

1 **Planning & Zoning Commission Minutes**

2 February 15, 2023

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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 Guy Eastman
11 Brian Peters

12
13 **Staff Present:**

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

22
23 Chairman Brandon-Wintermote opened the meeting at 1:00pm.

24
25 **APPROVAL OF MINUTES**

26
27 Chairman Brandon-Wintermote asked the Commission for comments or changes to the January
28 18, 2023, meeting minutes. A MOTION was made by Commissioner Bonine to approve the
29 minutes; the motion was SECONDED by Commissioner Eastman to approve the minutes as
30 presented. All in favor. Motion carried.

31
32 **REGULAR AGENDA**

33
34 **PUBLIC HEARING – Be There Beartooth Ranch SUP-245:** Be There Beartooth Ranch by
35 agents Scot & Gretchen Hutton requests approval of the application for the Be There Beartooth
36 Ranch SUP-245. The applicants propose a major institutional use to host a three-week outdoor
37 adventure camp each summer for teenage youth as part of the Central Minnesota Youth for Christ.
38 The use is proposed within ten parcels totaling approximately 125 acres (with most of the guest
39 activity occurring in a smaller, concentrated area) located approximately 26 miles northwest of
40 Powell, west of State Highway 120, with addresses of 145, 157 & 197 Louis L'Amour Lane. The
41 parcels are comprised of 12 lots located in the Line Creek Wilderness Subdivision, within Sections
42 25, 30 & 31, T58N, R102W & R103W of the 6th P.M., Park County, Wyoming. The property is in
43 a General Rural 20-Acre (GR-20) zoning district.

44
45 Chairman Brandon-Wintermote reviewed the rules of a public meeting and opened the public
46 hearing at 1:03pm.

47
48 There being no comments from Commission members, Kim Dillivan, Assistant Director, presented
49 the Staff Report. Kim identified an error on the area map (Figure 4) shown in the staff report –
50 certain stars which are meant to identify the properties related to the use were shifted south of
51 the properties by accident.

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52 Kim summarized the written comments received by six members of the public. Within the written
53 comments, there were concerns about the notices for the public hearing – they should have been
54 sent to all lot owners in the Line Creek Wilderness Subdivision; liability in common areas and
55 roads (Louis L'Amour Lane); observations of employees cutting vegetation in the common area
56 for a horse trail being in violation of covenants; recent construction that may harm the
57 environment; belief that the Huttons are making money on a dude ranch use on the property;
58 disturbances, use of 4-wheelers, noise; possibility of weed infestation; unpermitted use for 18
59 years; lots should be for residential use only and common area should be for resident use only;
60 additional traffic; unpermitted septic systems. Three letters were written in support of the use.
61 Also received an additional response from Connie King including her address. Also received a
62 response from the Huttons responding to some of the written comments. They said they have
63 insurance for each property. The church has insurance and there is a release form for all
64 participants. They addressed storage of food (dog food). Regarding notification they felt the
65 Department followed guidelines. They try to maintain safety and trails. They addressed the new
66 structures and a recent fire that led to the need to rebuild. They commented on dude ranch – not
67 terminology that has been used. They addressed funding. They addressed light, noise, ATV use
68 (not for recreational joyriding), weed management.
69

70 Kim provided clarification on small wastewater disposal on Lot 57. The Huttons said the outhouse
71 on the north part of the property pre-dated their ownership. It is a vault toilet. Just below that,
72 there is a 1-bedroom guest apartment (“gathering space”) that has a restroom – there is an in-
73 ground septic. This pre-dated their ownership. The original structure burned down, and they
74 rebuilt a new gathering space. There is a cistern for drinking water that is filled by the well. Below
75 the line of trees, there is another outhouse and a building, both which have been permitted by the
76 county in 2006. There is going to be an additional septic facility for a building that is under
77 construction (storage) that will have two bathroom stalls. They propose two, 200-gallon septic
78 tanks. There are 4 different septic systems. On Lot 61, where the ranch manager lives, there is
79 an in-ground system to serve the residence.
80

81 Kim corrected that Beartooth Electric provides electricity. The applicants plan to dispose of solid
82 waste themselves – taking to a local landfill. They use bear-proof containers.
83

84 The Planning Director addressed the matter of the neighbor notices. We identify parcels that are
85 subject to the use and create a buffer of 660 feet around the use. The address information for
86 any parcel within that buffer is utilized to create the mailing list. This information is pulled from the
87 County Assessors office. The common areas do not show ownership and therefore, were not
88 included in the mailing. It is the County Attorney’s decision that all owners within the subdivision
89 should have been notified but that this clerical error does not negate the validity of this hearing.
90 Should this project move forward or be continued, all property owners within the subdivision will
91 be notified in addition to those within the 660-foot buffer.
92

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

- 94 • Commissioner Bonine asked about the building under construction on Lot 57 – there is an
95 application for a septic permit. Commissioner Bonine wanted to know if it were for a vault
96 or an in-ground system. Kim said there is a permit application for the structure with two
97 types of storage and a restroom. The applicant proposes two 200-gallon tanks that will be
98 pumped out (vault disposal). There are two other vaults on the property that are already
99 pumped. The other system is in-ground, and we have no permit on file for that.
- 100 • Commissioner Peters asked about the determination of the covenants to the lots. Jennifer
101 Cramer, Planner I, said the covenants identify specific lots and only Lot 54 is listed (it is
102 also vacant). Kim said the applicant may use Lot 54 for horseback riding. Commissioner

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- 103 Peters asked for clarification regarding the ability of the applicant to utilize the common
104 areas. The Planning Director stated that the covenants do not specify access, the plat
105 defines the access.
- 106 • Chairman Brandon-Wintermote asked about no response from the fire marshal. The
107 Planning Director clarified that the Fire Marshal has been notified of this project and has
108 indicated that if he does not provide a response, then there are no concerns. However, if
109 the Planning Commission feels a response is necessary in this matter, a condition can
110 certainly be added to that effect.
 - 111 • Chairman Brandon-Wintermote said the site plan was not adequate to see the structures
112 and elevations on the property.
 - 113 • Ben McDonald, Public Works, addressed the statement about the bridge. They had
114 responded that they do not have concerns about the bridge. The bridge is private and is
115 not the County Engineer's jurisdiction. They do not have a position on the bridge. The road
116 system is the responsibility collectively of the landowners, in his opinion. There are several
117 other residences and uses of the bridge. They had received a call from Ms. Thomas with
118 concerns about liability – we do not have an answer or a position on that. If the fire marshal
119 or other people requested follow-up or had concerns, they can ask for a rating. There are
120 other means of ingress and egress aside from that bridge. This is not the sole access. It
121 is also not our jurisdiction. They are not addressing the good/bad condition of the bridge.
 - 122 • Mary McKinney, Weed and Pest, explained her reasoning for not requiring a long-term
123 weed plan. They have been dealing with spotted knapweed in the area for decades. They
124 have been working with the applicant. They survey and do treatments each year in the
125 entire area. The applicant already has a landowner agreement/contract for mitigation of
126 the species. Even though they won't have a weed plan, we require them to follow best
127 management practices for any activity they do, including any ground disturbance – even
128 such as equipment use for installation of a septic system/construction. They need to use
129 weed-free forage when crossing properties. They are required to clean equipment and
130 any gear used with livestock. They are required to handle livestock waste. She
131 recommends that they identify and flag the infestations to ensure that more mitigation is
132 being done by the Weed and Pest District. She has visited with the applicants about
133 visiting with their staff when they arrive to educate them and the campers about the weeds.
 - 134 • Chairman Brandon-Wintermote asked about ATV use and related concerns. Mary said
135 that is part of the cleaning of equipment before leaving the property.

