA**

34
35 Chairman Brandon-Wintermote introduced the commission members and staff, acknowledged
36 that a public hearing was not required and addressed Consent Agenda item qualifications.
37

38 Chairman Brandon-Wintermote asked if any member of the Commission wished to remove any
39 of the items or wished to make a statement. Chairman Brandon-Wintermote asked if all the
40 commission members received the staff reports and had time to review the materials as well as
41 having all concerns addressed by the staff.
42

43 Commissioner Bonine made a MOTION to approve the consent agenda. SECONDED by
44 Commissioner Spiering. All in favor. Motion carried.
45
46

47 **Kardos SS-292 Sketch Plan:** Nathan Kardos is requesting approval of the application and sketch
48 plan for the Kardos Simple Subdivision (SS-292). The applicant is proposing to create two 7.73-
49 acre lots from a 50.46-acre parcel, leaving a 35-acre remainder parcel. The property is located
50 immediately southwest of the Cody city limits, west of State Highway 291 and south of Pauley
51 Avenue. The property is situated in the west portion of Lot 78, Resurvey, T52N, R102W, of the
52 6th P.M., Park County, Wyoming. A Zoning Map Amendment was approved by the Board of
53 County Commissioners on September 6, 2022, effectively re-zoning this property to General Rural
54 5-Acre (GR-5).

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55
56 Commissioner Bonine read the conditions of approval (by Resolution #2022-35) for the Kardos
57 SS-292 Sketch Plan:

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

78
79 **Flowers SS-295 Sketch Plan:** William and Mary Flowers request approval of the application and
80 sketch plan for the Flowers Simple Subdivision (SS-295). The applicants propose to create a two-
81 lot simple subdivision comprised of one 1.53-acre lot and one 2.40-acre lot, for residential use.
82 This property is zoned Residential Half-Acre (R-H) in the Cody Local Planning Area and is located
83 approximately 1000 ft. east and 600 ft. north of the City of Cody, on the north side of Cooper Lane
84 and on the east side of 37th Street, Park County, Wyoming, 3631 Cooper Lane, Cody.

85
86 Commissioner Jones read the conditions of approval (by Resolution #2022-36) for the Flowers
87 SS-295 Sketch Plan:

- 88
- 89 1. The applicant shall provide all easements as requested by applicable utilities and
90 special districts, irrigation districts or public agencies providing services. The width of
91 any utility easement shall be sufficient to allow adequate maintenance of the system,
92 but in no case shall such utility easement be less than 20 feet in width. Easements must
93 be identified on the final plat;
 - 94 2. The applicant shall place the following note on the final plat: "Any proposed water wells
95 on these subdivision lots shall be permitted by the Wyoming State Engineer's Office
96 prior to installation.";
 - 97 3. The applicant shall provide an engineering review from Park County Public Works, prior
98 to final plat review with the Board of County Commissioners;
 4. Prior to the Board's review of the final plat, the applicant shall submit an appropriate

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99 Subdivision Improvements Agreement addressing all applicable required improvements
100 (NRWD domestic water to Lot 2) for review by staff and approval of the County Attorney
101 and the Board;

102 5. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of
103 1991;

104 6. The applicant shall submit an approved water distribution plan to the Planning and
105 Zoning Department prior to final plat review by the Board of County Commissioners; and

106 7. The applicant shall otherwise comply with standards in the Park County Development
107 Regulations and the minimum subdivision requirements as set forth in Wyoming Statute
108 18-5-306.

109
110 **Molnar Lawson SS-296 Sketch Plan:** Michael Molnar and Sharon Lawson request approval of
111 the application and sketch plan for the Molnar Lawson Simple Subdivision (SS-296). The
112 applicants propose to create a simple subdivision comprised of two 19.98-acre lots from a 39.96-
113 acre parcel. The proposed subdivision is located approximately 9 miles southwest of Cody in Lot
114 63-B, T51N, R103W of the 6th P.M., Park County, Wyoming, with an address of 1246 Road 6WX
115 and is located in a General Rural 20-acre (GR-20) zoning district.

116
117 Commissioner Ferguson read the conditions of approval (by Resolution #2022-37) for the Molnar
118 Lawson SS-296 Sketch Plan:

119
120 1. The applicant shall provide all easements as requested by applicable utilities and
121 special districts, irrigation districts or public agencies providing services. The width of
122 any utility easement shall be sufficient to allow adequate maintenance of the system,
123 but in no case shall such utility easement be less than 20 feet in width. Easements
124 must be identified on the final plat;

125 2. The applicant shall provide to the Planning & Zoning Department a response from
126 the Lakeview Irrigation District, including an approved water distribution plan if
127 required, prior to final plat review by the Board of County Commissioners;

128 3. The applicant shall provide an approved Long-Term Noxious Weed Management
129 Plan from Park County Weed & Pest prior to final plat review by the Board of County
130 Commissioners;

131 4. The applicant shall place the following note on the final plat: "A water quality analysis
132 conducted on a water sample collected from a neighboring well detected the
133 presence of Coliform Bacteria."

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

137 6. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of
138 1991; and

139 7. The applicant shall otherwise comply with standards in the Park County Development

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140 Regulations and the minimum subdivision requirements as set forth in Wyoming
141 Statute 18-5-306.

142 REGULAR AGENDA

143
144 PUBLIC HEARING – L & P MS-69 Sketch Plan: Larry Nelson requests approval of the
145 application and sketch plan for the L & P Minor Subdivision (MS-69). The proposed subdivision
146 is comprised of two lots; one 12-acre lot and one 23-acre lot, each for residential use. The
147 proposed subdivision is located in a portion of the SW1/4SE1/4 of Section 16 and NW1/4NE1/4
148 of Section 21, Resurvey T52N, R103W of the 6th P.M., Park County, WY. The property is
149 approximately one mile north of Cody in a Rural Residential 2-Acre (RR-2) zoning district with an
150 address of 4 County Road 2CD.

151
152 Chairman Brandon-Wintermote reviewed the rules of a public meeting and opened the public
153 hearing at 1:10pm.

154
155 There being no comments from Commission members, Kim Dillivan, Planner II, presented the
156 Staff Report.

157
158 Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.

- 159
- 160 • Commissioner Ferguson mentioned the soil report from the Conservation District
161 addressed soil suitability, or lack thereof, for Lot 1. He asked what the standard is if the
162 soils are not considered acceptable or are moderately acceptable. Staff indicated that perc
163 tests and groundwater cut are used to determine actual suitability. At this time, the
164 information suggests that conventional systems are fine.
 - 165 • Commissioner Ferguson mentioned that the Irrigation District is requiring sprinkler
166 irrigation. He asked if that applies if ag continues or not? Jennifer Cramer said each district
167 is different and their responses differ by subdivision. Cody Schatz said the applicant has
168 already installed sprinkler irrigation.
 - 169 • Ben McDonald, Public Works, said they do not have additional comments beyond what is
170 in their written statement.
 - 171 • Mary McKinney, Weed and Pest, said she is happy that the irrigation is taken care of
172 already. She had no further comments.

