

## Planning & Zoning Commission Minutes

March 15, 2023

This is a regular meeting of the Park County Planning & Zoning Commission held at 1:00 pm 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  
 Guy Eastman  
 Brian Peters  
 Randy Mair

### Staff Present:

Kim Dillivan, Assistant Director  
 Jenny Cramer, Planner I  
 Jolene Brakke, Office Assistant III (by virtual means)  
 Brian Edwards, County Engineer (by virtual means)  
 Ben McDonald, Public Works (by virtual means)  
 Mary McKinney, Weed and Pest (by virtual means)

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

### APPROVAL OF MINUTES

Chairman Brandon-Wintermote asked the Commission for comments or changes to the February 15, 2023, meeting minutes. A MOTION was made by Commissioner Bonine to approve the minutes; the motion was SECONDED by Commissioner Eastman to approve the minutes as presented. All in favor. Motion carried.

### REGULAR AGENDA

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

Chairman Brandon-Wintermote reviewed the rules of a public meeting and continued the public hearing at 1:03pm.

There being no comments from Commission members, Kim Dillivan, Assistant Director, presented information received since the last meeting.

The applicant, Gretchen Hutton presented more detail to the Commission:

- In applying the applicants were encouraged to present their maximum plans for current and future use, and they took a serious look at that. Upon review, they decided three

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53 weeks is the maximum use intended. They are not looking to do more than they are  
54 currently operating. Initially, they applied for six weeks; it will be three weeks of camp. The  
55 campers come in on a Sunday and leave Friday morning of each of the three weeks. They  
56 have a core group of people that are familiar with the kids who surround the campers. Two  
57 days on site for horse experience/adventure. 1/3 on horse, 1/3 on art projects and 1/3 on  
58 service projects on a rotational basis.

- 59 • Volunteer organization. They have had the same two program directors for 18 years, one  
60 of which is her daughter. Getting children out of the city environment into a different and  
61 meaningful experience is beneficial to them. Some young adults from ages 16-24 have  
62 spent every summer at the camp. They have a strong sense of coming home to the camp  
63 and therefore a strong sense of ownership, service, and stewardship.
- 64 • They average 38-52 people on site at a time. At least 6 are immediate family.
- 65 • The applicants and volunteers are committed to the use and devoted with no financial  
66 gain, and most have returned 10, 12, 14 years.
- 67 • Barn Structure; labeled as structure #4 and #5. Lower part is gathering space, sheltered  
68 for gathering and meals. They try to keep it primitive and outdoors feeling. Above it is a  
69 studio apartment with a shower, kitchenette, bedroom, and bathroom.
- 70 • Structure #2 is a guest cabin is a dry cabin.
- 71 • Structure #1 is a shower house. There is no roof, only privacy for bucket showers.
- 72 • Down the hill, structure #6 is lower outhouse and is pumped seasonally.
- 73 • Structure #7 is a multipurpose 12 x 12 building workshop, tool shed, equipment storage,  
74 and sometimes sleeping space.
- 75 • 2 flat spaces for 18' teepees; sleep 6-8 people each.
- 76 • Structure #10 is for three 9x12 wall tent frames.
- 77 • Structure #9 is where lamp fire evenings take place
- 78 • They moved wall tent sites after fire took away privacy. Wall tents have frames that stay  
79 in place.
- 80 • 2 vault outhouses are pumped seasonally.
- 81 • All of the aforementioned are predominantly on Lot 57.
- 82 • Where the horses are stabled is other area where time is spent to gather, lunch, and have  
83 storytelling between trail rides. Tack room. Tractor storage becomes art studio for span of  
84 camp.
- 85 • Kids work hard in advance of coming to camp – service projects, fundraising to come to  
86 camp.

87  
88 Kim Dillivan added Morrison-Maierle did a survey in 2008 and confirmed all structures are on the  
89 property, not in the common lands. This is our conclusion, as well. Water test for Lot 57 indicated  
90 that the drinking water is safe.

91  
92 Chairman Brandon-Wintermote asked if any Commission members had questions for the  
93 applicant.

- 94
- 95 • Commissioner Mair asked if the horses are on-site. The applicant indicated that the  
96 horses are either owned by themselves or their ranch manager.
- 97 • Commissioner Peters asked when water sample was taken, Kim reported it was taken  
98 March 3, 2023.
- 99

100 Chairman Brandon-Wintermote asked if any Commission members had questions for Weed &  
101 Pest.

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- 103 • Mary McKinney reported they will work with applicant and with new ranch manager to get  
104 them up to speed. Kimberly asked if no requirement is correct for LTNWMP. Mary  
105 confirmed none is required.  
106

