

Planning & Zoning Commission Minutes

January 18, 2023

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
 Robert Ferguson
 Guy Eastman
 Brian Peters

Staff Present:

Joy Hill, Planning Director
 Kim Dillivan, Assistant Director
 Jenny Cramer, Planner I
 Jolene Brakke, Office Assistant III (by virtual means)
 Mary McKinney, Weed and Pest (by virtual means)

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

ELECTION OF OFFICERS

Chairman Brandon-Wintermote explained the rules for selecting officers. Commissioner Ferguson nominated Chairman Brandon-Wintermote for Chairman and Commissioner Bonine to serve as Vice Chair. Commissioners Brandon-Wintermote and Bonine consented to serve. SECOND by Commissioner Peters. All in favor. Motion carried.

APPROVAL OF MINUTES

Chairman Brandon-Wintermote asked the Commission for comments or changes to the December 21, 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. Motion carried.

REGULAR AGENDA

PUBLIC HEARING – Rose Minor Subdivision-71 (MS-71): Leslie Rose requests approval of a minor subdivision. The proposed subdivision is comprised of two lots: one 10.34-acre lot and one 14.43-acre lot, each for residential use. The proposed subdivision is located in Lot 2 of Oliver SS-102, Resurvey T52N, R103W of the 6th P.M., Park County, WY. The property is approximately six miles southwest of Cody in a General Rural 5-Acre (GR-5) zoning district with addresses of 15, 19 & 25 Road 6RT, Cody, Wyoming.

Chairman Brandon-Wintermote reviewed the rules of a public meeting and opened the public hearing at 1:05pm.

There being no comments from Commission members, Kim Dillivan, Assistant Director, presented the Staff Report.

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- 51 Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.
52 • Commissioner Bonine asked about an SUP – is it on this property? Kim clarified that it is
53 a neighboring property.
54 • Commissioner Bonine asked about groundwater being found at 5 feet [depth]. He
55 assumes there are or will be two septic systems and asked if they are engineered. Cody
56 Schatz said the system on Lot 1 is enhanced; the system on Lot 2 is not.
57 • Chairman Brandon-Wintermote said Public Works sent in an email about access. She
58 wondered if we received their official response.
59 • Mary McKinney, Weed and Pest, said she expects the landowner to manage for nuisance
60 weeds.

- 61
62 Chairman Brandon-Wintermote asked if the applicant had any questions or comments.
63 • Cody Schatz, Engineering Associates, is the applicant's representative. He said the
64 developer changed from three lots to two due to costs involved in upgrading the water
65 system for Northwest Rural Water District. As for the irrigation district, they met with them
66 last week. Lakeview does not own the ditch on the west side – it is some service off of
67 their main lateral. He does not know of a water association or group that maintains it.
68 Lakeview is going to require sprinkler-only. There will be two separate pump locations:
69 one in SW corner (existing box) and one on Lot 1 on the existing ditch. There will still be
70 an existing ditch in place. Other than that, all the other utilities are in place. We do not see
71 why a Subdivision Improvements Agreement (SIA) or (HOA) would be needed since
72 nothing would be shared.

- 73
74 Chairman Brandon-Wintermote asked if any Commission members had questions for the
75 applicant.
76 • The Planning Director asked who should/would need to install the pump infrastructure and
77 when.
78 • Chairman Brandon-Wintermote said this is in the Oliver SS that does have CCRs
79 (covenants) that covers this land. The Developer intends to continue with the existing
80 CCRs and does not plan to change or add covenants. Chairman Brandon-Wintermote
81 said that the CCRs may address irrigation infrastructure.