136

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

- 138 • Gretchen Hutton, the applicant, said they have owned property up there for almost 20
139 years. They have experienced significant events. Blow out of a well west of them. A wildfire
140 that destroyed much of what they owned. Another fire in 2021 of which they are still
141 recovering from losses. Each time something happens, they re-evaluate what they are
142 doing and what they want to do. They do not make money on it (the camp) or charge
143 anything – it is a charitable piece of how they live life. They want to give teens experiences,
144 fully supervised. A lot of the staff they know in advance, and they are vetted and go through
145 extensive training before they arrive. 6-24 campers per 5-day session (three weeks).
146 Some years it has been one week or two weeks. We would like to be allowed to have up
147 to three weeks. There are families that come as family units that come to serve as a family
148 unit – which can take our numbers up to 52 for meals. They serve breakfast, head off on
149 an adventure, come back in time for supper, have an evening campfire. They constantly
150 use lamp fire – it is iconic to the camp. They have had a chance to evaluate and re-
151 evaluate and are thrilled to be doing what they are doing and would very much like to
152 continue doing it. As far as the evening lamp fires, it adds up to being a max of 15 nights
153 of the summer. Initially there will be laughter and singing and then they settle in for an

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154 evening speaker. Then off to bed. The number of vehicles, because they come in vans,
155 they probably never have more than 10 vehicles on site at one time (most often less). As
156 far as registered letters to the full neighborhood – that can happen – but it is an expensive
157 endeavor (will be over \$425 for them).

158 • Scot Hutton, the applicant, addressed the liability issues – they have documents available
159 as to how they have handled liability in the past. The National Youth for Christ has activities
160 like this all over the country. They have a management team that looks at this and covers
161 all activities on the property. In addition, they have their own personal liability insurance to
162 cover the property. Each parent signs a waiver for activities about inherent risks – and a
163 medical release. Having all that in place does not mitigate a lawsuit but does show that
164 they have addressed those issues. As for the covenants, which were created long before
165 them, they have never been processed into a homeowner's association. Apparently, they
166 have continued forward. There have been concerns that what they are doing does not fit
167 in with single-family residences. When they were written, there were not things like VRBOs
168 or short-term rentals – there are several in the subdivision. If you want to talk about
169 sewage and campfires, that is probably the greatest risk. We have no idea how those uses
170 (short-term rentals) have been regulated. As for the vaulted outhouses – they are closed
171 and pumped once a year at the end of the camp. The waste is taken to a Park County
172 waste disposal site. The addition of the two new vaulted structures does not increase the
173 amount of waste that is generated – it just disperses it to more vaults. Gretchen said that
174 due to the fires some of the wall tents and trees burned, they had to move them. They
175 have tried to tuck those things into the lease intrusive (to site or noise), but it did require a
176 new structure and consideration of wear and tear on the land. They are trying to be good
177 stewards of the land. Trying to keep it relatively primitive.

178 • Scot also added that the only camp activity that takes place within the common ground is
179 a trail ride – that is a very limited portion of the horse program. These kids come from an
180 environment where trust has been shattered. They learn how to stand by a horse and trust
181 that. It enhances their character. Most of the horse activity occurs where there is a rail.
182 There is an arena where the initial riding is done. If kids are not capable of a trail ride, they
183 are held back. It is done in a way that enhances the safety of the kids. The trails that they
184 have groomed, comply with the covenants and are usable by anyone in the subdivision.
185 The covenants say that if you put a picnic table in the common area, you and others can
186 use it. The same approach has applied to trail rides in the common ground. The rest of
187 the trail rides occur on their own property or other property they have been given
188 permission to use.

189 • Gretchen said they are always looking for educational opportunities for the kids and the
190 teachers. This is not Minnesota. We are always watchful for educational opportunities.
191 They do service projects – new environments and weed control, removing old fence lines
192 to protect wildlife, native grasses.

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

195 • The Planning Director addressed the concern of insurance/liability related to the
196 covenants. It has been identified in the covenants that the Line creek Wilderness
197 Homeowners Association was to be established as part of the covenant agreement. We
198 have been unable to find any evidence that this association exists. If this has not been
199 done, there could be concern that the covenants are not valid. This may be something
200 that the subdivision property owners may want to look into.

201 • Commissioner Bonine asked the Huttons about the insurance for their property. How do
202 they mitigate the liability of the other landowners in the common area? Does their policy
203 indemnify the other landowners? Scot said theirs does not, but the National policy feels
204 that it covers both their property and the common ground. Gretchen said their liability

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205 insurance covers any participants with Youth for Christ, whatever activity they are doing,
206 whatever property they are on. Scot added that on that policy they have a document, that
207 will be renewed in May, that states that the ranch is covered under the policy.

208 • Chairman Brandon-Wintermote asked the applicant about evidence of adequate water
209 supply. All that has been stated is that bottled water will be used for cooking. What about
210 bathing? Scot said due to the well blow-out in 2006, since then, each of the wells is tested
211 regularly – and has never shown any contamination. The pollution never crossed Line
212 Creek. None of our wells have ever tested positive for abnormalities. Because of that
213 issue, the oil company first provided bottled water to everyone impacted. We got used to
214 using it. Bathing is not done with the bottled water – we use well water. He has a 2,000-
215 gallon+ cistern on site which was there when they bought the property. It has been used
216 and tested on a regular basis under the direction of Wyoming DEQ. Chairman Brandon-
217 Wintermote asked if the test results could be provided to staff – Scot said yes. Chairman
218 Brandon-Wintermote asked if there is any signage to say that the water is not potable/safe.
219 Gretchen said it is not that it is not safe; the kids keep water bottles on them at all times
220 and they fill them with the bottled water system. There is nothing wrong with their water.
221 They personally use it all the time. Guests will ask if the water is okay to use and they say
222 yes because it is, and it has been thoroughly tested.

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

224 - Jerry Hill said he knows the Huttons have been doing this use for a long time. He once
225 went down the wrong road (in life). There are not many places to go for youth to be able
226 to do this type of program. Stuff like this has saved his life. He hates to see something like
227 this go away.

228 - Donald Tolman lives in the area and borders the subdivision. He salutes and supports the
229 efforts the Huttons have made for these children. It is a worthy cause, and he would
230 support them in any way he could.