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

- 174
- 175 • Cody Schatz, the applicant's representative from Engineering Associates, said Rocky
176 Mountain Power has not yet replied. There is a current meter for the house on Lot 1 and
177 there is a meter on Lot 2 that is running irrigation. They do not currently use the 30' access
178 to 2CD. They did submit the remaining water test results to satisfy the requirements. As
179 for soil conservation, the data is an overview of the area. Doing the actual on-site perc is
180 more specific and accurate. Conditions were favorable based on the site testing. The first
181 draft of the water distribution plan was reviewed by the district.

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

184
185 Chairman Brandon-Wintermote asked if any Commission members had questions for the
186 applicant. There were none.

187
188

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189 Commissioner Bonine made a MOTION to close the hearing at 1:35pm; SECONDED by
190 Commissioner Jones. All in favor. Motion carried.

191
192 Chairman Brandon-Wintermote asked Commission members if they had any discussion.

- 193 • Finding #3 – adjust lot sizes to correct numbers.
- 194 • Finding #30 – Public Works has provided a response
- 195 • Finding #32 – BHE response received.
- 196 • Finding #42 – Natural gas has been stubbed to Lot 1 and is adjacent to Lot 2 on the west
197 side of Road 2AB.
- 198 • Finding #51 – domestic water requirements pertaining to sketch plan have been met.
- 199 • Condition #3 – strike this condition
- 200 • Condition #8 – strike this condition
- 201 • Condition #10 – strike this condition

202
203 Commissioner Bonine made a MOTION to approve the Sketch Plan of L & P MS-69 by Resolution
204 2022-38 based on the findings presented and including the following conditions:

- 205
206 1. The applicants shall provide all easements as requested by applicable utilities and
207 special districts, irrigation districts or public agencies providing services. The width of
208 any utility easement shall be sufficient to allow adequate maintenance of the system,
209 but in no case shall such utility easement be less than 20 feet in width. Easements
210 must be identified on the final plat;
- 211 2. The applicants shall provide comments from the City of Cody to the Planning and
212 Zoning Department, prior to final plat review by the Board of County Commissioners;
- 213 3. The applicants shall provide a weed inspection report from Weed & Pest, and an
214 approved Long-Term Noxious Weed Management Plan, if required, to the Planning
215 and Zoning Department, prior to final plat review by the Board of County
216 Commissioners;
- 217 4. The applicant shall provide to the Planning & Zoning Department a review and
218 recommendations from the Heart Mountain Irrigation District regarding the final water
219 distribution plan, prior to final plat review by the Board of County Commissioners;
- 220 5. The applicant shall place a note on the final plat that the lots are subject to the existing
221 Protective Covenants as recorded under Document Number 2003-8604 in the
222 records of the Park County Clerk and Recorder;
- 223 6. The applicant shall provide a response from Rocky Mountain Power to the Planning
224 and Zoning Department prior to sketch plan review by the Board of County
225 Commissioners;
- 226 7. A note shall be placed on the final plat that the 30' access easement serving the
227 access addressed as 4 County Road 2CD of proposed Lot 1 is not insurable until an
228 easement is conveyed and recorded;
- 229 8. Following Board approval of the sketch plan and prior to the Board's review of the
230 final plat, the applicants shall submit an appropriate Subdivision Improvements
231 Agreement addressing all applicable required improvements (ex. utilities, etc.) for
232 review by staff and approval of the County Attorney and the Board;

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- 233 9. The applicants shall place the following note on the final plat: "Any proposed water
234 wells on these subdivision lots shall be permitted by the Wyoming State Engineer's
235 Office prior to installation";
- 236 10. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of
237 1991; and
- 238 11. The applicants shall otherwise comply with standards in the Park County
239 Development Regulations and the minimum subdivision requirements as set forth in
240 Wyoming Statute 18-5-306.

241
242 The motion was SECONDED by Commissioner Spiering. All in favor. Motion carried. See
243 Resolution 2022-38 attached hereto and incorporated herein.
244

245 **PUBLIC HEARING – Creel Major Sketch Plan:** Clayton Creel requests approval of the
246 application and sketch plan for the Creel Major Subdivision. The applicant requests to vacate and
247 re-subdivide Lot 77 of Cottonwood Creek Estates into two lots; one 3.95-acre lot and one 2.0-
248 acre lot, both for residential use. The property is located approximately two miles northwest of
249 Cody in a Rural Residential 2-Acre (RR-2) zoning district with an address of 118 Oak Drive.
250

251 Chairman Brandon-Wintermote opened the public hearing at 1:44pm.
252

253 There being no comments from Commission members, Kim Dillivan, Planner II, presented the
254 Staff Report. Jennifer Cramer, Planner I, addressed a few items:

- 255 • Staff found that the covenants for the subdivision were vacated in 1985.
256 • Staff found an affidavit in the Title Report from 1979 when Cottonwood Creek Estates was
257 first subdivided. It stated that the developer (of the subdivision) would construct the water
258 and road systems as described at the time of subdivision approval. No lots in the
259 subdivision were to be sold until those requirements were met. The western portion of Lot
260 75 had been reserved for water storage and treatment. Then in 1984, Lot 75 was vacated.
261

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

- 263 • Commissioner Bonine asked if staff has looked at the lot design standards for Lot #2 with
264 regard to depth to width for lots under three acres. Staff briefly looked at the width on the
265 north side (100') and on the south side is (225'). Based upon averages, length to width is
266 not 3:1 or greater.
- 267 • Chairman Brandon-Wintermote asked if water is within 400 feet of an existing water main
268 or the operator is planning an extension within two years, it is required to connect. We
269 understand that NRWD is at capacity. Staff indicated that they are required to connect
270 provided the utility can provide the service. Staff indicated that more time is needed to
271 determine if NRWD is planning an extension.
- 272 • Ben McDonald, Public Works, said he has no additional comments beyond their written
273 statements.
- 274 • Mary McKinney, Weed and Pest, mentioned that limiting disturbance in the area would be
275 important. We don't want to create any weed problems.
276

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

- 278 • Clayton Creel, the applicant, said he has a hardcopy of a letter from Rocky Mountain
279 Power saying that they need to put in a transformer and would need to put in an overhead
280 line.
281 • Clayton said the new owner plans to use propane for heating.

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- 282 • Clayton said when he spoke with NRWD, they said that there is not enough pressure to
283 put in a tap. The new owner is planning to put in a cistern and truck in water from town. A
284 well driller in the area said you hit a layer of shale and then hit a layer of oil – not drinkable.
285 He doesn't understand why cisterns are bad (referring to DEQ's adverse
286 recommendation).
- 287 • Cody Schatz, the applicant's representative, said he has been in conversations with DEQ
288 on the matter of the water and sewer. DEQ's representative said he does not want to be
289 involved in these subdivisions with less than two lots – Chapter 23 is review for more than
290 five lots. He said there is not a permitted well anywhere nearby. DEQ doesn't support
291 cisterns but did not provide a reason.
- 292 • The Planning Director addressed the DEQ review side of the process; county regulations
293 do not address the number of lots required for DEQ review, they state that any major
294 subdivision requires no adverse recommendation from DEQ. As this subdivision is a
295 redivision of a subdivision, it is classified as a major subdivision, and by our rules requires
296 DEQ review.
- 297 • Cody Schatz said NRWD's big focus has been on Powell north end and other areas in
298 that general direction. Discussions have not seemed to be around the Cody area at this
299 time.
- 300 • Clayton said in discussion with another landowner who knows of water pressure issues
301 nearby, he did not think there were any plans in the near future to fix the pressure issues
302 on the line.
303