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

- 108 • Connie King has unique insight due to immediate proximity. Ask board to read  
109 comments carefully due to time constraint. Attorney states this camp is illegal and  
110 commercial by definition. She was initially strong supporter, except it is illegal and  
111 uses common property and puts all at risk for liability. Unable to secure insurance  
112 for common ground. The bridge in very poor repair. They ride horses in common  
113 area, and all could be sued if accident. Feels there are very big problems and poor  
114 communication with neighbors. They have not shared that the cabins on Lots 85  
115 and 86 are being developed. Stated refurbished and added onto for family and  
116 guests. Clearly will be in conjunction with the camp. Lack of transparency and she  
117 doesn't feel she can trust them. Feels tone of comments indicates decision is a  
118 done deal and feels she should be heard. Liability is big and even though county  
119 doesn't concern with liability it puts many owners in a bad spot. She honors what  
120 they do but wrong location for it.
- 121 • Jerry Hill from Clark. He came from Buffalo, New York to McNabb's and it is  
122 important for him to see youth have a place to go. Lots of places are being closed  
123 and he hopes the board will consider approving (the use).
- 124 • Vonda Christy, new ranch manager, has been in Wyoming for six weeks. Read  
125 letter from Bill Corcoran with Youth for Christ. He speaks about how impactful it  
126 was to his step kids and they are not the only kids who have been positively  
127 impacted. She was a leader and had the opportunity to watch the kids during the  
128 time they were there and how they opened up to experiences and how it changes  
129 lives.
- 130 • Carrie Satterwhite doesn't live near camp, lives in Ralston. She has seen several  
131 things happening; fishing dock and due to liability, had to remove dock. In our  
132 county people doing things without permits and then, when found out, are allowed  
133 to carry on. We need to be more consistent about how we handle these things. In  
134 this case six or eight structures unpermitted and in the end, we count on them to  
135 stay compliant but for eighteen years they were not in compliance. Ranch activities  
136 are great, but they live in subdivision, and it is for residential use only and now  
137 major industrial activity. Should consider neighbors and neighborhood and  
138 common area, shouldn't be using common area and putting all landholders at risk.  
139 Where is greywater going from shower water? BLM lets people camp for 7 days,  
140 doesn't need to be in residential back yards.
- 141 • James Hayes – resident on line creek owns common area. Multiple business in  
142 area, not just residential. Wants to adamantly support the use and camp.
- 143 • Leonard "Duke" Snider - totally supports the ranch and what they are doing. He  
144 has helped with camp and wondering why it is suddenly a problem after 18 years.
- 145 • Jim LaFollette – Used to have Edelweiss in Clark and also have a real feeling for  
146 young kids not getting home life and going down the tube. Even if they have done  
147 something not up to par, we need to look at the good they are doing and ought to  
148 help them.
- 149 • Deb Thomas – my comments are in the packet. She reiterated that they do not  
150 have a problem with church camp but have a problem with common ground and  
151 bridges and roads as a liability problem. Not an issue with county but certainly an  
152 issue for the residents. Would like to see it resolved before continuing to permit.

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- Don Tollman – he supports the use, it's a great thing and borders it on several sides.
  - Jim Christensen – in support of the project, he doesn't like Karens and permit Nazis.
  - Judith Jefferis – she has lived in Clark for 51 years support of it, wrongful death suit has to do with fire. Insurance is covered by youth for Christ and Wyoming is ride at risk state with use of sign. Three weeks use of the road and bridge is nothing. People still have weddings, get-togethers, etc. Jane Smith can have grandkids riding all over common ground and have the same issue. It's allowed.
  - Michelle Hall - From Tennessee, a very urban area, and their kids had similar opportunity and they moved out here, as well. Let's work together and rally to find a solution if liability is an issue. If there is an issue for this there is also an issue for everyone and every use on the common area. We need more of this not less.
  - Sara Murray – born Wyomingite and concerned. No one against the idea, it's great. Responsibility goes with it, and we are missing the point. If we let these things go on running illegally for 18 years? I don't buy it and support Connie King's comments; there is more to it. It has detrimental effects on watershed, wildlife etc. Setting dangerous precedent by approving. We better start worrying about our resources as they are limited. In opposition due to the applicant not following procedure.
  - Quinn Bilodeau – lives with Thomas, his parents. Hutton's project is admirable but what he is concerned with is SUP traveling with ownership of property. If they sell or transfer to heirs will new owners be able to enlarge development? Activities and traveling to and from activities on common ground are increasing liability for all who own it in the subdivision. He opposes and asks county to consider how the SUP travels to new owner.
  - Larry Dodge lives in Clark and in support of camp. They go above and beyond to make camp blend. Bridge is getting a new deck; it is a railroad car frame and loaded fire trucks go over it. Camp touching lives of young people; he is in support of it.
  - Michael Huebsch – We've talked about private property, but county should promote county and a similar program brought his daughter out and this increases population in county and helps county. In support of operation.
  - Chairman Brandon-Wintermote asked staff about compliance and SUP running with the land. Kim Dillivan explained SUP's run with land and in his time, there has been one or two times BCC has changed that. Could be considered. Regarding doing more, our regulations indicate that any significant change of the use triggers an amended SUP process. If the Huttons are approved and any significant change is proposed, it will require an amended SUP. As far as the SUP running with the land, a condition may be proposed limiting this.
  - Chairman Brandon-Wintermote asked for clarification regarding compliance. Kim Dillivan advised records indicate that staff was aware of the camp in 2001 but no evidence of contact or compliance. Current staff was made aware of the use in the Summer of 2022. Staff's main job is health, safety, and welfare. We believe by approval impacts are covered, neighborhood is compatible and therefore they are coming into compliance. If the project is denied, we are also addressing health, safety, and welfare and therefore coming into compliance. This SUP process is best way. As far as the structure permits; all structures on lot 61 where the ranch manager lives are permitted. On Lot 57, the bucket structure is not permitted. The dry cabin is permitted. The upper outhouse is not permitted and was placed prior

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203 to the Hutton's ownership. The studio apartment has a building permit and in-  
204 ground septic that was placed prior to Huttons. The outbuilding has a permit. The  
205 building under construction does have a permit and septic will be soon permitted  
206 – application has been submitted. Teepee rings and wall tent frames, unsure if we  
207 will require permits. Essentially, all structures have been permitted. We know  
208 nothing about lots 84 and 85.

