

Planning & Zoning Commission Minutes
December 21, 2022 (Virtual Meeting – Zoom)

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

Commission Members Present:

Kimberly Brandon-Wintermote, Chairman
Duncan Bonine, Vice Chairman
Richard Jones
Robert Ferguson

Staff Present:

Joy Hill, Planning Director
Kim Dillivan, Assistant Planning Director
Jenny Cramer, Planner I

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

APPROVAL OF MINUTES

Chairman Brandon-Wintermote asked the Commission for comments or changes to the November 16, 2022, meeting minutes. A MOTION was made by Commissioner Bonine to approve the minutes; the motion was SECONDED by Commissioner Ferguson to approve the minutes as presented. All in favor. (Richard Jones was unable to vote due to technical difficulties at the time.) Motion carried.

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 Bonine asked to pull the Gillett SS-300 Sketch Plan from consent. Chairman Brandon-Wintermote asked for discussion – there was none. The item was pulled from consent.

Gillett SS-300 Sketch Plan: Donald and Dana Gillett request approval of the application and sketch plan of the Gillett Simple Subdivision (SS-300). The applicants are proposing to create a simple subdivision comprised of two 10.0 +/- acre lots for residential use. This proposed subdivision is located approximately 2 miles south of Powell in Lots 51-K and 51-N, Resurvey of T55N, R99W of the 6th P.M., Park County, Wyoming in a General Rural-Powell (GR-P) zoning district.

Kim Dillivan, Assistant Planning Director, presented the Staff Report.

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

- Commissioner Bonine made a comment that with this staff report on SharePoint there were no attachments from any of the agency referrals.

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- Commissioner Bonine asked a question relating to access. He related to Cope Trail which did not exist at the time of the earlier subdivisions. There is now reference to Cope Trail and a Road Maintenance Agreement. He does not see where there is a recorded easement granting access to the parcels, therefore he has questions regarding legal access.
- The Planning Director said Cope Trail has been approved by the road naming committee and will exist whether this subdivision is approved or not. Gillett South (MS-65) has been approved but not yet recorded as they need to complete the improvements set forth in the Subdivision Improvements Agreement. All of the easements should currently be recorded, and a road maintenance agreement has been signed by all parties and if not yet recorded, will be recorded soon. Staff will confirm the status of the recordation of the documents.
- Brian Edwards, County Engineer, has no comments other than that Cope Trail was named and is to be improved to County standards. He has no concerns at this time.

Chairman Brandon-Wintermote welcomed the applicant to present on their application.

- Rusty Blough of Morrison-Maierle, the applicant's representative, said he does not know for sure if all the easements have been recorded. Should the plat be approved for the Gillett SS prior to the recording of the easements, they will be recorded with this plat.

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

- Commissioner Bonine sought clarification if the easements exist separately from the plat or are they part of the plat.
- Rusty Blough said per the latest request of the Planning Department they have to be filed separately.
- The Planning Director provided further clarification that when properties outside of the platted subdivision are being granted easement, separate easements are being required for each of these instances.

Chairman Brandon-Wintermote asked if any Commission members had further questions or comments.

- Commissioner Jones mentioned that there is not a condition referencing the road easement issues.
- Chairman Brandon-Wintermote asked the Planning Director for her thoughts.
- The Planning Director indicated that if the Commission wishes to add a condition, it would be appropriate.
- Commissioner Bonine said due to the nature of the new requirement, he would like to see a separate condition that applicant shall ensure that all easements pertaining to Cope Trail, in addition to the Road Maintenance Agreement, are recorded prior to final plat review by the Board of County Commissioners.