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

- 306 • Commissioner Bonine mentioned the ownership on Lot 76 being incorrect.
307

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

- 309 • Jimmy Parks, owner of Lot 76, has lived out there for 12 years. He said when he moved
310 out there, he was on a cistern and hauled water for 7 years. The line that was put in on
311 the road had a leased buy-back. In order to tap the water line, it would have been \$15,000.
312 Since he is the last lot, that was a long way. He waited for the time to expire and then
313 tapped the water line. The biggest contention in the subdivision is the road and the
314 condition of the road. It was supposed to be taken care of by the HOA – which he believes
315 was disbanded in 1998. Some landowners have gone to great expense to fix the road,
316 which is now in severe disrepair. If the County were to take the road over, it would be ½
317 to ¾ of a million dollars to fix it. His concern about this is that we are not tapping into the
318 resources. DEQ thinks it is a bad idea. There are questions about a cistern or water. It will
319 add another person out there who is probably not going to help maintain the road. We are
320 opening Pandora's box. Lot 79 is large – they are going to subdivide and put three or four
321 lots with cisterns. He could subdivide his land and put three lots with cisterns in also. The
322 lot beyond 70 is a 40-acre parcel – that's 20 more lots. They like not having a lot of
323 neighbors. If you let one do it, you will let everyone else do it and we will have a big
324 problem. The road will not properly be maintained. The water district hasn't done much.
325 His conversation with the water district was "we can't guarantee the water pressure won't
326 go down if you tap it." He gets the fallout being the last guy on the line. This whole thing
327 is a bad idea. We are going to create a bigger problem out there. When everyone else
328 divides, he will too and then he will move somewhere else. It is concerning that they can't
329 get all the proper utilities to that lot. The County can't enforce any road maintenance issue.
330 There is nothing there to protect that road. We can't keep forking out all this money each
331 year. Some people won't put any money towards it. He thinks this is a horrible idea.
332

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- 333 Commissioner Ferguson asked how many lots are served by the road.
- 334 • Jimmy Parks said there are nine or ten lots that are beyond the subdivision using the road.
- 335 At one point, the road went out to BOR where they used to have some oil wells out there.
- 336 The oil company had done some maintenance, but once there was a subdivision, it
- 337 became the subdivision's issue.
- 338
- 339 Commissioner Jones asked if there were any attempts to organize an HOA for road maintenance.
- 340 • Jimmy said there have been attempts to organize. There was one time that they went to
- 341 everybody that lived in their section of Oak Drive and asked everyone to chip in \$200 and
- 342 had the road graded. Can't get most of the neighbors to chip in. In another section, they
- 343 brought in 6 loads of road base to make sure the road stays good to one individual's
- 344 house. A lot of the landowners rent the land out. They want the road but don't want to
- 345 have to pay for it.
- 346
- 347 Commissioner Ferguson made a MOTION to close the hearing at 2:36pm; SECONDED by
- 348 Commissioner Spiering. All in favor. Motion carried.
- 349
- 350 Chairman Brandon-Wintermote asked Commission members if they had any discussion.
- 351 • The Planning Director stated road issues are very prominent right now. We need to
- 352 research if there was anything on the plat requiring covenants or an HOA. If that was a
- 353 condition of approval and was later eradicated, that could be an issue. This could warrant
- 354 some additional research. The water concerns are valid and clarification from NRWD may
- 355 be needed.
- 356 • Commissioner Jones asked how did we get to this point? Precedent is important. As things
- 357 get developed, we don't want to have this situation again. When we have these covenants
- 358 and they start to fall apart and fail, what enforcement possibility do we even have.
- 359 • Commissioner Ferguson said that the road issue is only one concern. We have
- 360 unavailable water and the need for a cistern – which is likely not well advised. We have
- 361 the issue of frontage. If we only had one concern, we might be okay to approve. We have
- 362 enough red flags. He recently had a discussion about lot size minimums in Meeteetse – 1
- 363 acre – and how the lack of water is what has basically limited development to date. He
- 364 thinks having a cistern is not advisable. He feels this application should be denied.
- 365 • Commissioner Jones asked what the concern is with cisterns. Is it a health concern? We
- 366 do not have an answer from DEQ.
- 367 • The Planning Director indicated that one concern with cisterns is the added traffic from
- 368 water trucks, especially in this case where the road is already an issue. It is less favorable
- 369 for a landowner to have to consistently refresh the water supply and raises contamination
- 370 concerns. This comes back to health, safety and welfare and adequate quantity and
- 371 quality of water.
- 372 • Commissioner Bonine said in the big picture, this is the epitome of irresponsible
- 373 development. We look around and run into situations time and again asking "how did this
- 374 happen?" "How did this come about?" Sometimes it's the zoning that is to blame. There is
- 375 nothing about a 2-acre lot in this subdivision that conforms to the rest of the neighborhood,
- 376 aside from the concerns that have been brought forth so far. He is not in favor of the
- 377 subdivision.

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- 378 • Commissioner Spiering said if you look at it from a distance, it is immature development
379 – no community water or sewer. The fact that you have none of these services, you are at
380 the mercy of wells (substandard), cisterns, propane tanks for gas – it's unfortunate. If you
381 could just bring it to some pre-development level, it would be worth developing. It just
382 doesn't have enough services and it is a problem.
- 383 • Commissioner Jones added comments on precedent. It is an immature area for this, but
384 once you accepted something you set precedent for the next person who wants to do it,
385 we could find ourselves in court. It is an important problem with anything we approve.
386 Variances and precedent are dangerous. In cases where you don't have infrastructure in
387 place, it's bad. He is inclined not to approve of this.
- 388 • Chairman Brandon-Wintermote said if we go forward, we will set a terrible precedence –
389 developments that have no services and have road sharing and maintenance issues. It is
390 not good business.
- 391 • Commissioner Bonine asked a procedural question. If the commission were to
392 recommend denial, it would still go forward to the Board. In that process, would staff still
393 have the time to get the additional information that we would want to have.

394
395 Commissioner Ferguson made a MOTION to DENY the Sketch Plan of Creel Major Subdivision
396 by Resolution 2022-39 based upon the subdivision proposal not adequately addressing the
397 health, safety, and welfare of the community and due to the following:

- 398 1. The lack of public services, particularly water, to serve the subdivision;
399 2. The lack of shared road maintenance and the deteriorating condition of the road;
400 3. The likelihood that it does not conform to the lot design standards, particularly the
401 length-to-width ratio; and
402 4. The potential for setting a poor precedent on future subdivisions.

403
404 The motion was SECONDED by Commissioner Spiering. All in favor. Motion carried. See
405 Resolution 2022-39 attached hereto and incorporated herein.

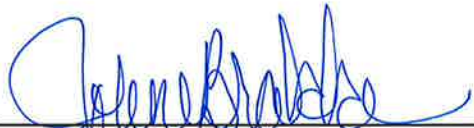
406
407 Chairman Brandon-Wintermote delivered the Chair's report.