209 • Gretchen Hutton – regarding new development on another lot - the cabin is  
210 dilapidated and unknown whether or not we have opportunity to restore. They will  
211 seek permit if they do decide to proceed. They did bury electric to help risk of fire  
212 and to be considerate. If they apply, it is small and will remain off grid except  
213 electricity and better than noisy generators. No plans at this time. Reminded  
214 Commissioners that three weeks of camp and prep week leaved 46 weeks of the  
215 year where nothing is happening on the land. May have guests once in a while but  
216 very little happens. Asked what the difference between highly supervised campers  
217 and vacation rentals in neighborhood with un-vetted strangers using common  
218 ground or any property owner using the common ground is. Either fence it and not  
219 allow use by anyone or preserve the creek bottom for all people in the subdivision.  
220 There is a process in place if it were to grow. They have applied for maximum of  
221 what they want to do. There are false accusations in other comments, and they  
222 can rebut them, but this is not the place.

223  
224 Commissioner Peters made a MOTION to close the public hearing at 2:18pm; SECONDED by  
225 Commissioner Eastman. All in favor. Motion carried.

226  
227 Chairman Brandon-Wintermote asked Commission members if they had any discussion.

228 • Commissioner Peters stated he would like to see it sunset with the applicant. Not against  
229 use, but due to personal relationships of the applicant with neighbors there is concern  
230 with it transferring to someone else.

231 • Commissioner Bonine has a different perspective. Not to completely disagree but his  
232 concern with sunset condition is due to family involvement and if family were to take over,  
233 he wouldn't want it to inhibit them. It would be different if someone else outside of the  
234 family were to buy it or take over. Also, with regard to liability, there is liability regardless  
235 and it is shared by all 90 + lot owners. Is there really more liability due to this camp?  
236 Liability is two-way street and shared equally.

237 • Commissioner Eastman can see both sides with regard to a sunset clause. Wouldn't want  
238 someone to come in and buy it but with family members involved he wouldn't want them  
239 limited to take over either. The county seems to have catches for enlargement and  
240 change. And with regard to covenants – from what Joy said none exist on the majority of  
241 the lots. He can see the concern with use of common ground but no different from anyone  
242 else out there recreating all year round. Hutton's have over 100 acres and 35 kids over  
243 the course of three weeks is pretty minor compared to the VRBOs year-round use.

244 • Commissioner Mair stated his biggest thought is the area is residential and zoning  
245 appears to be residential. Does it need to be further thought through? However, it sounds  
246 like there are other uses that are commercial out there. Staff addressed zoning districts  
247 and how this use is allowed in the zoning district.

248 • Commissioner Brandon-Wintermote stated there is a common misconception that by  
249 permit we are rezoning.

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- 250 • Commissioner Peters asked if the SUP is approved “as is”, can it be transferred to another  
251 party if no changes are proposed? Kim Dillivan answered yes unless a sunset clause is  
252 proposed and approved by the Board of County Commissioners.  
253

254 Commissioner Bonine and Chairman Brandon-Wintermote recommended the following changes  
255 to the Findings:

- 256 • Finding 44 – a response has been received.  
257 • Finding 45 - PCWP has provided a response  
258 • Finding 46 – the Fire District has provided a response.  
259 • Finding 36 – add that all subdivision lot owners (of common area) were also notified.  
260 • Finding 75 - a water quality report has been provided.  
261 • Finding 81- change RMP to Beartooth Electric.  
262 • Finding 50 and 51 - comments should be updated to appropriate number or a multitude.  
263

264 Commissioner Bonine and Commissioner Brandon-Wintermote also recommended that  
265 Condition 2 be changed to follow the bear storage practices recommended by the Wyoming Game  
266 & Fish Department.  
267

268 Commissioner Bonine made a MOTION to approve the Be There Beartooth Ranch SUP-244 by  
269 Resolution 2023-03 based on the findings as amended and including the following conditions:  
270

- 271 1. Park County noise, lighting, and other nuisance regulations shall apply;  
272 2. The applicants shall follow Wyoming Department of Game and Fish best practices for  
273 food storage in bear areas;  
274 3. The applicants shall finish construction of the proposed 2<sup>nd</sup> vault toilet on Lot 57, prior  
275 to commencing the use;  
276 4. The applicants shall submit building permit applications for each unpermitted  
277 structure, prior to commencing the use; and  
278 5. The applicant shall otherwise comply with standards in the Park County Development  
279 Standards and Regulations.

280 The motion was SECONDED by Commissioner Eastman. All in favor. Motion carried. See  
281 Resolution 2023- 03 attached hereto and incorporated herein.  
282  
283

284 **PUBLIC HEARING – Old Faithful RV Park Site Plan Review:** Old Faithful RV Park LLC requests  
285 approval of the site plan for the Old Faithful RV Park. The applicant is proposing a three-season  
286 full-service RV campground impacting 5.22 acres and offering the following: 45 RV full hookup  
287 spaces; 12 heated cabins with bathrooms; and a two-story building comprising a convenience  
288 store/office, men’s and women’s bathrooms with showers and laundry facilities for campground  
289 guests only – the upper story will include two owner apartments. The use is proposed within an  
290 8.25-acre parcel located approximately 16 miles southwest of Cody, on the south side of Highway  
291 14-16-20, with an address of 3256 North Fork Highway, Cody. The parcel is described as part of  
292 Tract 43, Section 19, T52N, R104W of the 6<sup>th</sup> P.M., Park County, Wyoming. The property is  
293 located in the North Fork Planning Area and is classified as Commercial Retail (zoning) under a

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294 Land Use Classification (LUC-96) that was approved by the Board of County Commissioners on  
295 February 15, 1994.