231 - Pam Nelson has been the ranch steward for 7 years – lives onsite. When she first arrived,
232 she was struck by the unbelievable intention to be stewards of the environment. Lighting
233 is down directed. It is a stargazing destination. They are intentional about how food is
234 handled. They are very aware of wildlife. They consider every detail for the teens and to
235 be cognizant of neighbors – blending in and being aware of impact. It is a privilege to work
236 with the teens and run the horse programs. It makes a huge impact on these kids. To the
237 space and how they have used it. She could not imagine a more intentional or careful way.
238 If anything has ever been moved/disturbed, Gretchen will reseed/revegetate. She is very
239 supportive of the use.

240 - Leonard Snyder lives on Line Creek on Louis L'Amour Lane. He and his wife ride up and
241 down the commons all the time on horses. We have a lot of deer there too and they use
242 the trail too. It is not something we were tearing up or destroying. He supports the camp
243 in any way he can. We will continue to.

244 - Vonda Christy is the new ranch manager at the ranch. She started two weeks ago and is
245 new here. She experienced camp for herself two summers ago at a time when she was
246 weary (lost mom and sister in a short amount of time). There were a lot of leaders
247 compared to campers. The campers were always with an adult. The stewardship was
248 explained very well – bear protocol, etc. She is looking forward to being a part of this and
249 the horse ministry and changing kids' lives.

250 - Connie King lives right across from the camp. The first four years of camp, she taught
251 about weed management. At length, the Huttons have been able to share. There are many
252 discrepancies in what was read. When Mr. Dillivan read the comment about septic
253 systems – her question is: what the septic and runoff before the corrections was. She was
254 integral for four years in the camp. She knows several of the people that have spoken.
255 She has been active in the community and has done so much good for people. She was

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256 completely on board with Huttons. She created the activities and did the wire and post
257 removal – provided tools. She arranged with the fish hatchery. Until two years ago she
258 would have been there with you in support of the camp. Something happened two years
259 ago. Trust shattered. She saw something she never saw before. She had been friends
260 with them. For her, as a neighbor and human, some mighty impossible things to get past
261 happened. Some folks don't care about this – she does. There has not been any
262 conversation with the neighbors. She was interested in buying those lots. They have not
263 shared with a number of neighbors that the immediate neighborhood has been in a
264 vacuum. We didn't know the national camp was being involved. We didn't know how it had
265 been advanced to such a degree. She feels disenfranchised. The four-wheelers are a
266 huge issue for at least 12 years, and they have known that. She will give us more
267 information. She now has more information to make a more professional delivery. Human
268 beings have feelings that is why she is reaching out to her community about how
269 disenfranchised she has been. She will address, one-by-one the many things that she
270 disagrees with and has evidence of. She is under extreme stress. This experience has
271 tapped into her mental illness. She presents this as her welfare. So much of what has
272 happened has impacted her mental and physical health. She has further information on
273 health and safety. She is deeply wounded, and her personal creed is to love her neighbor.
274 How to be true to my values and faith. Her faith is that the spirit in me sees the spirit in
275 you – had we been able to compromise, mitigate and express love she would not be
276 presenting herself this way.

- 277 - Judith Jefferis is a neighbor over the hill. To address the four-wheeler activity. They said
278 they use them only for ranch work – it is common on all the ranches these days. Also, can
279 you imagine if a whole bunch of other people were generous enough and selfless enough
280 to invest their lives in the youth of this country what a different place we would be as a
281 nation. We are changing their lives and in turn will change the lives of others. We need to
282 get back to values and good work ethic. She encourages others in the neighborhood to
283 support them. She supports them.
- 284 - Michael Huebsch is here to show his support of the Huttons. Camps like this are a great
285 opportunity – it is valuable. He appreciates them and supports their effort.
- 286 - Debra Thomas thanked staff for their help through the situation. Most people have brought
287 up the relevant points. One of the main issues that we have is that not everyone in the
288 subdivision was noticed. It is because the open space is owned by everyone. Anything
289 that happens in the common ground and on the roads and bridges is our property and
290 liability. She is surprised to hear that their (Hutton's) insurance covers the entire
291 subdivision. The first thing they did when they got the notice was to contact the insurance
292 provider. They are aware of the covenants and there hasn't been cooperation. The
293 insurance provider said she cannot find a policy for individual landowners that will provide
294 adequate coverage for the common areas. She and her husband looked for legal
295 representation (there is not an association – she would love for there to be one). She
296 understands the proposal covers the Hutton's land and not theirs. They have been there
297 for a long time. She doesn't have a beef with them for what they are doing, she appreciates
298 what they are doing with the kids. But we need to be looking at the liability issues for the
299 kids because the roads are questionable, and the bridge is questionable. If something
300 happened or an accident on the common ground, she would not be able to forgive herself
301 for not saying something. This is not just about "us" we need to make sure everyone that
302 is involved is covered. She suggests that maybe there are options that could be negotiated
303 – could they need to evaluate and renew this permit with the County annually? If this goes
304 with the land, what could it look like in the future? As far as the common ground, horses
305 are one of the hardest things there are to provide liability insurance for. She would
306 appreciate if horse activity were to be done on their property and not the common ground.

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- 307 The cutbanks could give out at any time. We prefer some kind of different structure with
308 the SUP. We need to involve everyone that owns that common ground. Maybe we can
309 make this work out for everybody.
- 310 - Don Hershberger lives nearby and said the covenants were not ratified in the time given,
311 so there is no legal enforcement. We need to take a step back here. We are talking about
312 rural Park County. This is not a disruptive situation. Maybe we could get together and have
313 a meal sometime with neighbors on Crossfire Trail and work some things out. This kind of
314 formality is foreign to him, and this is a lot of to-do about nothing. All the problems he
315 hears have common sense solutions.
- 316 - Mickey Case is a resident of Line Creek, and he has a question about how many
317 landowners have interest in the common ground. He has three parcels himself; his
318 neighbor has several – how many people actually have liability. A few years ago, he was
319 invited to camp to give carriage rides. It was so supervised and so controlled. It was so
320 moving for everyone involved. He can't see a reason to deprive these kids of what is going
321 on. What are the chances of something going wrong – yes, there is always a possibility.
322 The professionalism and what takes place is beyond anything he ever thought it would be.
323 He supports it.
- 324 - John Linebaugh lives to the east and has for 33 years. He doesn't mean to upset anyone,
325 but we are all demanding accuracy. Connie does not live across from the camp. It is ¾
326 miles or more. These (the Huttons) are some of the greatest neighbors he has ever had.
327 Some of these folks have seen more change and had no problem. The Huttons, he doesn't
328 see 10 months out of the year. If you piss these people off, they have 12 lots, that's 12
329 neighbors we don't need. This shouldn't have happened. We should have been able to go
330 to each other as friends and neighbors. He's a gunmaker for 45 years. This got out of
331 hand. These folks have been kind to him. He can hear the singing. After the fire he buried
332 all the power lines to prevent more fire. He called Gretchen to tell her her house was gone.
333 He is glad he has them for neighbors.
334
- 335 Chairman Brandon-Wintermote asked if any Commission members had questions for staff, the
336 applicant, or members of the public.
- 337 - Chairman Brandon-Wintermote asked who is maintaining the private road. With more
338 people traveling it, who is maintaining it. She hasn't heard there is an agreement. Scot
339 said there is not an agreement. The maintenance is done by John Linebaugh and himself.
340 The bridge issue was addressed by multiple landowners – across Line Creek on Gun
341 Powder Drive. It is a private road. Those individuals are limited.
- 342 - Chairman Brandon-Wintermote asked about the runoff before the new systems. Scot said
343 there are only three true septic systems in place – all of which were in place before they
344 arrived. They are all contained vaults with no run-off that are pumped on an annual basis.
345 They are closed systems without run-off/closed tanks.
- 346 - Kim Dillivan said his understanding is with the gathering space there is a flush toilet.
347 Gretchen said there is a flush toilet in the apartment where volunteers stay. Youth do not
348 use it. Just staff or someone living in the apartment. Scot said that flush toilet accesses
349 the septic system that predates their ownership. It is a drain field, not a vault. The other
350 two locales have drain fields (houses have drain fields).
- 351 - Commissioner Peters asked if this SUP is continuous if transfer of ownership. Kim said
352 yes, it runs with the land, but can be conditioned otherwise.
- 353 - Chairman Brandon-Wintermote asked about food storage. Scot said there is bear-
354 resistant garbage collection (cans) that they personally manage. Three times a week,
355 when the Clark landfill is open, we take those at our own expense. As for food, when
356 campers arrive, they get a tour of the property, and they are spoken to about boundaries.
357 They are also talked to about bear possibilities and food storage. They are admonished