408
409 The Planning Director delivered a report for the Planning and Zoning Department.

410
411 There being no other business, a MOTION was made by Commissioner Jones to adjourn the
412 meeting at 4:02pm. The motion was seconded by Commissioner Spiering. All in favor. Motion
413 carried.

414
415 Respectfully submitted,

416
417
418



Jolene Brakke, Secretary

**RESOLUTION 2022 - 35
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
KARDOS SIMPLE SUBDIVISION SS-292 (SS-292) SKETCH PLAN**

WHEREAS, Nathan Kardos proposes to create a two-lot simple subdivision resulting in two 7.73-acre lots and a 35-acre remainder parcel. The lots are designated for residential use in the Cody Local 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 September 21, 2022 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision Permit application, including payment, was received from Nathan Kardos on May 13, 2022;
2. The applicant requests review and approval of the sketch plan for a two-lot subdivision resulting in two 7.73-acre lots and a 35-acre remainder parcel. The lots are designated for residential use in the Cody Local Planning Area;
3. Ownership is affirmed by Warranty Deed to Nathaniel D. Kardos, a single person (Document #2021-8523);
4. Applicable regulations are the *Park County, Wyoming 2015 Development Standards and Regulations*, adopted September 15, 2015;
5. On September 6, 2022, the Park County Board of Commissioners approved a zoning map amendment (Resolution #2022-86), changing the property from Residential ½-Acre (R-H) zoning to General Rural 5-Acre (GR-5) zoning;
6. 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;
7. The subdivision is classified as a simple subdivision;
8. The property is a portion of Lot 78, RS, T52N, R102W, 6th PM, Park County, Wyoming;
9. The parcel is located immediately southwest of Cody, west of Highway 291 and

south of Pauley Avenue;

10. The property is currently vacant and slopes downward from southwest to northeast (from approximately 5,285 feet in elevation to 5,170 feet);
11. There is an existing Shoshone Municipal Pipeline treated water line running north-south through the western third of the property;
12. On the eastern half of the property there are ditches carrying water from south/southeast to the north through the proposed lots;
13. There are subdivisions to the north, northwest, and northeast of the property;
14. Lands surrounding the property are used for residential, commercial, and agricultural purposes;
15. The Shoshone Municipal Water Plant is directly south;
16. The property is located within one mile of the City of Cody, therefore, municipal review is required;
17. Notice of Intent to Subdivide requirements have been met;
18. Public notice requirements are not required for simple subdivisions;
19. Agency referral requirements have been met;
20. Park County Fire Protection District #2 provided a list of equipment they would use in an emergency situation in this area;
21. TCT stated they may be able to provide fiber optic internet and phone service to this proposed subdivision. They do not have terrestrial wireless service at this location;
22. Shoshone Municipal Pipeline stated that the proposed subdivision is close to an easement for their raw water pipeline, and the proposed subdivision lies below a natural drainage area with an emergency overflow for the head works of the treatment plant;
23. Park County Weed & Pest stated an initial inspection discovered Russian olive on the property. Weed & Pest also stated that other infestations of noxious weed have been found on adjacent properties. As a result, a Long-Term Noxious Weed Management Plan will be required;
24. Black Hills Energy stated they have a 4" main parallel to South Fork Road, and they do have sufficient volume to supply natural gas to this subdivision. Should service be requested they would likely install a main lateral along Pauley Avenue;
25. NRWD stated their closest infrastructure is more than 0.5 miles distant. NRWD has a temporary hold on construction of new mains in the area, and therefore could not serve the proposed subdivision at this time;
26. Rocky Mountain Power stated they have the capacity to provide service to this proposed subdivision;

27. USPS stated they will not have difficulties adding two additional deliveries to this mail route;
28. Cody Conservation District identified three soil types on this property. Based on soil properties, dwellings with and without basements were rated somewhat limited. Soil features for septic drain fields also received a somewhat limited rating. A complete copy of the property soil report is available in the Planning & Zoning Department;
29. The Park County Treasurer's Office stated property taxes are current for 2021;
30. WYDOT stated they have no concerns provided the subdivision accesses Highway 291 via Pauley Avenue or Agua Via;
31. The City of Cody recommends dedication of a 60' wide public ROW for Pauley Avenue. The road should remain private with public access;
32. A portion of the northeast corner of the property is in the Cody Canal Irrigation District. The District has been notified but no response has been received;
33. Indian Pass Ditch crosses the property. They have been notified but a response has not been received;
34. Park County Public Works has been notified but no response has been received;
35. No public comments have been received;
36. A pre-application meeting was held on April 21, 2022;
37. The Notice of Intent to Subdivide was published on May 12, 2022, and May 19, 2022, in the Cody Enterprise;
38. A title report dated October 21, 2022, has been provided by the applicant;
39. No new roads are proposed for this subdivision. Access is proposed via Pauley Avenue;
40. Solid waste disposal services are available from private companies;
41. Simple subdivisions are not required to install utilities;
42. No confirmed hazardous features are known to exist on the property;
43. The Indian Pass Ditch passes through the property;
44. Responses from Cody Canal Irrigation District and Indian Pass Ditch will be required;
45. Application submission requirements for sketch plan review have been met;
46. Wastewater requirements pertaining to sketch plan review have not been met;
47. Domestic water requirements have been met;

48. The applicant anticipates that cisterns will supply domestic water to lots;
49. Agricultural impacts have been addressed;
50. Water rights requirements pertaining to sketch plan have not been met;
51. There are no water rights on the property, though irrigation ditches do exist on the property;
52. Simple subdivisions are not required to install utilities;
53. Lot standards have been met;
54. No common maintenance of facilities is proposed;
55. No roads, drainage, sidewalks, street lighting or alleys are proposed;
56. Easement standards apply;
57. The proposed subdivision is not located within any Overlay District; and
58. 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 Kardos SS-292, 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 response from Cody Canal Irrigation District, prior to final plat review with the Board of County Commissioners;
4. The applicant shall provide an a response from a representative of the Indian Pass Ditch, prior to final plat review with the Board of County Commissioners;
5. The applicant shall provide an engineering review from Park County Public Works, prior to final plat review with the Board of County Commissioners;

6. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991; and
7. 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.

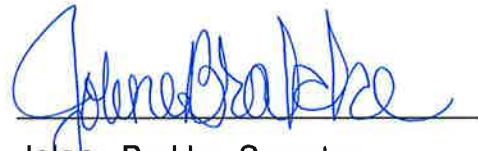
ADOPTED by the Park County Planning & Zoning Commission this 21st day of September, 2022.