296  
297 Chairman Brandon-Wintermote opened the public hearing at 2:43pm.  
298

299 Commissioner Bonine stated that after the prior workshop with the applicant, he received a call  
300 from Bryan Clements with questions about the project and the LUC. Commissioner Bonine said  
301 it was a brief conversation and he referred him back to staff. He wanted to disclose there was a  
302 brief conversation.

303  
304 There being no comments from Commission members, Kim Dillivan, Planner II, presented the  
305 Staff Report.  
306

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

- 308 • Commissioner Bonine asked Staff to speak to the difference between a LUC/site plan  
309 review procedure vs. SUP being required. Kim Dillivan explained difference and why LUC  
310 regulations don't list it as a zoning district, and it doesn't require an SUP. But campgrounds  
311 of this size have to go through site plan review. SUP considerations are neighborhood  
312 compatibility and if services are, or will be, in place. In site plan review, no compatibility is  
313 taken into consideration. As with any other project, regardless of P&Z Commission  
314 recommendation, the applicant can still move forward to BCC.
- 315 • Public works – nothing further than what Brian provided in his review. Chairman Brandon-  
316 Wintermote asked if they are required to pave or if it is something the applicant is  
317 proposing. Ben deferred to Applicant.
- 318 • Park County Weed & Pest reaffirm comments that had been made and there are concerns  
319 about weed species and they will need to limit ground disturbance where possible and  
320 reseed timely.

321  
322 Chairman Brandon-Wintermote asked if the applicant had any questions or comments.

- 323 • Bret Reed with EA represents the applicant. Applicants are owners of Old Faithful RV  
324 Park, LLC. Actual site plan has been corrected and recent copy provided, but it was in  
325 place in February. It had changed since they viewed in December. Mainly different septic  
326 proposals and trees removed. Pretty self-explanatory.
- 327 • The applicant grew up in Iowa and has also lived in Texas. He is an avid RV'er and visited  
328 lots of campgrounds as a user and he is passionate about the use. He doesn't want to cut  
329 corners, wants people to enjoy and be compatible with neighbors.
- 330 • Proposing a lot of septic in a small area. Proposing Presby-style systems which are better  
331 at addressing waste. RV spots will be served with a subsurface drip irrigation which is  
332 treated with tanks and aerobic activity to absorb; operates better. When treated water  
333 pumped to subsurface drip a couple of inches below surface, this is seeded with grass  
334 which utilizes these nutrients. Nitrate levels are a concern and is why they propose this  
335 type of system. Grass consumes the nitrates and other waste components and reduces  
336 water into ground and cleans water.
- 337 • The well will be DEQ approved, and they will be treating the water and complying with  
338 permit requirements.
- 339 • UIC permit will require Monitoring wells around perimeter to know what is entering and  
340 leaving property to be sure no harm is being done. It is anticipated that will be a  
341 requirement.
- 342 • The Fire Marshall will be reviewing for compliance.

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- 343 • Signs within the RV park are proposed for directing to spots, traffic flow, shower houses,  
344 and property lines to discourage trespassing.
- 345 • Pets will be allowed but must be leashed or confined as to not go onto neighboring  
346 properties or highway.
- 347 • The outside loop will be paved by the second year and eventually all of it but requesting  
348 not to do so first year.
- 349 • PW Engineer and PZ staff mentioned steep slopes may warrant Geo-Tech report. PW  
350 states no, it will not be required. Since no one will reside on or sites will not be near the  
351 steep slopes, it shouldn't be necessary.
- 352 • All irrigation on property will be drip irrigation from subsurface or sprinkler irrigation. No  
353 irrigation runoff. Field across highway comes into man-made pond that will be filled in and  
354 submitted to Army Corps of Engineers (ACOE) request for jurisdictional determination and  
355 should have by end of week. They will comply with requirements of them.
- 356 • The applicant wants RV'ers to see the sky and stars. All lights will be LED and designed  
357 to illuminate the ground. Lights on campers not allowed.
- 358 • 10pm to 7am will be designated quiet time. Generator use is not likely because of full  
359 hookups at the park. They would not be needed.
- 360 • They met with Wyoming Game and Fish, and they fully intend it to be as wildlife friendly  
361 as possible. Trees shrubs placement to prevent animals from being on highway. Will  
362 reseed with native grasses in areas not paved or graveled.
- 363 • In summary, we want everything to meet all rules and regulations as required by the  
364 various regulatory agencies and make it happen.
- 365

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

- 368 • Commissioner Bonine asked why delay paving for a year. Bret Reed stated he wants to  
369 get it open as it is a significant capital investment; need cash flow. Commissioner Bonine  
370 said SEO requires enlargement of water right for irrigation. Will it also come from well or  
371 just grey water etc.? There are two wells existing on property; southwest well is for  
372 domestic use only and they would need to expand the use to be able to use if for irrigation  
373 also. The other well is too close to septic and will be used for irrigation as it could not be  
374 used for domestic. They are unable to find a permit for this well, so will permit that for  
375 miscellaneous use (irrigation). The use is considered a commercial use and is therefore  
376 an enlargement.
- 377 • Commissioner Peters asked about the irrigation pipe indicated on the site plan that comes  
378 into middle of RV park; where does this wastewater come from? Bret Reed explained that  
379 water from the west 1/3 of the field to the north comes across highway and other 2/3 goes  
380 into Jim Creek. Wastewater from the east 1/3 of the field comes across the highway  
381 through the culvert onto this property and into the feature pond. It then outflows to a natural  
382 ravine into the river. Their proposal is to fill in the pond and bury an 18" irrigation pipe. If it  
383 is determined there is a designated wetlands there, some type of wetland mitigation may  
384 be required. They plan to comply with any requirements. Commissioner Peters asked  
385 where is the outlet of the water? Bret Reed stated the water runs across the road to barrow  
386 pit, irrigation line runs between septic tanks, to the natural draw and outlet will be same  
387 place as pond.
- 388 • Chairman Brandon-Wintermote asked for clarification regarding the building setbacks.  
389 Bret Reed indicated there may be disagreement regarding setback requirement  
390 interpretation. The cabins are setback 5' from fence to allow for utilities and fence  
391 maintenance. Big building will move back a little further than shown on sketch plan due to  
392 overhead power lines. Due to highway rights-of-way being wider, the same setbacks are