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358 to have no food items in their wall tents, space, or teepee. They are absolutely staunch
359 about presentation and follow-through on that.

360 - Chairman Brandon-Wintermote said someone commented about the boundaries. It looks
361 as though the wall tents are on the common ground. Scot said the tents are not on the
362 common area. All the wall tents are well above 1AB and well above the common ground.
363 We have no structures or activity on common ground other than the limited horse trail
364 rides.

365 - Chairman Brandon-Wintermote asked if they never have campfires. Gretchen said the
366 evenings are just lamp fires. It is possible on a work project day and the conditions are
367 right, they may build a small fire to fry donuts as an activity. They do not do it for long.
368 Always supervised and there is a water source close by. Gretchen added that they did
369 have Fish and Game out in 2011 after a neighbor had been mauled by a bear to do bear
370 education. They highly approved of the handles they have on their food storage areas.

371 - Chairman Brandon-Wintermote asked if they ever let camper trailers come in or is
372 everyone restricted to the apartment and tents. Gretchen said they have friends who come
373 to visit, and they have an electric hookup at 157 and 145. They don't have much flat space,
374 so it is not desirable for campers anyway. It is just when personal friends come for a night
375 or two.

376 - Commissioner Bonine asked about notification for the public hearing; given that there are
377 90 lots and there are some folks who were not notified, how many additional property
378 owners were missed. The Planning Director explained the same process was utilized that
379 is used for each application and was not an intentional oversight. Now that it has been
380 brought to our attention, we will be notifying everyone in the subdivision in addition to
381 those within 660 feet of the utilized parcels going forward. The number would not be all
382 90 parcels, as many of them have duplicate ownership, so it is hard to say how many.
383

384 Chairman Brandon-Wintermote asked if Commission members wanted additional discussion.

385 - Commissioner Bonine said there hasn't been anything today that has made him feel like
386 the application should not move forward, with the exception of the notification. To protect
387 the integrity of the public process, he feels it would be appropriate to continue the hearing
388 for the purpose of notification.

389 - Commissioner Peters would feel more comfortable with full notification being out there.
390 Due to the sensitivity, he would rather see the hearing continued to give the other lot
391 owners the ability to be heard.

392 - Chairman Brandon-Wintermote asked for the applicant to have their maps in order
393 (vicinity, floor plans) – they need to know where the structures and septic systems are –
394 to scale. Then when they go to the County Commissioners it is ready. Scot commented
395 that the members of the staff took photos. Chairman Brandon-Wintermote understood
396 that, but there seem to be questions even from staff. They will need to provide a different,
397 clearer form.

398 - Commissioner Eastman said he would hate to get derailed due to a clerical error.
399

400 Commissioner Bonine made a MOTION to CONTINUE the hearing to the regular meeting on
401 March 15, 2023, at 1pm; SECONDED by Commissioner Eastman. All in favor. Motion carried.
402

403 **PUBLIC HEARING – Ravens Ranch MS-73 Sketch Plan:** Angie Valcarce requests approval of
404 the application and Sketch Plan for the Ravens Ranch Minor Subdivision (MS-72). The proposed
405 subdivision is comprised of five lots: one 2.23-acre lot, one 3.69-acre lot, one 4.48-acre lot, one
406 6.0-acre lot and one 11.4-acre lot, each for commercial use. The parcel being divided is southeast
407 of Cody, less than 500 feet from city limits, west of Highway 120 South and north of the Spicer
408 Subdivision and Reesy Road in Park County, WY. The property has an address of 2799 Highway

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409 120 South, Cody, WY, and is located within Planned Unit Development #3 (PUD-3). The property
410 is subject to a PUD Agreement which was approved by the Board of County Commissioners on
411 August 8, 1995 (Reference: Book 269, Page 0868 in the records of the Park County Clerk and
412 Recorder).

413

414 Chairman Brandon-Wintermote opened the public hearing at 3:24pm.

415

416 There being no comments from Commission members, Kim Dillivan, Planner II, presented the
417 Staff Report. Kim added that the Corps of Engineers has responded, and they appear to have
418 concerns and may require additional information. A water distribution plan has been received and
419 approved by the irrigation district.

420

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

422

423 • Ben McDonald, Public Works, hopes to have an official review to staff by the end of this
424 week. They prepared an original report in 2018 for the major subdivision proposal.
425 Regarding legal access, it does exist. WYDOT reconstructed the access recently. They
426 would want to be certain that WYDOT approves of the use since this is in their jurisdiction.
427 The applicants are proposing a single access road to serve 5 lots. The proposed road
428 meets or exceeds County Road Standards for width. He seeks clarification from the
429 applicant on the road surface type that is proposed. Construction plans and specifications
430 will be required – a profile, alignment, utilities, drainage, etc. These need to be the full
431 sealed design engineer type plans. Also, as far as the road itself and construction plans,
432 we generally require that they allow us to access during construction to verify. If the plans
433 are approved, we will require an engineer certification at the end saying that it has been
434 built according to plans. Also, he spoke with Mr. Williams regarding drainage. As a part of
435 this process, a drainage/erosion control plan is required – would be prepared by a design
436 engineer. This current site is generally undeveloped. We are looking for site-specific
437 stormwater runoff, which should address the neighbor's concerns. Peak runoff rates for
438 historic and developed conditions. That plan must show no net increase in stormwater
439 runoff. Those are the highlights of what they will say in their formal response to come.