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

ATTEST:



Kimberly Brandon-Wintermote, Chairman



Jolene Brakke, Secretary

**RESOLUTION 2022 - 36
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
FLOWERS SIMPLE SUBDIVISION SS-295 (SS-295) SKETCH PLAN**

WHEREAS, Mary Flowers proposes to create a two-lot simple subdivision. Lot 1 will be 2.40 acres and Lot 2 will be 1.53 acres. The lots are designated for residential use in the Cody Local 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 September 21, 2022 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision application was received on August 12, 2022, including payment, a copy of the Notice of Intent to Subdivide, and a copy of the sketch plan;
2. The applicant requests review and approval of the sketch plan for a two-lot subdivision. Lot 1 will be 2.40 acres and Lot 2 will be 1.53 acres. The lots are designated for residential use in the Cody Local planning area;
3. Ownership is affirmed by Warranty Deed to William Flowers and Mary Flowers, husband and wife as tenants by the entirety, not as joint tenants or tenants in common (Document #2019-4156);
4. Applicable regulations are the *Park County, Wyoming 2015 Development Standards and Regulations*, adopted September 15, 2015;
5. The property is located within a Residential ½-Acre (R-H) zoning district;
6. The R-H zoning district allows moderate density (1/2-acre average density) residential housing development served by public water and sewer;
7. A NRWD tap serves proposed Lot 1. NRWD has capacity available to serve proposed Lot 2. The property is not able to obtain public sewer;
8. Following a public hearing on August 2, 2022, the Park County Board of County Commissioners approved a variance request (Resolution #2022 -75) allowing the opportunity for submission of a subdivision application for this property located at 3631 Copper Lane in a Residential ½-Acre (R-H) zoning district. A

- condition of the variance is that Northwest Rural Water District provide service to both lots. Any new development will be served by in-ground septic systems;
9. The proposed subdivision has been classified as a simple subdivision;
 10. The property is in the E/2E/2NW/4NE/4 Section 27, Township 53 North, Range 101 West, 6th P.M., Park County, Wyoming;
 11. Notice of Intent to Subdivide requirements have been met;
 12. Simple subdivisions are exempt from public hearing requirements and may be eligible for approval under the Consent Agenda
 13. The property is addressed as 3631 Cooper Lane, Cody, Wyoming;
 14. The property is located on the north side of Cooper Lane (Road 2CA) and on the east side of North 37th Street, approximately 1000 feet east and 600 feet north of the City of Cody;
 15. The property is relatively flat and is irrigated. The Watkins Lateral Ditch crosses the property from south to north. There are existing buildings on the southern 286' of the property (Lot 1 of the proposed subdivision) including a residence, and several accessory structures
 16. Neighboring land uses are primarily residential and residential vacant lands, with subdivisions nearby;
 17. The property is located within one mile of the City of Cody, therefore city review and comment are required;
 18. The property is in an Airport Overlay District;
 19. Agency referral requirements have been met;
 20. Park County Fire Protection District #2 provided a list of equipment they would use in an emergency situation in this area;
 21. TCT stated they will be able to provide wireless internet and phone service to this proposed subdivision;
 22. Rocky Mountain Power stated they have the capacity to served Lot 2 of this proposed subdivision;
 23. The Cody Conservation District provided the characteristics and limitations of the soils located on this property;
 24. Northwest Rural Water District currently has the capacity available to provide service to the proposed subdivision;
 25. USPS stated they will provide delivery for this address via a rural bank of boxes on 37th Street;
 26. Park County School District No. 6 stated that transportation, if necessary, will be provided to any students who reside in the subdivision;

27. Park County Weed & Pest stated an initial inspection discovered no noxious weed on the property. As a result, a Long-Term Noxious Weed Management Plan will be required. However, following *Best Management Practices for Preventing the Spread of Noxious Weeds* is recommended;
28. The Cody Canal Irrigation District stated the property does have water rights;
29. The Park County Treasurer's Office stated property taxes are current for 2021;
30. Wyoming DEQ provided agency contact information for permitting associated with various construction activities;
31. Wyoming Game & Fish stated they have no terrestrial wildlife comments;
32. A response has not been received from the City of Cody;
33. Yellowstone Regional Airport has been notified but no response has been received;
34. Black Hills Energy has been notified but no response has been received;
35. Park County Public Works has been notified but no response has been received;
36. No public comments have been received;
37. A pre-application meeting was held on May 29, 2022;
38. The Notice of Intent to Subdivide was published on August 9, 2022, and August 16, 2022, in the *Cody Enterprise*;
39. A title report dated June 30, 2022, has been provided by the applicant;
40. No new roads are proposed for this subdivision. Access is proposed via Cooper Lane and North 37th Street;
41. Solid waste disposal services are available from private service providers;
42. Simple subdivisions are not required to install utilities;
43. No confirmed hazardous features are known to exist on the property;
44. A water distribution plan will be submitted;
45. Application submission requirements for sketch plan review have been met;
46. Wastewater requirements pertaining to sketch plan review have been met;
47. Conventional septic systems will likely be sufficient should this subdivision be approved and development occur;
48. Domestic water will be provided by NRWD;
49. NRWD domestic water is not stubbed to proposed Lot 2; therefore, a Subdivision Improvements Agreement will be required.

50. Domestic water requirements have been met;
51. Agricultural impacts have been addressed;
52. Water rights requirements pertaining to sketch plan have been met;
53. Lot standards have been met;
54. No roads, drainage, sidewalks, street lighting or alleys are proposed;
55. The proposed subdivision is not located in an Agricultural or Flood Overlay District; and
56. 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 Flowers SS-295, 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 an engineering review from Park County Public Works, prior to final plat review with the Board of County Commissioners;
4. Prior to the Board's review of the final plat, the applicant shall submit an appropriate Subdivision Improvements Agreement addressing all applicable required improvements (NRWD domestic water to Lot 2) for review by staff and approval of the County Attorney and the Board;
5. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991;
6. The applicant shall submit an approve water distribution plan to the Planning and Zoning Department prior to final plat review by the Board of County Commissioners; and

7. 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 21st day of September, 2022.

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

ATTEST:



Kimberly Brandon-Wintermote, Chairman



Jolene Brakke, Secretary

**RESOLUTION 2022 - 37
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
MOLNAR LAWSON SIMPLE SUBDIVISION SS-296 (SS-296) SKETCH PLAN**

WHEREAS, Michael Molnar proposes to create a two-lot simple subdivision resulting in two 19.98 acre lots from an existing 39.96 acre parcel. Both lots will be for residential use;

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 September 21, 2022 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision Permit Application, including payment, sketch plan, a notice of intent to subdivide and other supporting documentation was received from Michael Molnar on August 12, 2022;
2. The applicant proposes to create a subdivision comprised of two lots, both 19.98 gross acres for residential use;
3. Applicable regulations are the *Park County Wyoming 2015 Development Standards and Regulations*, adopted September 15, 2015;
4. The subdivision is classified as a simple subdivision;
5. Ownership is affirmed by a Warranty Deed dated July 15, 2021 (Doc. #2021-5067) to Michael J. Molnar and Sharon D. Lawson, husband and wife, as tenants in common, Grantees.
6. The parcel is located within Lot 63B, Resurveyed, Township 51 North, Range 103 West, 6th Prime Meridian, Park County Wyoming;
7. The property is located 9 miles southwest of Cody, approximately 1,300 feet south of road County Road 6WX, 2.1 miles south of the Buffalo Bill Reservoir;
8. The parcel address is 122 Southfork Road, Cody WY 82414;
9. The subdivision is in the General Rural 20-Acres (GR-20) zoning district;
10. The lot sizes proposed are not consistent with the GR-20 zoning district;
11. A variance request was approved by the Board of County Commissioners on

September 6, 2022, by Resolution 2022-85. This allowed the applicant the opportunity to apply for a simple subdivision of a 39.96-acre parcel in a GR-20 zoning district;