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393 achieved or more-so on a highway than a county road. They feel the 20-foot setback  
394 should not be required and should be on a structure-by-structure basis rather than a  
395 lumped square footage basis. Kim Dillivan stated that staff would consult the County  
396 Attorney regarding this issue should this project move forward. Bret indicated that Jack  
397 Hoffman with the WYDOT stated no setbacks are required for the structures.

398 • Chairman Brandon-Wintermote inquired about the use of Chlorine; is it a hazardous,  
399 especially near a river? Bret indicated they would actually utilize hypochlorite, which is  
400 similar to standard household bleach. They may have 10 gallons on site at most in a locked  
401 building so chances of a spill leaking into river are pretty small. This is also not located in  
402 the floodplain.

403 • Chairman Brandon-Wintermote inquired about the management of nitrates. Bret indicated  
404 that the laundry soaps, salts etc. in greywater system can be an issue. But nitrate are  
405 fertilizer and plants love them and absorb them. Phosphates are also a nutrient well  
406 utilized by plants. Greywater system buried and around there is mulch placed around each  
407 tree and water filters into the area and uses nitrates and phosphates as nutrients.  
408 Chairman Brandon-Wintermote asked if these things could leach into neighboring wells.  
409 Bret explained that Presby systems are better at filtering and plants will help greatly with  
410 absorption. Also monitoring wells will also monitor any of this. depending upon amount  
411 discharged, likely monthly or quarterly sampling and analysis of water will occur. He also  
412 noted that ag practices across highway can also cause nitrates and e-coli in groundwater.  
413 Chairman Brandon-Wintermote expressed concern with steep slopes as it appears that  
414 camping spots are hanging really close to steep slopes. Bret explained that the distance  
415 of the camping spots varies from 15 to 30' to edge of slope on west side and on the east  
416 side there are two benches. RV spots on top and lower bench 12' above river and are  
417 within 5' of slope. No water running at base of these slopes.

418 • Chairman Brandon-Wintermote asked for clarification Pacificorp or Rocky Mountain  
419 Power? RMP is a subsidiary of Pacificorp.

420 • Commissioner Mair – is there some sort of stop at end of RV spots so someone doesn't  
421 back up over slope. Bret stated there is a fence. No stops otherwise.

422 • Commissioner Bonine inquired about the 100' setback from river; is that from rivers edge?  
423 Bret indicated it was measured when surveyed in summer from water's edge.  
424 Commissioner Bonine inquired how do you maintain that setback as the river changes.  
425 Bret indicated that Brian Edwards addressed this in the Public Works Engineering review.  
426 The section of river is straight not a lot of meandering there and no active visible erosion  
427 along that side in the area. But yes, that can change.

428 • Chairman Brandon-Wintermote – Storm water drainage report has been submitted? Has  
429 it been approved? Bret indicated it should be in SharePoint. Staff confirmed.

430  
431 Chairman Brandon-Wintermote asked if there were comments from any members of the public.

432 • Michael Miketa lives at 56 Stagecoach Trail which is directly south of the proposed  
433 development. He has a Civil Engineering Technology degree and feels the  
434 mitigation proposed for some of the mentioned concerns seems comical as he is  
435 familiar with systems proposed. He believes the area is so rocky the water will go  
436 directly to river and asks that affected applicants be allowed to witness the perc  
437 tests. Concerned about lighting and noise. Pushing so much in there; concerned  
438 about traffic flow, how small the RV spots are. As far as grass absorbing the  
439 nitrates, there is not much room for grass. Dust mitigation will be difficult in typical  
440 high winds. How will traffic flow work with all of the ancillary structures; too close  
441 to highway. Asks that board members physically visit and review the site. Will hurt  
442 existing businesses and remove mule deer habitat. Property values will be  
443 destroyed. Will well really support it? Massive water use and waste. Everything will