439

440 • Mary McKinney, Weed and Pest, said it seems like disturbance started several years ago
441 and kind of hasn't quit. A lot of disturbance can move weed species around. There was a
442 major removal of a lot of the vegetation 3-4 years ago with no reseeding being done. Any
443 nuisance vegetation and noxious weeds got spread around then and hasn't quit. She had
444 spoken with the applicant – there is a problem with finding commercial weed mitigation
445 options. They are going to have to take on the mitigation of the species themselves. They
446 will need to really get going on it because some of those weed infestations have increased
447 due to disturbance and a lack of mitigation and control. Moving dirt will spread (not
448 eradicate) the species. Weed and Pest is happy to work with them – they have purchased
449 product. One major concern is chicory – it is the only known place in Park County where
450 we have chicory – it is not found anywhere else. We are really concerned about that
451 species. It is important that any equipment used on the site be cleaned before it is taken
452 offsite. We recommend that they don't allow multi-generations of Russian olive to remain
453 on property. Keep them trimmed and don't allow new generations of growth. Because of
454 all the disturbance and scraping of the property, there is a significant infestation of
455 nuisance species – a lot can be mowed to reduce seed production. We do have cost share
456 available on herbicides for these species and cost savings on perennial grass seed. Part
457 of the weed plan is just a note on the map that there is a weed plan on file.

457

458 • The Planning Director asked why/how chicory is on this property only. Mary believes that
459 prior to the applicants having the property there was a nursery on the property and she
thinks it came in by nursery stock.

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

- Angie Valcarce, the applicant, said they started the work years ago for a major subdivision. They needed to resolve some irrigation and domestic water line issues. Those issues have been resolved. They have the same concerns with people coming to buy property. They want to make sure the ground is suitable to them. The concerns will be addressed per party (will need to have their own perc tests done, for instance). We have a retention area and berm to help with any kind of water shed being addressed by the engineer.
- Chairman Brandon-Wintermote asked Angie to provide clarification about what happened since the last time.
- Angie said they will be moving the domestic water line to an easement along the highway. There will be a utility along the Highway 120 side of the property. The irrigation ditches have been condensed to pipe on the west side and the east side to the Williams property for their use with easements. They have a mutual agreement with the attorneys and the court – that has all been established, we are just finishing up the protocol. As for the water drainage (berms), Jim can address.
- Jim Evans, project engineer from Sage Civil Engineering, said they haven't gotten much into the design of the stormwater/runoff plans yet. They are taking that into consideration. He pointed out that because it will be going to sprinkler irrigation (it has been flood-irrigated) we will be eliminating all of that water. If the lots even use irrigation, they may not even use irrigation. There could be uses that don't even need/use irrigation. The initial plan, on the eastern side where all the improvements are happening, the lower area to the northeast will be where the water is caught – retention basin.
- Angie said for each specific lot, given the use, there will be requirements for them as well. This is just a 28-acre lot right now with a solution for it; each building will have its own requirements for their buildings, septic, etc. to ensure no water will run off onto other properties.
- Chairman Brandon-Wintermote asked about the Cody Canal running along the south. Angie said before an irrigation ditch ran north/south along the west side. Now it is piped. On the east, the ditch will be piped (there is a headgate there as well) through a 20-foot easement. They sprinkle their personal lot from the pond that is fed from a headgate off of the canal.
- Angie said they live on the property with a permitted business. It is her understanding that employee housing is allowed. It is in their covenants from the original Majesty Subdivision. Can live on site or maintain a business. It was described in the County regulations at the time. Somehow employee housing has dropped out. Should be there for both A and B. We don't believe it is correct. It is in our original covenants that Williams and themselves are subject to.
- Angie said that she is waiting to see what the addresses will be. There may be a central location for boxes. Ingberg-Miller has completed an updated traffic study – that will need to go to WYDOT and staff. The well that was on the property was not permitted – she believes the old owner put it in. It is covered up and done, not in use.
- Angie said Rocky Mountain Power is adjacent to Lots 1, 2 and 5. Also, they are now talking about doing gravel for the road, though they would like to pave it to cut down on dust and make it nicer – depends on affordability. At this time, they propose gravel. She is on the biggest lot with the buildings. They want to do something nice. They cut down from a major to a minor. She wanted bigger lots. She wants it well done for them and for their neighbors.
- The Planning Director asked about the mention of employee housing. Staff clarified that the employee housing use is allowed by the PUD. Angie said that they had bus approval

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509 years ago, even though it is not classified as residential the employee housing allowance
510 makes it residential and bus service is available.

511

512 Chairman Brandon-Wintermote asked if any Commission members had questions for the
513 applicant or staff.

514 • Commissioner Bonine asked about the PUD and covenants. Across the road there is a
515 PUD where the covenants and the PUD are in conflict with each other. He would like to
516 ensure that there are not conflicts between covenants and the PUD Agreement. Angie
517 said she was confused – it is the PUD Agreement, not covenants, that she is referring to.

518 • Chairman Brandon-Wintermote said they are getting modeling done with Northwest Rural
519 Water District to address bringing water to the entire subdivision. There is a moratorium
520 regarding line extensions, so right now they can't say they will serve lots 3 and 4 at this
521 time.

522 • Chairman Brandon-Wintermote asked if Angie has talked with the City of Cody. Angie said
523 she does not have any updates about the annexation discussion.

524 • Chairman Brandon-Wintermote asked about an update from the fire district about access
525 for fire apparatus. Angie said that is why they have to do a large turnaround.

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

527 • Kate Williams, neighbor, said they said there is a copy of the irrigation plan and water
528 distribution plan – they haven't seen either. They would like to see those because they are
529 very concerned about water. She is concerned that the subsurface evaluation was done
530 in November of 2019 when the problems with the leaching of the canal are not present.
531 When the canal is running, she guarantees there is a big difference in the water table. She
532 has concerns about residences – there is an area A, and an area B. Area B allows for
533 residences. Area A is commercial and there is something about employee housing. Her
534 concern is that when you get into subdividing and you have septic, you take a property
535 that we all sat here and said they were commercial – now all of a sudden, it isn't just Bob
536 there for work, he's there with his wife and kids and septic systems. There's a difference
537 between someone flushing the toilet during the day to operate a shop vs. a family using
538 more water. The employee housing option changes the structure of a lot of things. Is it
539 commercial? Is it residential? She is very concerned about that. In the commissioner
540 minutes from March 17, 2020, Bucky Hall was here and said the property needs to be
541 protected from drainage related to development on the Valcarce property, he also believed
542 enhanced systems will likely be required. There should be verbiage on the plat to protect
543 the owners to the north. They were talking about doing a berm or a pond. They have a
544 27,000 square foot storage/arena structure. The entire property has a high-water table
545 due to the Cody Canal. If you do ponds, we just want to know that our property is protected.
546 All of our gutters go underground and there is a drainage system that takes the water
547 towards the center of their property where the pond is. It concerns her that just a wall and
548 a pond...she knows that high water table is an issue. Where is all this water going to go?
549 And then you add septic with employee housing...they just want to protect their property.