12. The parcels directly to the east and west of the proposed subdivision are classified as agricultural use. Properties directly to the north and south are classified as residential use. The Hertzler SS-261 is to the north of the property and is the only bordering subdivision;
13. Approximately 2.5 acres along the southwest property boundary is developed with a residence and outbuildings; the remainder of the proposed subdivision is currently vacant irrigated land;
14. The topography is relatively flat;
15. The proposed subdivision is not within a mile of any municipality;
16. A Notice of Intent to Subdivide was published in the *Cody Enterprise* on August 9, 2022 and August 16, 2022;
17. Agency referral requirements have been met;
18. Keele Sanitation has the ability to provide service to the proposed subdivision;
19. Park County Fire Protection District #2 is able to provide fire protection to the proposed subdivision;
20. TCT may be able to provide internet and VOIP phone to this location, depending on line of site to one of their towers;
21. Rock Mountain Power has the capacity to provide electrical services to this subdivision with existing infrastructure;
22. The Cody Conservation District provided a cover letter and soils report, including recommendations;
23. The Subdivision is located on both prime farmland if irrigated and not prime farmland;
24. Soil types are favorable for dwellings with basements for Lot 1 and 2. Soil types are favorable for dwellings without basements for Lot 1 and moderately favorable for lot 2 except is the southwestern corner of the lot which is favorable;
25. Soil features for vegetation plantings are primarily not favorable for Lot 1 and primarily somewhat favorable for Lot 2;
26. Soils in Lot 1 are primarily not susceptible to wind erosion and are relatively susceptible in Lot 2
27. Park County School District #6 has bus service available to the subdivision;
28. Property taxes have been paid for 2021;
29. The Wyoming Game and Fish Department has concerns over crucial mule

- deer habitat located within the subdivision and avoidance of human activity from November 15th to April 30th is recommended;
30. The Wyoming Game & Fish Department recommends following their standard subdivision recommendations with regard to wildlife;
 31. DEQ provided a list of development activities that would require permitting;
 32. Weed & Pest completed an initial inspection and noxious weed species were found and identified. A Long-Term Noxious Weed Management Plan will be required and treatment recommendations were given;
 33. Public works has not provided a response;
 34. The United States post Office has not provided a response;
 35. The Lakeview Irrigation District has not provided a response;
 36. Black Hills Energy has not provided a response. The applicant plans on using propane;
 37. No public comments have been received;
 38. The Park County Small Wastewater Administrator stated that conventional septic systems will likely be sufficient for this proposed subdivision;
 39. A pre-application meeting was held on July 25, 2022;
 40. Application submission requirements for sketch plan review have been met;
 41. No new roads are proposed as a part of this subdivision;
 42. Access is proposed by way of County Road 6WX off an existing 30 ft. wide access easement;
 43. A 40-foot access easement is proposed to benefit Lot 1 along the north boundary of Lot 2;
 44. Responsible entities for maintenance of the shared driveway to include snow removal have not been stated by the applicant;
 45. Simple subdivisions are not required to install utilities;
 46. No hazardous features are known to exist on the property;
 47. Wastewater requirements pertaining to sketch plan review have been met;
 48. Conventional septic systems will likely be sufficient should this subdivision be approved;
 49. Domestic water requirements have been met;
 50. Water quality analysis found coliform present at an unsafe level;
 51. Agricultural impacts have been addressed;
 52. The subdivision is not located in an Agricultural Overlay District;

53. Water rights requirements pertaining to sketch plan have been met;
54. Lot standards have been met;
55. An HOA will be required if shared irrigation infrastructure or facilities are proposed;
56. Easement standards apply;
57. No drainage, sidewalks, street lighting or alleys are proposed;
58. The subdivision is not within an Airport or Flood Overlay District; and
59. 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 Molnar Lawson SS-296, 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 & Zoning Department a response from the Lakeview Irrigation District, including an approved water distribution plan if required, prior to final plat review by the Board of County Commissioners;
3. The applicant shall provide an approved Long-Term Noxious Weed Management Plan from Park County Weed & Pest prior to final plat review by the Board of County Commissioners;
4. The applicant shall place the following note on the final plat: "A water quality analysis conducted on a water sample collected from a neighboring well detected the presence of Coliform Bacteria."
5. The applicant shall place the following note on the final plat: "Any proposed water wells on these subdivision lots shall be permitted by the Wyoming State Engineer's Office prior to installation";
6. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991; and

7. 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.

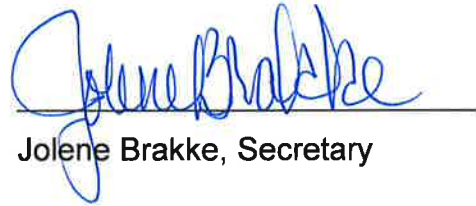
ADOPTED by the Park County Planning & Zoning Commission this 21st day of September, 2022.

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

ATTEST:



Kimberly Brandon-Wintermote, Chairman



Jolene Brakke, Secretary

**RESOLUTION 2022 - 38
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
L & P MINOR SUBDIVISION-69 (MS-69) SKETCH PLAN**

WHEREAS, Larry Nelson proposes to create a two-lot subdivision consisting of one 12.10-acre lot and one 22.90-acre lot, each for residential use. The subdivision is located in a Rural Residential 2-Acre (RR-2) zoning district;

WHEREAS, The Stewart Simple Subdivision #70 is within Sections 16, 21 and 22, T.53N., R.101W., 6th P.M., which is part of the original tract of record of this proposed subdivision, resulting in the L & P MS-69 being considered a minor subdivision;

WHEREAS, A minor subdivision 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 September 21, 2022 to consider the sketch plan application and made findings as follows:

1. A Minor Subdivision Application, including payment, a sketch plan and other supporting documentation was received from Larry Nelson on August 13, 2022;
2. A revised sketch plan was received on September 9, 2022;
3. The applicants request approval of a two-lot subdivision consisting of one 12.10-acre lot and one 22.90-acre lot, each for residential use;
4. Ownership is affirmed by Quitclaim Deed (dated June 17, 2009, Doc. #2009-5722) to Lawrence R. Nelson, Trustee of the Lawrence R. Nelson Revocable Trust dated August 12, 1994 as Amended and Restated;
5. Applicable Regulations for this development are the *Park County, Wyoming 2015 Development Standards and Regulations* adopted September 15, 2015 ("Regulations");
6. The Stewart Simple Subdivision #70 (Plat Cabinet I at Page 60) is within Sections 16, 21 and 22, T.53N., R.101W., 6th P.M., which is part of the original tract of record of this proposed subdivision, resulting in the L & P MS-69 being classified as a minor subdivision;