- 82
83 Chairman Brandon-Wintermote asked if there were comments from any members of the public.
84
85 • Janet Kempner is speaking on behalf of the applicant. She said the developer is a long-
86 time resident and this process is needed so she can stay where she is. She cares about
87 the community and the South Fork. It is personal for them. Her daughter lives on what will
88 be Lot 1. She encourages approval with those things in mind. We do not have a developer
89 proposing to pop up 20 houses.
90 • Walter Haslett lives directly across from Leslie [Rose] and Nicki [Haslett] on 6RT. When
91 they first moved there, there was nothing but horses and grass. In recent years, with the
92 irrigation district, we have had quite a few years where they have agricultural litter (hay
93 and manure) coming across to other properties. Folks have tried different solutions. They
94 tried a snow fence which did not work out because the snow landed on the road causing
95 a hazard. They have had to clean it up for a few years. People have come and cleaned it
96 with a machine. Leslie and Nicki have also helped to clean it up. He mentioned covenants
97 and an HOA. They would like to see some kind of assurance that there is something put
98 in place to contain "that stuff" from coming over so they do not have to keep cleaning it.
99 This is not minor cleanup. It has gotten to a point where you would not know there is a

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- 100 ditch because it is filled in. He does not want to stop anything or suggest stopping anything.
101 If there are assurances, that would help. They need some kind of containment.
- 102 • The Planning Director asked where the ditch is located – it is not in the proposed
103 subdivision and the property owners do not have easement for the ditch, it is being clogged
104 by debris blowing from the proposed subdivision. The Board has the opportunity to
105 consider conditions related to mitigating impact to or from agricultural activities; however,
106 in this case the property owners have nothing binding them to the maintenance of the
107 ditch. It is a difficult situation as it is basically out of the applicant's control.
 - 108 • Chairman Brandon-Wintermote asked about the existing arena on the property. Is there a
109 business being operated? Leslie Rose said they do rent their arena to people for riding. It
110 does not make big income. They charge so people will clean it out. They rent it for equine-
111 assisted therapy. She is grateful that she is able to have it to breed and train horses. She
112 has had quite a few horses on the property in the past. Because she has it, she is happy
113 to do it to help people out. If she makes \$1,500/year on it, that is about it. She does have
114 an LLC – meant for breeding and training initially; they do not do any more breeding. They
115 do sell some of their horses but have not done so in years. Most of the livestock that is
116 there is personal.

117
118 Chairman Brandon-Wintermote asked if there were additional questions.

- 119 • Commissioner Ferguson asked about the lay of the land. Mr. Haslett pointed on the map.
120 The ditch runs along the front of both lots on the opposite side of the road. His property is
121 on the other side of the road. He believes that it was in their covenants that they had to
122 maintain the ditches. His point is that there is maintenance and then there is excessive
123 maintenance. No one has a problem with normal maintenance. Commissioner Ferguson
124 said it is hard to make requirements for an easement that is not on the subdivided property.
125 Mr. Haslett said he was just hoping for some sort of containment. It is directly across from
126 the whole subdivision property.
- 127 • Nicki Nardacci said it has been an ongoing issue. They have baled hay to contain it. They
128 spent about \$2,500 to fertilize the pastures to cut down on the dirt coming off the property.
129 They are making considerable changes. They even agreed to do the snow fence which
130 caused a safety hazard, so they have not put that back up.
- 131 • Chairman Brandon-Wintermote asked about the manure – is it being hauled off on a
132 regular basis. She has seen some real problems. Nicki said there are 20 horses on the
133 pasture – there is not a lot of hauling it out. They do pasture management and they do
134 clean the arena. The pasture went from being small to 2 feet last year. They have been
135 trying.