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- 444 go directly to river. Not compatible with environment. Cannot put 100 lbs. of you  
445 know what in a 10 lb. bag.
- 446 • Karl Dembik is concerned mostly with highway dangers. Should be slowed down  
447 and feels there will be wrecks especially in those peak hours coming and going.
  - 448 • Michelle Scarpella – agrees with Michael Miketa. She lives at 66 Stagecoach Trail  
449 and worries about traffic; it will be a hazard. Environmental issues with little  
450 answered by applicant. Doesn't trust that issues will be mitigated with such intense  
451 use on 5.2-acres. She feels septic gases will be a smell for neighbors. She feels it  
452 is a shame that an LUC does not allow for compatibility to be taken into  
453 consideration and she is very much opposed.
  - 454 • Jay Reynolds is a realtor in town; he is in favor and wants to see responsible  
455 development and feels this is that.
  - 456 • Courtney Hooper lives at 53 Stagecoach Trail, Yellowstone Cutthroat Guest  
457 Ranch, directly to the south and has the most land neighboring the proposed  
458 development. They are in favor of it. It was previously an RV park and a restaurant  
459 and is surrounded by commercial properties. Does seem like a lot in a small area  
460 but they have addressed issues. She agrees the speed limit could be reduced to  
461 45 through that corridor. Traffic should be a good thing; bringing more people to  
462 the area. Taxes will be beneficial for Park County. Competition is healthy and  
463 growth is going to happen. One should be able to do what they want on property  
464 as long as within regulations
  - 465 • Randy Hooper stated he had a lot of questions when he first heard about the  
466 proposal however, it has been an empty lot for sale for a long time. What else  
467 would you allow; it is designated for this type of use and seems to be in harmony  
468 with the area. Septic questions seem to have been answered. The river is a  
469 concern, but monitoring should mitigate. Dark Sky lighting is an unenforceable rule.  
470 Issues should be addressed with your neighbor; they had most questions  
471 answered by sitting down and discussing them with the applicant. If all  
472 requirements are met, he is for it.
  - 473 • Rob Burgin lives at 51 Stagecoach Trail, directly across the river to the south. His  
474 biggest concern is the special systems being stacked on top of each other. Septic  
475 waste primary concern at least ten on property – four abandoned and six proposed.  
476 With systems on top of each other when do they become completely saturated. He  
477 is a landscape architect and concerned with greywater proposal. There is less  
478 control over types and amounts of soaps, bleaches etc. with a public laundry facility  
479 and this is more likely to poison the plants rather than sustain them. The Board  
480 should question a lot more about saturation. His place will have headlights  
481 sweeping his windows. Proposed aspen trees and a two-rail fence will not mitigate  
482 this; suggested evergreen trees and potential solid fencing. Hazardous materials;  
483 what is chlorine considered and in what quantity. Nothing has been quantified  
484 regarding use and waste. Everything should be looked at with maximum  
485 occupancy. Setbacks are confusing but his calculation does not match what has  
486 been indicated. Over maximized density on the property.
  - 487 • Kim Burgin also lives at 51 Stagecoach Trail. She is a statistician, and her  
488 calculations indicate maximum occupancy is 281 people on a 5-acre lot. This is  
489 why wastewater and water are an issue. According to the Land Use Plan there are  
490 only 737 people living on the North Fork, so the RV park would add an additional  
491 38% of the total population within 5 acres. There are a large number of septic tanks  
492 with no size given and are within 100' of Jim Creek. Septic systems are located  
493 within the flood zone, within 100' and are uphill so any problems will run right down  
494 into the creek. She does not agree with engineer's assessment of stability of steep

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- 495 slopes. Irrigation and trenches from installations along with the existence of  
496 bentonite in the soil, could cause sliding. The County has been working on  
497 Stagecoach Trail slopes for years with no luck. Doesn't seem like site plan is ready  
498 yet.
- 499 • Alisa Acosta is the owner of Yellowstone Valley Inn (YVI) and is for development  
500 as long as everyone is playing by the same rules. She believes there is a traffic  
501 problem. YVI has three entrances, and they still see traffic issues with the RV's.  
502 The proposed park will have an even bigger problem with only one entrance. She  
503 feels there is not enough space; how will RV's turn around to approach sites, where  
504 will tow vehicles park, where will extra vehicles park? It is too cramped in based  
505 on her experience.
  - 506 • Bryan Clements is a partner in Yellowstone Valley Inn and is a general engineering  
507 contractor. He has several concerns: paving, water runoff, 2:1 slopes, too much  
508 density. Where is septic proposed and where are replacement fields? Not opposed  
509 but feel they are putting too much in a small area.
  - 510 • Brian Clarkson is a North Fork resident and is also speaking on behalf of the Wapiti  
511 Valley Preservation Group. He does not have an issue with RV park however there  
512 are concerns, especially with the density of development. If 281 is approximately  
513 the max occupancy, 680 is the current census population in North Fork. That puts  
514 41% of the population within 5-acres? He also has traffic concerns; 125 parking  
515 spots is a lot of vehicles with one ingress/egress. It doesn't seem things are being  
516 done right. Building setbacks may be open to interpretation but it is concerning  
517 with cabins so close to the highway. There are a lot of deer crossing and accidents  
518 in that area. Highway ROW comes in a bit around Jim Creek but not shown on site  
519 plan. 100' setback is not truly met from river. In looking at aerial historical data, it  
520 appears that some erosion has happened. There is a reason for the setbacks, he  
521 just wants to see things done right and is concerned with the protection of the  
522 Shoshone river. The east side has one RV spot, nine septic tanks, a campground  
523 road and a leach field proposed all within floodplain and under 100' from Jim Creek.  
524 He hopes the best effort is made for dark sky lighting, but it is hard to avoid lights  
525 within and on RV's. His biggest concern is with the density.
  - 526 • Gregg Bierei owns property at 3266 North Fork Highway, directly east of the  
527 project. Jim creek is a common border. One of his concerns is that a well is listed  
528 on the plat as his well, but it is in the wrong location and the wrong permit number.  
529 He would like to see the site plan corrected to indicate the correct location of his  
530 well and verify that the proper setback distance is met. Monitoring wells are  
531 necessary for the safety of the river and his well. He appreciates pet rules and  
532 trespass signage being proposed; would like a barrier of some sort to discourage  
533 trespassing onto his property. He would like to see quiet hours set from 5 pm to 7  
534 am. He did have to keep his shop 20' from highway when permitted with the county.
  - 535 • Bret Reed responded to the various public comments by indicating that the LUC  
536 says commercial retail, but campground is specifically listed under the LUC. Four  
537 of the existing septic systems will be abandoned. New septic systems will be for  
538 the cabins, the apartment, the shower house, and the RV park (four new) plus a  
539 greywater system is five. All septic, wells, loading, separation will be reviewed and  
540 approved by Wyoming DEQ. Regarding lighting and fencing, they used aspen  
541 trees in between spots to create shade by being above an RV and because they  
542 are native to the area. Tony Mong with Wyoming Game & Fish (G&F) requested a  
543 2 or 3 rail wildlife friendly fence. In regard to lighting sweeping across neighbors,  
544 there may be some of that, but most people come in the daylight hours and get  
545 setup before dark. Angles of parked RV's will help with blocking lights of others.