7. The property is in a Rural Residential 2-Acre (RR-2) zoning district;
8. The lot sizes as proposed are consistent with the RR-2 zoning district;
9. The parcel is located within the SW/4SE/4 of Section 16 and the NW/4NE/4 of Section 21, Resurvey Township 53 North, Range 101 West, 6th P.M., Park County, Wyoming;
10. The proposed subdivision is located approximately one mile north of Cody. County Road 2AB is adjacent to the west boundary of the parcel and County Road 2CD borders the northeast corner of the property;
11. The property is currently used for both residential and agricultural purposes. There is an existing permitted residence and septic system on proposed Lot 1. Proposed Lot 2 is irrigated agricultural land. The property has a moderate slope at the boundary line of proposed Lots 1 and 2. Lot 2 drops in elevation from north to south and Lot 1 drops in elevation from south to north;
12. Neighboring land uses are a combination of agricultural, residential vacant, residential and exempt lands;
13. This property is located within one mile of the City of Cody; therefore, municipal review is required;
14. Public notice requirements have been met;
15. Agency referral requirements have been met;
16. Keele Sanitation stated they can provide service to the proposed subdivision;
17. Heart Mountain Irrigation District will require a water distribution plan and will also require the plan be reviewed and approved by the existing water users association;
18. A Water Users Association exists as recorded under the By-Laws of the 50-10 Water Association, document #2009-2606;
19. Northwest Rural Water District has the ability to serve the subdivision, however details and costs of service connection would need to be worked through with the landowner;
20. TCT stated they have terrestrial wireless service available in this area and may be able to provide internet and VOIP phone to his location, depending on line-of-site to one of their towers;
21. USPS stated they are able to deliver mail for the new addresses;
22. Park County Fire Protection District #2 stated they can provide fire protection to the proposed subdivision;
23. Park County School District #6 stated they will be able to provide transportation to and from school for any students living in the proposed subdivision;

24. The Park County Treasurer stated property taxes are current on this parcel;
25. Wyoming DEQ provided agency contacts and information for permitting associated with various construction activities;
26. Wyoming Game & Fish stated they have no major concerns with this subdivision, but they do continue to have concerns with the number of subdivisions proposed recently in Park County;
27. Park County Weed & Pest conducted an initial inspection and found noxious weed species, therefore a Long-Term Noxious Weed Management Plan will be required;
28. Montana-Dakota Utilities Company stated they have capacity to serve the proposed subdivision. Extension of a gas main and an easement across proposed Lot 1 will be necessary;
29. The Cody Conservation District has provided a soils report. They reported 4 soil types which are rated as primarily not favorable for dwellings with or without basements on Lot 1, except along the southern edge of Lot 1 and somewhat to moderately favorable on Lot 2. They found soil features for proposed Lot 2 are moderately favorable for local roads and streets. Soils are moderately favorable for septic tank absorption fields in Lot 2, while Lot 1 is primarily not favorable, except along the southern edge;
30. Park County Public Works has provided a response;
31. Rocky Mountain Power has not provided a response;
32. Black Hills Energy has provided a response;
33. The City of Cody has been notified, but has not provided a response;
34. No public comments have been received;
35. Application submission requirements for sketch plan have been met;
36. A pre-application meeting was held on July 28, 2022;
37. A notice of intent to subdivide was published in the Cody Enterprise on August 9, 2022 and August 16, 2022;
38. A title report dated August 8, 2022 has been submitted;
39. The title report confirms the proposed subdivision is subject to a Declaration of Restrictions, Conditions and Protective Covenants as recorded under Document Number 2003-8604;
40. No new roads or shared driveways are proposed;
41. Applicant has stated that power is adjacent to each lot;
42. Natural gas has been stubbed to Lot 1 and is adjacent to Lot 2 on the west side of Road 2AB;

43. No known landslides, steep slopes, rockfalls or other hazardous features are known to exist on the property;
44. An access exists to proposed Lot 1 from County Road 2CD which is addressed as 4 County Road 2CD. The Title Report has noted that the 30' access easement serving this access across an adjacent parcel is not insurable until an easement is conveyed and recorded;
45. A second access exists to proposed Lot 1 directly from County Road 2AB, therefore proposed Lot 1 does have legal access;
46. Proposed Lot 2 will be accessed from County Road 2AB;
47. Wastewater requirements pertaining to sketch plan review have been met;
48. Based upon subsurface evaluation information provided by the applicant, conventional septic systems will likely be sufficient to serve the subdivision;
49. Domestic water will be provided by on-site wells;
50. A well water sample was collected from a well located at 25 Road 2CD and the analysis revealed that the sample met the Safe Water Drinking Act requirement for bacteria and nitrogen, lead and arsenic were not detected;
51. Domestic water requirements pertaining to sketch plan review have been met;
52. Agricultural impacts have been addressed including impacts to and from agricultural activities on or near the property;
53. Water rights requirements pertaining to sketch plan review have been met;
54. No stream/river passes within or adjacent to the proposed subdivision lots;
55. Utility requirements have not been met; therefore, it is unclear whether or not a Subdivision Improvements Agreement will be required;
56. Lot standards have been met;
57. Common maintenance of facilities is not proposed;
58. An HOA will not be required unless common facilities maintained by lot owners are proposed;
59. The subdivision is not within any Overlay District; and
60. 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 L & P Minor Subdivision-69 (MS-69), 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 comments from the City of Cody to the Planning and Zoning Department, prior to final plat review by the Board of County Commissioners;
3. The applicants shall provide a weed inspection report from Weed & Pest, and an approved Long-Term Noxious Weed Management Plan, if required, to the Planning and Zoning Department, prior to final plat review by the Board of County Commissioners;
4. The applicant shall provide to the Planning & Zoning Department a review and recommendations from the Heart Mountain Irrigation District regarding the final water distribution plan, prior to final plat review by the Board of County Commissioners;
5. The applicant shall place a note on the final plat that the lots are subject to the existing Protective Covenants as recorded under Document Number 2003-8604 in the records of the Park County Clerk and Recorder;
6. The applicant shall provide a response from Rocky Mountain Power to the Planning and Zoning Department prior to sketch plan review by the Board of County Commissioners;
7. A note shall be placed on the final plat that the 30' access easement serving the access addressed as 4 County Road 2CD of proposed Lot 1 is not insurable until an easement is conveyed and recorded;
8. Following Board approval of the sketch plan and prior to the Board's review of the final plat, the applicants shall submit an appropriate Subdivision Improvements Agreement addressing all applicable required improvements (ex. utilities, etc.) for review by staff and approval of the County Attorney and the Board;
9. The applicants shall place the following note on the final plat: "Any proposed water wells on these subdivision lots shall be permitted by the Wyoming State Engineer's Office prior to installation";

10. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991; and
11. The applicants shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306.

ADOPTED by the Park County Planning & Zoning Commission this 21st day of September, 2022.