136
137 The Commission had discussion:

- 138 • Chairman Brandon-Wintermote asked if the Commission wanted to see a note on the plat
139 about subsurface evaluations – sort of a buyer beware about needing enhanced systems.
140 Commissioner Peters asked if it was standard for the County to place this on all lots like
141 this. Chairman Brandon-Wintermote said they do try to notify the lot owners.
142 Commissioner Bonine said what is different about this is that most land is not developed.
143 Where this subdivision is already developed it is a little different. Commissioner Peters
144 said when he saw the information, he was concerned about the groundwater at five feet.
- 145 • The Planning Director pointed out that having this information on the plat is not only
146 beneficial to the future property owner, but also to the Planning and Zoning Department
147 when processing future small wastewater system applications.
- 148 • Cody Schatz said that the requirement is that you have to do a perc test on half of the lots.
149 We only did it in this case because a house is planned. Commissioner Ferguson said it is

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- 150 reasonable to put a note on the plat, not just for Planning and Zoning but also for future
151 buyers. He recommends we make that a condition.
- 152 • The Planning Director added that if one of the existing systems fails, it will need to be
153 replaced and at that point, they may require an enhanced system.
 - 154 • Chairman Brandon-Wintermote said she thinks all the conditions need to stay but asked
155 about #4. Commissioner Bonine said that until they have an approved water distribution
156 plan, they will not know what is required. Same with Condition #5.
 - 157 • Chairman Brandon-Wintermote asked if there should be a condition for receipt of a formal
158 response from Public Works.

159

160 Commissioner Bonine made a MOTION to close the hearing at 2:01pm; SECONDED by
161 Commissioner Ferguson. All in favor. Motion carried.

162

163 Commissioner Bonine made a MOTION to approve Rose MS-71 by Resolution 2023-01 based
164 on the findings presented and including the following conditions:

165

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

171 2. The applicant shall provide to the Planning and Zoning Department an
172 approved Long-Term Noxious Weed Management Plan, prior to final plat
173 review by the Board of County Commissioners;

174 3. The applicant shall provide to the Planning & Zoning Department a review
175 and recommendations from the Lakeview Irrigation District regarding the final
176 water distribution plan, prior to final plat review by the Board of County
177 Commissioners;

178 4. Following Board approval of the sketch plan and prior to the Board's review
179 of the final plat, the applicant shall submit an appropriate Subdivision
180 Improvements Agreement addressing all applicable required improvements
181 (e.g., irrigation infrastructure) for review by staff and approval of the County
182 Attorney and the Board, if applicable;

183 5. A draft Homeowners Association Agreement that addresses all applicable
184 shared improvements (e.g., shared irrigation infrastructure) must be
185 submitted to the Planning & Zoning Department prior to Sketch Plan review
186 by the Board of County Commissioners, if applicable;

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

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

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- 192 8. The applicant shall provide a response from Park County Public Works prior
193 to final plat review by the Board of County Commissioners;
- 194 9. The applicant shall place a note on the final plat stating the potential for high
195 seasonal groundwater and enhanced septic systems may be required; and
- 196 10. The applicant shall otherwise comply with standards in the Park County
197 Development Regulations and the minimum subdivision requirements as set
198 forth in Wyoming Statute 18-5-306.

199 The motion was SECONDED by Commissioner Ferguson. All in favor. Motion carried. See
200 Resolution 2023-01 attached hereto and incorporated herein.

201

SETTING THE 2023 SCHEDULE

- 203 • February 15, 2023
204 • March 15, 2023
205 • April 19, 2023
206 • May 24, 2023
207 • June 21, 2023
208 • July 19, 2023
209 • August 16, 2023
210 • September 13, 2023
211 • October 18, 2023
212 • November 15, 2023
213 • December 20, 2023
214 • January 17, 2024

215

216 Chairman Brandon-Wintermote wished Commissioner Ferguson well. He submitted his
217 resignation due to taking a new job and being unable to commit his time to the meetings.
218 Commissioner Ferguson shared his appreciation of the Commission and Staff.

219

REVIEW OF COMMISSION RULES AND REGULATIONS

220

221 Commission members agreed to review their rules in advance of the regulation amendments, so
222 they are ready

223

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

225

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

227

228 There being no other business, a MOTION was made by Commissioner Bonine to adjourn the
229 meeting at 3:16pm. The motion was seconded by Commissioner Peters. All in favor. Motion
230 carried.