Commissioner Bonine made a MOTION to recommend approval of the Gillette SS-300 Sketch Plan by Resolution 2022-47 based upon the findings presented and including the following conditions:

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1. The applicant shall provide all easements as requested by applicable utilities and special districts, irrigation districts or public agencies providing services. The width of any utility easement shall be sufficient to allow adequate maintenance of the system, but in no case shall such utility easement be less than 20 feet in width. Easements must be identified on the final plat;
2. The applicant shall provide a response from the Park County Public Works Department to the Planning and Zoning Department, prior to final plat review by the Board of County Commissioners;
3. The applicant shall provide a response from USPS, and the local communications and electricity provider, prior to final plat review by the Board of County Commissioners;
4. The applicant shall provide a Water Distribution Plan that has been approved by the Shoshone Irrigation District to the Park County Planning and Zoning Department, prior to final plat review by the Board of County Commissioners;
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 applicant shall place a condition on the final plat that any access approach that is intended to serve the lots of this subdivision shall meet Park County Road & Bridge Standards and will require a Right-of-Way Permit from Park County Public Works Department;
7. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991;
8. The applicant shall ensure that all easements pertaining to Cope Trail, in addition to the Road Maintenance Agreement, are recorded prior to final plat review by the Board of County Commissioners; and
9. The applicant shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306.

The motion was SECONDED by Commissioner Ferguson. All in favor. Motion carried. See Resolution 2022-47 attached hereto and incorporated herein.

REGULAR AGENDA

No items

Chairman Brandon-Wintermote delivered the Chair's report.

Joy Hill presented the Planning Director's report.

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There being no other business, a MOTION was made by Commissioner Jones to adjourn the meeting at 1:48pm. The motion was seconded by Commissioner Bonine. All in favor. Motion carried.

Respectfully submitted,



Jolene Brakke, Secretary

**RESOLUTION 2022 - 47
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
GILLETT SIMPLE SUBDIVISION SS-300 (SS-300) SKETCH PLAN**

WHEREAS, Rusty Blough, as agent for Donald & Dana Gillett, proposes to create two lots from an existing 20.00-acre parcel in the GR-P zoning district and the Powell planning area. The creation of this subdivision will produce two 10-acre lots 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 December 21, 2022 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision Permit Application, including payment, was received on November 1, 2022;
2. A revised sketch plan was received on December 8, 2022;
3. The applicant requests approval of the sketch plan for a subdivision to create two 10.0-acre lots from an existing 20.0-acre parcel, each for residential use in the GR-P zoning district and the Powell planning area;
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. Ownership is affirmed Warranty Deed dated November 19, 2022 (Doc. #2021-8176), to Donald S. Gillett and Dana K. Gillett, husband and wife as tenants by the entirety, not as joint tenants or tenants in common;
7. The parcel is located in Lot 51-K and Lot 51-N of Lot 51, T55N, R99W, 6th P.M., Park County, Wyoming;

8. The proposed subdivision is located approximately two miles south of Powell and south of County Lane 11H on the east side of Cope Trail, south of and adjacent to Graceland MS-64;
9. The neighboring land uses are primarily residential and residential/vacant lands to the north and east of the proposed subdivision. Lands bordering the west and south property lines are designated agricultural. Graceland MS-64 borders the northern boundary and Shoshone C-59 subdivision is adjacent to the west boundary;
10. The proposed subdivision is not within a mile of any municipality; therefore, municipal review is not required;
11. The proposed subdivision is situated on vacant land, currently in crop production;
12. The topography is relatively flat;
13. The subdivision is located in the General Rural Powell (GR-P) zoning district;
14. The lot size proposed is consistent with the GR-P zoning district;
15. A Notice of Intent to Subdivide was published in the Powell Tribune on July 7, 2022 and July 14, 2022. However, the application was not filed until November 1, 2022. Therefore, the applicant re-published the notice on December 8, 2022 and December 15, 2022;
16. All agency referral requirements have been met;
17. Wyoming DEQ provided agency contacts and information for permitting associated with various construction activities;
18. Park County Treasurer stated taxes are not due;
19. Park County Fire Protection District #1 is able to provide fire protection to the proposed subdivision;
20. Park County School District #1 has bus service available to this subdivision;
21. Montana-Dakota Utilities Company stated that natural gas service is available by way of a new 2" natural gas main on the west side of Cope Trail. The service line installation to each lot can be initiated once a structure is erected that will use natural gas;
22. Shoshone Irrigation District requires a Water Distribution Plan and a draft plan has been submitted by the applicant for review by the District;
23. The Powell Clarks Fork Conservation District submitted a soils report identifying three soil types, all of which are rated as not limited for dwellings with or without basements. Soil types vary from somewhat limited to very limited regarding septic tank absorption fields;