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

ATTEST:



Kimberly Brandon-Wintermote, Chairman



Jolene Brakke, Secretary

**RESOLUTION 2022 - 39
PARK COUNTY PLANNING & ZONING COMMISSION**

TITLE: DENIAL OF CREEL MAJOR SUBDIVISION PERMIT APPLICATION

WHEREAS, Clayton Creel (“applicant”), submitted a Major Subdivision Permit Application to the Park County, Wyoming, Planning and Zoning Department, seeking approval to vacate and re-subdivide Lot 77 of the Amended Plat of Cottonwood Creek Estates;

WHEREAS, the proposed subdivision is classified as a major subdivision and is required to complete the major subdivision review process, the first step of which consists of sketch plan review during a public hearing before the Park County, Wyoming, Planning & Zoning Commission (“Commission”);

WHEREAS, the Commission held a duly noticed public hearing on September 21, 2022 to consider the applicant’s Major Subdivision Permit Application, review the sketch plan and hear testimony from Planning and Zoning Department staff and members of the public, and made findings as follows:

1. A Major Subdivision Permit Application, including payment, a sketch plan and other supporting documentation, was received on August 12, 2022;
2. The applicants request approval to vacate and re-subdivide Lot 77 of the Amended Plat of Cottonwood Creek Estates into one 2.00-acre lot and one 3.95-acre lot, each for residential use;
3. Applicable Regulations are the *Park County, Wyoming 2015 Development Standards and Regulations* adopted September 15, 2015;
4. This subdivision meets the requirements for classification as a major subdivision;
5. The subdivision is located in a Rural Residential 2-Acre (RR-2) zoning district;
6. The lot sizes proposed are consistent with the RR-2 zoning district;
7. Ownership of Lot 77, Creel Subdivision is affirmed by Warranty Deed dated October 26, 2017 from Dale R. Franz and Lorri L. Franz, husband and wife, to Clayton Creel, as sole owner (Document number 2017-5376);
8. The property is described as Lot 77 of the Amended Plat of Cottonwood Creek Estates in Book “F” of plats, Page 19, according to the records of the county Clerk and Recorder of Park County, State of Wyoming;
9. The proposed subdivision is located approximately two miles north of Cody, on the south side of Oak Drive;
10. Surrounding land uses are primarily residential and residential vacant. Exempt and agricultural use lands are also in close proximity to the parcel;

11. Proposed Lot 1 is developed with a residence and accessory structures. The topography is relatively flat on approximately the front half of the lot (from Oak Drive). It then transitions to a gentle slope from northwest to southeast;
12. This property is not located within one mile of a municipality; therefore, a municipal review is not required;
13. Public notice requirements have been met;
14. Relevant agencies were notified on August 31, 2022;
15. Park County Public Works stated Oak Drive is a dedicated public road that is not maintained by Park County;
16. There does not appear to be an organized entity (HOA, or Road Improvement/ Maintenance District) that maintains Oak Drive;
17. Public Works believes that previous development caused Oak Drive to fail to meet current access road standards, therefore they will not require the applicant to upgrade the road or pay the costs to update the road;
18. Public Works will require that the lot owners (for this proposed subdivision) participate in a road improvement/maintenance agreement if/when such an agreement is ever developed in the future;
19. Public Works does not believe the applicant will need to apply for administrative relief as it relates to the road standards;
20. Park County Fire District #2 will be able to provide fire protection to the proposed subdivision;
21. Park County School District #6 will be able to provide transportation to any students residing in the proposed subdivision to and from school;
22. TCT has terrestrial wireless available in this area and can possibly provide internet and VOIP phone service to this location, depending upon line of site and tower availability;
23. Northwest Rural Water District does not have sufficient pressure in the area to sustain additional development and will not be able to serve proposed Lot 2;
24. United States Postal Service is able to provide mail service;
25. Park County Treasurer stated that taxes are paid in full for this parcel;
26. Wyoming Department of Environmental Quality provided agency contacts and information for permitting associated with various construction activities;
27. Wyoming Game & Fish has wildlife concerns with the recent uptick in proposed subdivisions and offered their standard recommendations for subdivisions;
28. Heart Mountain Irrigation District confirmed there are no water rights associated with the proposed subdivision;

29. Cody Conservation District has provided a soils report and have some concerns regarding development due to shrink-swell soils, slope, slow water movement and depth to bedrock characteristics of the existing soils;
30. Park County Weed & Pest determined a Long-Term Noxious Weed Management Plan will not be required but recommends following *Best Management Practices for Controlling the Spread of Noxious Weeds*;
31. Wyoming Department of Environmental Quality provided a statement of adverse recommendation regarding domestic water in response to the Planning and Zoning Staff Agency Notice;
32. Rocky Mountain Power has not provided a response;
33. Black Hills Energy has not provided a response;
34. A current title report has not been submitted;
35. Lots 1 and 2 propose access from Oak Drive and each lot will be responsible for its own driveway maintenance and snow removal;
36. Solid waste disposal services are available through private providers;
37. The proposed subdivision will be subject to existing Covenants of the Cottonwood Creek Estates, and any amendments thereto;
38. Application submission requirements for sketch plan have been met, however a response from Rocky Mountain Power and Black Hills Energy will be necessary;
39. Since the DEQ has declined to evaluate wastewater system adequacy, review of the proposed subdivision will be subject to standard wastewater requirements for simple and minor subdivisions;
40. The Park County Small Wastewater Administrator has determined that conventional septic systems will likely be sufficient;
41. NRWD currently serves proposed Lot 1 and cannot currently serve proposed Lot 2;
42. A water cistern is proposed to supply domestic water to Lot 2;
43. DEQ review of the proposed on-site domestic water system is required;
44. Agricultural impacts to the subdivision have been addressed, as well as impacts of surrounding agricultural activities on the subdivision;
45. No irrigation water rights exist on the parcel;
46. No stream or river passes within or adjacent to the subdivision;
47. Rocky Mountain Power appears to currently be adjacent to each proposed lot, but Rocky Mountain Power will need to confirm;
48. It is unclear whether natural gas is available within 400' of the proposed subdivision;

49. TCT may be able to provide terrestrial wireless, internet or VOIP phone service to this area;
50. A Subdivision Improvements Agreement may be required for this subdivision;
51. Rocky Mountain Power and Black Hills Energy have not submitted a response regarding location of utilities and availability of service, therefore utility requirements have not been met pertaining to sketch plan;
52. Lot standards have not been met;
53. No new roads, sidewalks, street lighting, alleys or open spaces are proposed;
54. This subdivision is not located in an overlay district;
55. Hazardous conditions such as landslides, rock falls, polluted or danger from fire or explosion or other hazardous features on the property are not known; and
56. A neighbor in opposition to the project presented concerns about the disrepair and deterioration of the road serving the subdivision and the absence of an active HOA to address road maintenance, as well as concerns about domestic water requirements to serve the subdivision lots.

WHEREAS the Commission considered the approval standards for granting a Major Subdivision Permit and found the subdivision proposal does not adequately address the health, safety and welfare of the community due to the following:

1. The lack of public services, particularly water, to serve the subdivision;
2. The lack of shared road maintenance and the deteriorating condition of the road;
3. The likelihood that it does not conform to the lot design standards, particularly the length-to-width ratio; and
4. The potential for setting a poor precedent on future subdivisions.


NOW, THEREFORE, BE IT RESOLVED based on the foregoing, the Planning & Zoning Commission hereby DENIES the application for the Creel Major Subdivision Permit.

**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, September 21, 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 August 17, 2022 meeting.

CONSENT AGENDA

[Kardos SS-292 Sketch Plan](#)

[Flowers SS-295 Sketch Plan](#)

[Molnar Lawson SS-296 Sketch Plan](#)

REGULAR AGENDA

[PUBLIC HEARING – L & P MS-69 Sketch Plan](#)

[PUBLIC HEARING – Creel Major Sketch Plan](#)

OTHER BUSINESS

1. Discuss LUP Community Meeting Attendance
2. Chair's Report
3. Planning Director's Report

ADJOURN