550 • Ben Williams, neighbor, referred to the proposed approximate drainage area; he imagines
551 his structure weighs a lot and to direct water towards that building concerns him. What
552 kind of sub-moisture is being created. His property is hit and miss. You can dig and hit
553 water at 2 feet or no water. It depends on what the canal is doing. It is a waste to do perc
554 tests in November. In the summer, you can see green vegetation due to the sub-moisture.
555 The engineer commented about this being all sprinkler irrigated. He doesn't realize that
556 this ground has never been flood irrigated. He would occasionally have to re-pull the ditch
557 due to snow melt or heavy rain. It was never a habit to flood irrigate. It would be great for
558 it to strictly be sprinkled, but how do you calculate [water] before and after? If we are trying

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559 to change this from a commercial lot to family, that is different. How much more water are
560 we bringing in? He would recommend directing the water to the highway right-of-way.
561 Don't let it accumulate and saturate the ground nearby. They put a lot of money into a
562 ground fabric for their structure. They spent a lot of time trying to dry the ground out. They
563 want to keep it that way.

564 • Chairman Brandon-Wintermote asked how much of this parcel is Area A? Ben clarified
565 that this is all in Area A. Chairman Brandon-Wintermote asked if employee housing is
566 allowed in Area A. Kim Dillivan said it is. The subdivision is all in Area A, which allows
567 employee housing.
568

569 Chairman Brandon-Wintermote asked if there were additional questions.

570 - Commissioner Bonine asked what commercial uses are allowed in Area A. Kim Dillivan
571 said it talks about nothing that would be a nuisance or annoyance. There are primary uses
572 listed – he read them all from page 1 of the PUD agreement.

573 - Mary McKinney added that where the irrigation line is going to go, that is the exact area
574 where the chicory is (where the cul-de-sac is); that contractor cannot leave there without
575 cleaning equipment. It is super important.

576 - Angie said regarding any water (surface, drainage) they will refer to DEQ to ensure that
577 there is no harm to other properties. She doesn't feel that someone living on site is as
578 large of an impact as some (other uses) that could be proposed.

579 - Chairman Brandon-Wintermote said there was a letter of no adverse recommendation
580 from DEQ, but that is not required for a minor. Jennifer Cramer said the Pilch report was
581 provided as part of the major subdivision application. Part of that is the Geotech, which
582 was an attachment. The entire Pilch report was required at that time. The other thing to
583 note is that at that time NRWD was also proposed. We provided the report and the DEQ
584 letter because they were available.

585 - Ben Williams said they would like clarity on what is going to end up being the definition of
586 a single-family residence or employee housing. That will help determine how much water
587 use there will be on the three lots. As far as the report, he would recommend that the perc
588 testing be done during the time when the canal is on to get a true reading of sub-moisture.
589 He knows theirs increases.

590 - Steve Shultz, applicant's representative, said they had us dig about nine holes up to 10
591 feet deep, so the numbers that were read about water depth, that was the water table. The
592 perc thing is a different deal in the top three feet where there is not water. We did the perc
593 tests at the time of greatest saturation when there was still water in the Cody Canal. All
594 those reports were done at the highest level of the water table. The perc tests are in the
595 top three feet, next to or off from the deep holes. They are two completely different deals
596 going on. Angie said also the Geotech report from Strata – they had done 14 test holes
597 down 22 feet deep to study water, soils, etc. Steve said as far as the employee housing,
598 that would be the least of the water use. That is what is allowed. The whole list is
599 substantial water use. It is allowable, though would need to be permitted (with perc tests
600 required again).
601

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

603 - Commissioner Bonine said there is a lengthy list of conditions from staff. Perhaps we
604 should get some of those taken care of while the hearing is open to get input that is
605 needed.

606 - Chairman Brandon-Wintermote said she wanted to make sure that it is noted that a runoff
607 and erosion control plan is needed.

608 - Chairman Brandon-Wintermote asked if we still need confirmation from NRWD. Jennifer
609 Cramer said we will need a response from NRWD after the modeling is done. Kim Dillivan

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610 asked if we need to hear from NRWD on Lots 1 and 2. NRWD will look at all lots in their
611 model after the county modelling project is complete. Angie expects that a response would
612 be received from NRWD in a few weeks.

- 613 - Chairman Brandon-Wintermote asked about the revised traffic impact study – should be
614 added as a condition.
- 615 - Chairman Brandon-Wintermote said Condition #10 has been fulfilled.
- 616 - Chairman Brandon-Wintermote asked to add a condition that a note be placed on the plat
617 addressing the need for engineered small wastewater systems.
- 618 - Chairman Brandon-Wintermote asked to add a condition that a note be placed on the plat
619 addressing the requirement for sprinkler irrigation.
- 620 - Finding #25 should be changed to reflect the response from USACE where they are
621 requesting additional information.
- 622 - Finding #39 shows that no public comments have been received – change to one public
623 comment has been received.

624
625 Commissioner Bonine made a MOTION to close the hearing at 5:01pm; SECONDED by
626 Commissioner Peters. All in favor. Motion carried.

627
628 Commissioner Bonine made a MOTION to approve Ravens Ranch MS-73 Sketch Plan by
629 Resolution 2023-02 based upon the findings presented and including the following conditions:

- 630
631 1. The applicant shall provide all easements as requested by applicable utilities and
632 special districts, irrigation districts or public agencies providing services. The width
633 of any utility easement shall be sufficient to allow adequate maintenance of the
634 system, but in no case shall such utility easement be less than 20 feet in width.
635 Easements must be identified on the final plat;
- 636 2. The applicant shall provide an engineering review from the Park County Public
637 Works Department to the Planning and Zoning Department, prior to scheduling
638 sketch plan review with the Board of County Commissioners;
- 639 3. The applicant shall provide review from the City of Cody to the Planning & Zoning
640 Department, prior to scheduling sketch plan review with the Board of County
641 Commissioners;
- 642 4. The applicant shall provide an updated response from the US Army Corps of
643 Engineers (USACE) to the Planning & Zoning Department, prior to scheduling
644 sketch plan review with the Board of County Commissioners;
- 645 5. The applicant shall provide a response from Rocky Mountain Power to the Planning
646 & Zoning Department, prior to scheduling sketch plan review with the Board of
647 County Commissioners, detailing which lots are adjacent to existing power and
648 which lots will require an extension of power to the lot lines;
- 649 6. The applicant shall provide confirmation to the Planning & Zoning Department, from
650 Northwest Rural Water District (NRWD) that Lot 1 and Lot 2 will be served by NRWD,
651 prior to scheduling sketch plan review with the Board of County Commissioners;
- 652 7. The applicant shall provide an approved WYDOT access permit to the Planning &