231

232 Respectfully submitted,

233

234

235

236



Jolene Brakke, Secretary

**RESOLUTION 2023 - 01
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
ROSE MINOR SUBDIVISION-71 (MS-71) SKETCH PLAN**

WHEREAS, Leslie Rose proposes to vacate Lot 2 of the Oliver SS-102 and create a two-lot subdivision comprised of one 10.34-acre lot and one 14.43-acre lot, each for residential use;

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 January 18, 2023 to consider the sketch plan application and made findings as follows:

1. A Minor Subdivision Application, including payment, was received from Leslie Rose on December 15, 2022;
2. A revised sketch plan was received on December 29, 2022;
3. The applicant requests approval to vacate Lot 2 of the Oliver SS-102, and create a two-lot subdivision comprised of one 10.34-acre lot and one 14.43-acre lot, each for residential use;
4. Ownership is affirmed by Warranty Deed (dated May 9, 2018, Doc. #2018-2425) to Leslie A. Rose, Trustee of the Leslie A. Rose Revocable Trust Dated May 9, 2018;
5. Applicable Regulations for this development are the *Park County, Wyoming 2015 Development Standards and Regulations* adopted September 15, 2015 ("Regulations");
6. This subdivision is classified as a minor subdivision;
7. The parcel is described as Lot 2, Oliver SS-102, according to the plat recorded in Cabinet "I" at page 177, Park County, Wyoming;
8. The property is in a General Rural 5-Acre (GR-5) zoning district;

9. The lot sizes as proposed are consistent with the GR-5 zoning district;
10. The proposed subdivision is located approximately six miles southwest of Cody and approximately 650 feet south of Highway 291 on the west side of County Road 6RT;
11. Proposed Lot 1 and Lot 2 are developed, each with an existing residence, outbuildings, and irrigated pastureland. The property is relatively flat;
12. Neighboring land uses are primarily residential and residential vacant lands. Bliss Creek Outfitters Guide and Packing School (SUP-95) borders the southeast corner of the proposed subdivision;
13. This property is not located within one mile of any municipality; therefore, municipal review is not required;
14. Notice of Intent to Subdivide requirements have been met;
15. Notice of Public Hearing requirements have been met;
16. Agency referral requirements have been met;
17. TCT stated they have terrestrial wireless service available and may be able to provide internet and VOIP phone service;
18. Park County Fire Protection District #2 stated they can provide fire protection to the proposed subdivision;
19. Black Hills Energy currently serves each proposed lot and will likely be able to serve an additional proposed residence on Lot 1;
20. USPS stated they can deliver mail for the new address;
21. Park County School District #6 will provide transportation to and from school for any students residing within the proposed subdivision;
22. Wyoming Department of Environmental Quality has provided information regarding activities that would require permitting from their office;
23. Northwest Rural Water District currently serves proposed Lots 1 and 2;
24. The Park County Treasurer stated property taxes are current on this parcel;
25. Wyoming Game & Fish Department stated they have no wildlife comments; however, they provided their standard subdivision considerations;
26. Cody Conservation District submitted a soils report indicating that soils are 1) moderately favorable to favorable for dwellings with or without basements, 2) moderately favorable for road and street placement due to frost action and shrink-swell, and 3) moderately favorable for septic tank absorption fields;