24. The Wyoming Game & Fish Department stated they have no terrestrial wildlife concerns, but offered their standard subdivision recommendations;
25. Park County Weed and Pest concluded that a Long-Term Noxious Weed Management Plan will not be required; however, they recommend adhering to *Best Management Practices for Preventing the Spread of Noxious Weeds*;
26. TCT, USPS, Garland Light and Power, and Public Works were contacted but have not provided comment;
27. No public comments have been received;
28. A pre-application meeting was held on July 1, 2022;
29. A title report dated June 7, 2021 has been provided by the applicant;
30. No new roads are proposed as part of this subdivision;
31. Access is proposed from Cope Trail (a private road) and the proposed lots will be subject to an existing Road Maintenance Agreement;
32. Solid waste disposal service can be provided by private service providers;
33. Simple subdivisions are not required to install utilities, however natural gas and electric services are available;
34. No hazardous features are known to exist on the property;
35. Application submission requirements for sketch plan review have been met;
36. Wastewater requirements pertaining to sketch plan review have been met;
37. A perc test completed on proposed Lot 2 found a perc rate of 14 mpi;
38. A depth-to-groundwater cut completed on proposed Lot 2 found no groundwater at a depth of 10 feet;
39. The Park County Small Wastewater Administrator stated that conventional septic systems will likely be sufficient for this proposed subdivision;
40. Domestic water requirements have been met;
41. A water sample was taken from a nearby well and the test results indicate the water sample meets the Safe Drinking Water Act (SDWA) requirement because no E-coli nor total coliform were detected;
42. The well water sample contained no Lead nor Arsenic; nitrogen was detected at 0.03 mg/L and TDS was detected at 158 mg/L;

43. Agricultural impacts have been addressed;
44. The property is not located in an Agricultural Overlay District;
45. No stream or river passes within or adjacent to the property;
46. No state review of water rights is required;
47. Water rights requirements pertaining to sketch plan have been met;
48. Lot standards have been met;
49. No common maintenance of facilities is proposed;
50. Easement standards apply;
51. No drainage, sidewalks, street lighting or alleys are proposed;
52. The subdivision is not within a Flood Overlay District; and
53. No open spaces, natural areas, schools, or parks are proposed or required.

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

NOW, THEREFORE, BE IT RESOLVED based on the foregoing, the Planning & Zoning Commission hereby recommends approval of the sketch plan for Gillett SS-300, 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 a response from the Park County Public Works Department to the Planning and Zoning Department, prior to final plat review by the Board of County Commissioners;
3. The applicant shall provide a response from USPS, and the local communications and electricity provider, prior to final plat review by the Board of County Commissioners;

4. The applicant shall provide a Water Distribution Plan that has been approved by the Shoshone Irrigation District to the Park County Planning and Zoning Department, prior to final plat review by the Board of County Commissioners;
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 applicant shall place a condition on the final plat that any access approach that is intended to serve the lots of this subdivision shall meet Park County Road & Bridge Standards and will require a Right-of-Way Permit from Park County Public Works Department;
7. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991;
8. The applicant shall ensure that all easements pertaining to Cope Trail, in addition to the Road Maintenance Agreement, are recorded prior to final plat review by the Board of County Commissioners; and
9. The applicant shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306.

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

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


Kimberly Brandon-Wintermote, Chairman

ATTEST:


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, December 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 November 16, 2022, meeting.

CONSENT AGENDA

[Gillett SS-300 Sketch Plan](#)

REGULAR AGENDA

No items

OTHER BUSINESS

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

ADJOURN

WORK SESSIONS (The work sessions are open to the public however, public comment will not be received during the sessions.)

[Old Faithful RV Park Site Plan Pre-application](#)

[Land Use Plan Draft Review](#)