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546 Septic systems are adjacent but will have to meet DEQ separation requirements.  
547 Presby systems do not require a replacement area and the systems can be fairly  
548 shallow so grass can utilize the nutrients. DEQ has design flows and will have  
549 requirements that must be met in order for the systems to be approved. Open  
550 space and distance to the river; Planning and Zoning rules do not say how it has  
551 to be measured and he came up with a way that seems fair. Floodplain permit will  
552 address those things in floodplain. Other structures with similar elevation in the  
553 area have been removed from floodplain. WYDOT determines the speed limit.  
554 They would support slower speed limit. They (WYDOT) will not allow two  
555 commercial accesses, so they have to work with just one. Trees were between  
556 sites, but G&F didn't want deer hanging out there, so they removed them from the  
557 plan. They are willing to work with the G&F to help further reduce vehicle/deer  
558 accidents. Regarding storm water runoff, they intend to pave, and it will be part of  
559 UIC permit and will be addressed. Bret indicated he did discover the Mr. Bierei's  
560 well was misplaced on site plan, and he will work with him to be sure adequate  
561 separation exists.  
562

563 Chairman Brandon-Wintermote asked if any Commission members had questions for the  
564 applicant.  
565

- 566 • Commissioner Mair asked about the setback being required of Mr. Bierei. Kim Dillivan  
567 stated that in the past there were required setbacks from property lines. The current  
568 requirement it is 20' from a county right of way.
- 569 • Commissioner Peters asked about signs at property lines to prevent trespass. Reed states  
570 there will be signs on the fence between Bierei and RV site.
- 571 • Chairman Brandon-Wintermote inquired if the applicant be running the RV park and live  
572 there or will someone else running it? Bret indicated that initially he will hire and be here  
573 on and off. The long-term plan is to retire and be here to run it full time.
- 574 • Commissioner Eastman asked about the proposed season length. Bret indicated they are  
575 requesting May 1 through October 31. No tiny houses rented winter, etc.
- 576 • Chairman Brandon-Wintermote asked staff if there were any conditions from Game and  
577 Fish regarding construction activity. Staff indicated they (G&F) recommended no human  
578 activity between November 15 and April 30 due to being located in crucial mule deer  
579 habitat.  
580

581 The Commission had discussion:

582 Commissioner Bonine recommends revising findings as follows:

- 583 • Finding 20 – PCT taxes have been paid
- 584 • Finding 25 – WYDOT has received application
- 585 • Finding 26 – access has been approved by WYDOT
- 586 • Finding 34 – Pacificorp has responded
- 587 • Finding 35 – update number of public comments
- 588 • Finding 52 – chlorine or hypochlorite may be stored and handled onsite
- 589 • Finding 68 – a stormwater drainage report has been submitted and it has been approved  
590 by PW.  
591

592 Commissioner Bonine recommends revising conditions as follows:

- 593 • Condition #9 – can be stricken, PacifiCorp response has been received
- 594 • Condition #14 – can be stricken, stormwater drainage report has been submitted and  
595 approved

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- 596 • Condition #19 – can be removed, a geotechnical report will not be required

597

598 Commissioner Bonine inquired if other commissioners had concerns about quiet time hours.  
599 Eastman has seen quiet times as early as 8pm in places. Bonine understands nature of this will  
600 be addressed by DEQ but highly unusual to see an application with this many conditions. Trends  
601 toward an incomplete application. Would prefer to see the application be more complete.

602 Chairman Brandon-Wintermote asked if any other concerns with density. Eastman has density  
603 concerns and trespassing concerns. BLM is a neighbor on one side but has concerns for Bierei  
604 and with density. Chairman Brandon-Wintermote asked applicant if they are having second  
605 thoughts about density and if additional visitors have been taken into consideration. Bret indicated  
606 they are not concerned as other campgrounds on the North Fork have less room. He added that  
607 they will address Bierie and other trespassing with signs. Chairman Brandon-Wintermote inquired  
608 if a condition was needed to address fire inspection, however upon further review, it is covered in  
609 condition 1.

610

611 Commissioner Bonine made a MOTION to close the hearing at 5:29pm; SECONDED by  
612 Commissioner Mair. All in favor. Motion carried.