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- 653 Zoning Department, prior to scheduling sketch plan review with the Board of County
654 Commissioners;
- 655 8. The applicant shall provide a response from US Postal Service to the Planning and
656 Zoning Department, prior to scheduling sketch plan review with the Board of County
657 Commissioners;
- 658 9. The applicant shall provide evidence from Park County Fire Protection District #2
659 that their plans show adequate fire apparatus access to the commercial properties,
660 to the Planning & Zoning Department, prior to final plat review with the Board of
661 County Commissioners;
- 662 10. The applicant shall provide to the Planning and Zoning Department an approved
663 Long-Term Noxious Weed Management Plan, prior to final plat review by the Board
664 of County Commissioners;
- 665 11. Following Board approval of the sketch plan and prior to the Board's review of the
666 final plat, the applicant shall submit an appropriate Subdivision Improvements
667 Agreement addressing all applicable required improvements (ex. road, electric,
668 natural gas, water service connection, irrigation infrastructure, etc.) for review by
669 staff and approval of the County Attorney and the Board;
- 670 12. A draft Association Agreement that addresses all applicable shared improvements
671 (e.g., shared road and irrigation infrastructure), must be submitted to the Planning &
672 Zoning Department, prior to final plat review by the Board of County Commissioners;
- 673 13. The applicant shall place the following note on the final plat: "Any proposed water
674 wells on these subdivision lots shall be permitted by the Wyoming State Engineer's
675 Office prior to installation.";
- 676 14. The applicant shall place the following note on the final plat: "Lots 1, 2 and 5 will be
677 served domestic water by Northwest Rural Water District. Water served by wells is
678 known to be of poor quality. Cisterns may be required for Lots 3 and 4.";
- 679 15. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of
680 1991;
- 681 16. The applicant shall place the following note on the final plat: "Enhanced septic
682 systems may be required due to high groundwater, slow percolation rates, restrictive
683 layers"
- 684 17. The applicant shall place a note on the final plat that sprinkler irrigation is required
685 for all lots."; and
- 686 18. The applicant shall otherwise comply with standards in the Park County
687 Development Regulations and the minimum subdivision requirements as set forth
688 in Wyoming Statute 18-5-306.

689
690 The motion was **SECONDED** by Commissioner Eastman. All in favor. Motion carried. See
691 Resolution 2023-02 attached hereto and incorporated herein.

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692

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

694

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

696

697 There being no other business, a MOTION was made by Commissioner Peters to adjourn the
698 meeting at 5:35pm. The motion was seconded by Commissioner Eastman. All in favor. Motion
699 carried.

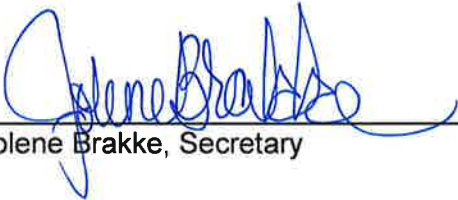
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701 Respectfully submitted,

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703

704



Jolene Brakke, Secretary

**RESOLUTION 2023 - 02
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
RAVENS RANCH MINOR SUBDIVISION-72 (MS-72) SKETCH PLAN**

WHEREAS, Angie Valcarce proposes to create one 2.23-acre lot, one 4.48-acre lot, one 3.69-acre lot, one 6.00-acre lot and one 11.40-acre lot; each for commercial use;

WHEREAS, the property is located within a Planned Unit Development (PUD#3) and subdivision for commercial use is consistent with PUD#3;

WHEREAS, a minor subdivision is the division of a tract of record into not more than five (5) lots, each lot being smaller than 35 acres, and 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 February 15, 2023 to consider the sketch plan application and made findings as follows:

1. A Minor Subdivision Application, including payment and supporting documentation, was received from Angie Valcarce on January 13, 2023;
2. A revised sketch plan was received on February 7, 2023;
3. The applicants request approval of a five-lot subdivision consisting of one 2.23-acre lot, one 4.48-acre lot, one 3.69-acre lot, one 6.00-acre lot and one 11.40-acre lot; each for commercial use;
4. Ownership is affirmed by Warranty Deed (dated September 24, 2018, Doc. #2018-4958) to Angie Valcarce;
5. Applicable Regulations for this development are the *Park County, Wyoming, 2015 Development Standards and Regulations* adopted September 15, 2015 ("Regulations");
6. This subdivision is classified as a minor subdivision;
7. The property is zoned as a Planned Unit Development under PUD #3,

Planning Area "A";

8. Subdivision for commercial use as proposed is consistent with PUD #3, Planning Area "A";
9. The parcel is within the NE/4NE/4 and SE/4NE/4, Original Survey, now included in Lot 49, according to the Government Resurvey, T52N, R101W, 6th P.M., Park County, Wyoming;
10. The proposed subdivision is located approximately 0.25 miles east of the City of Cody and 0.75 miles south of the intersection of Highway 14-16-20 and Highway 120, on the west side of Highway 120. The property has a physical address of 2799 Highway 120, Cody, WY;
11. Proposed Lots 1, 2, 3 and 4 are vacant lands, and proposed Lot 5 is developed with existing buildings used for commercial purpose and a septic system;
12. Aquatic resources (ditch, pond and fringe wetlands) have been delineated (as recognized by the US Army Corp of Engineers) on the property;
13. The property is relatively flat;
14. Neighboring land uses are agricultural to the west, residential and commercial uses to the south, commercial, residential and agricultural to the east and multi-use (Planning Area "B" of PUD #3) bordering the north line of the property. Exempt Bureau of Land Management lands are in near proximity to the southwest and the Park County Road and Bridge shop is situated to the southeast across Hwy 120;
15. This property is located within one mile of the City of Cody; therefore, municipal review is required;
16. Notice requirements have been met;
17. Notice of Intent to Subdivide was published January 17, 2023, January 19, 2023, January 24, 2023 and January 26, 2023, in the *Cody Enterprise*;
18. Notice of the public hearing was published in the *Cody Enterprise* on January 31, 2023 and February 7, 2023;
19. Notice was mailed to owners of properties within 660 feet of the subject property;
20. Agency referral requirements have been met;
21. TCT stated they have wireless internet service available;
22. Cody Conservation District submitted a soils report indicating that soils are 1) very limited for small commercial buildings and dwellings with or without

- basements due to shrink-swell, and 2) of concern for small waste water systems due to limited absorption rates on a good portion of the property;
23. Black Hills Energy has the capacity to serve the proposed subdivision. Lots 3, 4 and 5 will require a main extension from Hwy 120 in order to serve them;
 24. In January of 2020, USACE stated that should any of the aquatic resources, as delineated, be impacted by development, a permit from the USACE will be required;
 25. A response from USACE addressing the current subdivision proposal and related information on aquatic resources has been provided and additional information and clarification requested;
 26. Rocky Mountain Power has the capacity with existing infrastructure to serve the proposed 5-lot subdivision;
 27. Northwest Rural Water District NRWD confirmed the applicant will need to submit an agreement and payment for NRWD review once they have completed their annual hydraulic model update (with regard to serving Lot 1 and Lot 2);
 28. Wyoming DEQ provided agency contacts and information for permitting associated with various construction activities;
 29. The Park County Treasurer stated the first half of property taxes are paid and the second half is due May 10, 2023;
 30. The Wyoming Game & Fish Department stated they have no terrestrial wildlife comments on this project;
 31. Park County Fire Protection District #2 confirmed that the property falls under their response district. The District will want to verify that they have fire apparatus access to the commercial properties and he offered to provide the access requirements out of the International Fire Code. The District also mentioned any commercial structures would be regulated by the Wyoming State Fire Marshal's Office for code enforcement if applicable;
 32. Cody Canal Irrigation District will require a sprinkle only irrigation note on the WDP and on the final plat. A Water Distribution Plan is required;
 33. WYDOT has not yet received an access application and will need a revised Traffic Impact Study from the applicant prior to issuing an access permit;
 34. Park County Weed & Pest stated noxious weeds were discovered and a Long-Term Noxious Weed Management Plan is required;
 35. The City of Cody has not submitted a response;