27. Park County Public Works has stated that both lots have legal access and direct frontage to County Road 6RT;
28. Rocky Mountain Power has confirmed they can serve each lot with existing infrastructure;
29. Park County Weed & Pest found the presence of noxious weeds and is requiring a Long-Term Noxious Weed Management Plan;
30. Lakeview Irrigation District has not yet reviewed or approved a Water Distribution Plan;
31. No public comments have been received;
32. A pre-application meeting was held on November 2, 2022;
33. A title report has been submitted;
34. Solid waste disposal services are available through private companies;
35. Rocky Mountain Power currently serves proposed Lot 1 and Lot 2;
36. No hazardous features are known to exist on the property;
37. The Lakeview Irrigation District has been notified;
38. Access to proposed Lot 1 and Lot 2 exists from separate, individual driveways from County Road 6RT;
39. Application submission requirements for sketch plan have been met;
40. Wastewater requirements pertaining to sketch plan review have been met and, based upon subsurface evaluation information provided by the applicant, engineered systems may be required due to high groundwater;
41. Percolation test data found a perc rate of 40 mpi;
42. An excavation cut found seasonal high groundwater at a depth of 5 feet;
43. Wastewater requirements pertaining to sketch plan review have been met;
44. Northwest Rural Water service is provided to proposed Lot 1 and Lot 2;
45. Domestic water requirements pertaining to sketch plan review have been met;
46. Agricultural impacts have been addressed including impacts to and from agricultural activities on or near the property;
47. The property is located within an Agricultural Overlay District;
48. No stream/river passes within or adjacent to the proposed subdivision lots;
49. No state review of irrigation water rights is required;

50. Water rights requirements pertaining to sketch plan review have been met;
51. Utility requirements pertaining to sketch plan review have been met;
52. Lot standards have been met;
53. No new roads, sidewalks, street lighting, alleys or open spaces are proposed;
54. Should common maintenance of irrigation or other facilities be proposed, a Homeowners Association Agreement will be required;
55. The subdivision is not located within an Airport or Flood Overlay District;
56. No open spaces, natural areas, schools or parks are proposed or required;
and
57. All approval standard requirements of sketch plan review have been met.

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 Rose Minor Subdivision-71 (MS-71), subject to the following conditions:

1. The applicant shall provide all easements as requested by applicable utilities and special districts, irrigation districts or public agencies providing services. The width of any utility easement shall be sufficient to allow adequate maintenance of the system, but in no case shall such utility easement be less than 20 feet in width. Easements must be identified on the final plat;
2. The applicant shall provide to the Planning and Zoning Department an approved Long-Term Noxious Weed Management Plan, prior to final plat review by the Board of County Commissioners;
3. The applicant shall provide to the Planning & Zoning Department a review and recommendations from the Lakeview Irrigation District regarding the final water distribution plan, prior to final plat review by the Board of County Commissioners;
4. Following Board approval of the sketch plan and prior to the Board's review of the final plat, the applicant shall submit an appropriate Subdivision Improvements Agreement addressing all applicable required improvements

- (e.g. irrigation infrastructure) for review by staff and approval of the County Attorney and the Board, if applicable;
5. A draft Homeowners Association Agreement that addresses all applicable shared improvements (e.g., shared irrigation infrastructure) must be submitted to the Planning & Zoning Department prior to Sketch Plan review by the Board of County Commissioners, if applicable;
 6. The applicant shall place the following note on the final plat: "Any proposed water wells on these subdivision lots shall be permitted by the Wyoming State Engineer's Office prior to installation";
 7. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991;
 8. The applicant shall provide a response from Park County Public Works prior to final plat review by the Board of County Commissioners;
 9. The applicant shall place a note on the final plat stating the potential for high seasonal groundwater and enhanced septic systems may be required; and
 10. 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 18th day of January, 2023.

**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, January 18, 2023 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.

ELECTION OF OFFICERS

APPROVAL OF MINUTES

Approve minutes from December 21, 2022, meeting.

REGULAR AGENDA

[Rose MS-71 Sketch Plan](#)

OTHER BUSINESS

1. Discuss review and update of commission rules within regulations
2. Chair's Report
3. Planning Director's Report

ADJOURN

PLEASE SIGN IN

PLANNING and ZONING COMMISSION REGULAR MEETING January 18, 2023

		Rose MS-71 Sketch Plan	
	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	<i>Lia Trotter</i>	<i>Rose</i>	<i>No</i>
2	<i>Hilli Davison</i>	<i>Rose</i>	
3	<i>Leslie A. Rose</i>	<i>Rose</i>	<i>No</i>
4	<i>Janet Kempner</i>	<i>Rose</i>	<i>Yes</i>
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