36. USPS has not submitted a response;
37. Yellowstone Regional Airport has not submitted a response;
38. Park County Public Works has not provided an engineering review;
39. One public comment has been received;
40. A pre-application meeting was held on January 4, 2023;
41. A title report dated December 22, 2022, has been submitted and shows no evidence of a mortgage or other lien of record;
42. Access to the proposed Lots will be from an existing unnamed road (accessed directly from Highway 120) that will be shared by the lot owners;
43. An association will be formed to address road construction and maintenance;
44. Based on a geotechnical report dated May 31, 2018 (provided on a previous application for this property,) there may be high water table and corrosive soil concerns on the property;
45. Improvements to the existing access road will likely be required to serve the five proposed lots;
46. Application submission requirements for sketch plan have been met, with the exception of more detailed information from Rocky Mountain Power and a response from USPS;
47. A subsurface evaluation was completed on each lot on November 22, 2019. Due to slow percolation rates, potential high groundwater and shallow impervious layers, nonconventional septic systems may be required;
48. Wastewater requirements pertaining to sketch plan review have been met;
49. Northwest Rural Water District is proposed to serve Lot 1 and Lot 2 and currently serves Lot 5;
50. Due to poor water quality and low feasibility for domestic water wells, cisterns may be required for Lot 3 and Lot 4;
51. Should onsite wells be proposed for domestic water or other purpose such as stock water or irrigation, the landowners must comply with the requirements of the Wyoming State Engineer's Office;
52. Domestic water requirements pertaining to sketch plan review have been met;
53. This property is not located in an Agricultural Overlay District;

54. Agricultural impacts have been addressed including impacts to and from agricultural activities on or near the property;
55. The property is within the Cody Canal Irrigation District. A review of the Water Distribution Plan and recommendations from the District will be required;
56. No stream/river passes within or adjacent to the proposed subdivision lots;
57. Water rights requirements pertaining to sketch plan review have been met;
58. It is unclear whether power service is adjacent to each lot;
59. Utility requirements pertaining to sketch plan have not been met, therefore a Subdivision Improvements Agreement will be required;
60. An Association is proposed to address common maintenance of a shared road and irrigation infrastructure;
61. The property is located within the Airport Overlay District and staff is awaiting a response from the Yellowstone Regional Airport;
62. Lot standards have been met;
63. No new roads, sidewalks, street lighting, alleys or open spaces are proposed;
64. Shallow groundwater is a known issue on the property; and
65. 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 Ravens Ranch Minor Subdivision-72 (MS-72), subject to the following conditions:

1. The applicant shall provide all easements as requested by applicable utilities and special districts, irrigation districts or public agencies providing services. The width of any utility easement shall be sufficient to allow adequate maintenance of the system, but in no case shall such utility easement be less than 20 feet in width. Easements must be identified on the final plat;
2. The applicant shall provide an engineering review from the Park County Public Works Department to the Planning and Zoning Department, prior to scheduling sketch plan review with the Board of County Commissioners;

3. The applicant shall provide review from the City of Cody to the Planning & Zoning Department, prior to scheduling sketch plan review with the Board of County Commissioners;
4. The applicant shall provide an updated response from the US Army Corps of Engineers (USACE) to the Planning & Zoning Department, prior to scheduling sketch plan review with the Board of County Commissioners;
5. The applicant shall provide a response from Rocky Mountain Power to the Planning & Zoning Department, prior to scheduling sketch plan review with the Board of County Commissioners, detailing which lots are adjacent to existing power and which lots will require an extension of power to the lot lines;
6. The applicant shall provide confirmation to the Planning & Zoning Department, from Northwest Rural Water District (NRWD) that Lot 1 and Lot 2 will be served by NRWD, prior to scheduling sketch plan review with the Board of County Commissioners;
7. The applicant shall provide an approved WYDOT access permit to the Planning & Zoning Department, prior to scheduling sketch plan review with the Board of County Commissioners;
8. The applicant shall provide a response from US Postal Service to the Planning and Zoning Department, prior to scheduling sketch plan review with the Board of County Commissioners;
9. The applicant shall provide evidence from Park County Fire Protection District #2 that their plans show adequate fire apparatus access to the commercial properties, to the Planning & Zoning Department, prior to final plat review with the Board of County Commissioners;
10. 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;
11. 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 (ex. road, electric, natural gas, water service connection, irrigation infrastructure, etc.) for review by staff and approval of the County Attorney and the Board;

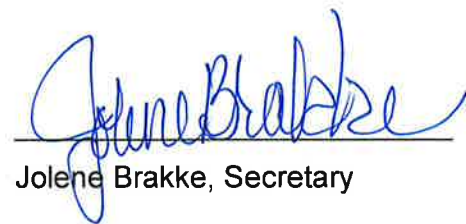
12. A draft Association Agreement that addresses all applicable shared improvements (e.g., shared road and irrigation infrastructure), must be submitted to the Planning & Zoning Department, prior to final plat review by the Board of County Commissioners;
13. The applicant shall place the following note 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";
14. The applicant shall place the following note on the final plat: "Lots 1, 2 and 5 will be served domestic water by Northwest Rural Water District. Water served by wells is known to be of poor quality. Cisterns may be required for Lots 3 and 4.";
15. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991;
16. The applicant shall place the following note on the final plat: "Enhanced septic systems may be required due to high groundwater, slow percolation rates, restrictive layers"
17. The applicant shall place a note on the final plat that sprinkler irrigation is required for all lots.";and
18. The applicant shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306.

ADOPTED by the Park County Planning & Zoning Commission this 15th day of February, 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, February 15, 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.

APPROVAL OF MINUTES

Approve minutes from January 18, 2023, meeting.

CONSENT AGENDA

~~[Mollett SS-302 Sketch Plan](#)~~ - **REMOVED**

REGULAR AGENDA

[Be There Beartooth Ranch SUP-245](#)

[Ravens Ranch MS-72 Sketch Plan](#)

OTHER BUSINESS

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

ADJOURN

PLEASE SIGN IN

**PLANNING and ZONING COMMISSION
REGULAR MEETING
February 15, 2023**

		Be There Beartooth Ranch SUP-245	
		Ravens Ranch MS-72	
	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	Ben Williams	Ravens Ranch	Yes
2	Kate Williams	Ravens Ranch	Yes
3	Don Hershberger	173 Crossfire Trail	
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