613

614 Commissioner Bonine made a MOTION to approve the Old Faithful RV Park Site Plan by  
615 Resolution 2023-04 based upon the findings as corrected and including the following conditions:

616

617 1. The applicant shall submit to the Planning & Zoning Department evidence of  
618 approval from the Big Horn Basin Fire Inspector, prior to commencement of  
619 construction of the use;

620 2. The applicant shall submit to the Planning and Zoning Department evidence of  
621 USACE and/or DEQ review/approval regarding satisfaction of requirements  
622 related to wetlands, surface water, waters of the US, and/or other matters relating  
623 to discharge of irrigation or drainage water to the Shoshone River or Jim Creek  
624 on/from the property, prior to scheduling Board consideration of the Site Plan;

625 3. The applicant shall submit to the Planning and Zoning Department evidence of  
626 SEO approval of the well (including an adequate supply of water) proposed to  
627 serve irrigation purposes on the property, prior to commencing the use;

628 4. The applicant shall submit to the Planning and Zoning Department evidence of  
629 SEO approval of the well (including an adequate supply of water) proposed to  
630 serve as a public water supply for the RV Park, prior to commencing construction  
631 of the use;

632 5. The applicant shall provide to the Planning and Zoning Department evidence of  
633 WYDOT approval for highway access to the property, including permission to  
634 widen the access approach, prior to commencing construction of the use;

635 6. The applicant shall not operate commercial use or construction/maintenance  
636 activities on the property from November 15<sup>th</sup> through April 30<sup>th</sup> each year;

637 7. The applicant shall post or otherwise provide bear awareness information for  
638 customers and otherwise heed the recommendations of the Wyoming Game and  
639 Fish Department regarding garbage disposal, unrestrained pets, etc.;

640 8. The applicant shall submit to the Planning and Zoning Department an approved  
641 Long-Term Noxious Weed Management Plan, prior to commencing the use;

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- 642  
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9. The applicant shall provide to the Planning and Zoning Department evidence of DEQ approval of both the public water supply and wastewater system (including the proposed greywater system) to serve the proposed use, prior to commencing construction of the use;
- 646  
647
10. All lighting on the property shall be down directed and shielded to protect dark skies and prevent lighting nuisance issues;
- 648  
649
11. All signage proposed on the property shall be reviewed by the Planning and Zoning Department and permitted as required;
- 650  
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12. The applicant shall pave the roads on the property that have been designated for paving and provide evidence of the County Engineer's approval of the roads to the Planning and Zoning Department, prior to commencing the use;
- 653  
654  
655
13. The applicant shall obtain an approved Floodplain Development Permit that addresses proposed features within the mapped floodplain, prior to commencing construction of the use;
- 656  
657
14. The applicant shall comply with regulatory requirements for building setbacks along the highway;
- 658  
659
15. The applicant shall maintain at least 100 feet of separation between the campground use and the Shoshone River and Jim Creek;
- 660  
661  
662
16. The applicant shall ensure that the fence to be constructed along the campground boundary meets floodplain development requirements and/or highway right-of-way requirements;
- 663
17. The campground may operate from May 1<sup>st</sup> through October 31<sup>st</sup>;
- 664
18. Quiet time in the campground shall be from 10 pm to 7 am;
- 665  
666  
667
19. The applicant shall post an emergency contact phone number for the proprietor or property manager in a central location, easily accessible and visible to customers;
- 668  
669  
670
20. Following approval of the Site Plan, the applicant shall obtain a Building/Zoning Permit for each building to be constructed to serve the use, including each cabin, the two-story building, and the building to house the water treatment system; and
- 671  
672
21. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

673  
674 The motion was SECONDED by Commissioner Peters. All in favor. Motion carried. See  
675 Resolution 2023-04 attached hereto and incorporated herein.  
676

677 **PUBLIC HEARING – Paisley SUP-247:** Joe and Paige Paisley request approval of the Paisley  
678 SUP-247. The Paisleys are proposing a highway commercial business use to allow for placement  
679 of a coffee kiosk and parking for up to two food trucks on a parcel owned by the Scotty G Harris  
680 Family Trust, Dennis Harris, agent. The use is proposed on a 1.38-acre parcel located  
681 approximately 550 feet northwest of the Town of Meeteetse, east of State Highway 120, with an  
682 address of 1602 State Street. The parcel is located within the NW/4, NW/4 of Section 4, T48N,  
683 R100W of the 6<sup>th</sup> P.M., Park County, Wyoming. The property is in the General Rural-Meeteetse  
684 (GR-M) zoning district in the Meeteetse Local Planning Area.  
685

686 Chairman Brandon-Wintermote opened the public hearing at 5:45pm.

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

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

- Commissioner Mair asked if additional parking space is available. Kim Dillivan believes there is additional parking available.

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

- Joe Paisley introduced himself and his wife as 40-year Meeteetse residents. Described the need for this business and more businesses in Meeteetse. Kiosk and food truck will help with jobs and economic growth. He can provide four more parking spots or even eight. There is plenty of room to park. Third trailer is for “Made in Meeteetse” items and will be intermittent and could be interchanged with another trailer (i.e., produce.)

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

- Chairman Brandon-Wintermote inquired how to enforce no parking issue on other side of State Street. Joe doesn't believe they really can but will do their best to encourage parking on site. Paige paisley thought maybe WYDOT would put up a barrier or something.
- Commissioner Eastman asked if ingress/egress will be accessible for truck/trailers. Joe says he would rather not have them loop all the way through, however they have tested it and can flow a trailer around kiosk and back out.

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

Chairman Brandon-Wintermote stated that the Meeteetse Local Planning Area Advisory Committee (MLPAAC) response recommended a limit of 3 vendors and inquired if a condition to this effect would be appropriate. Staff indicated it is covered by SUP as it would require an amendment to add more.

Commissioner Bonine made a MOTION to close the hearing at 6:16pm; SECONDED by Commissioner Eastman. All in favor. Motion carried.

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

Commissioner Peters made a MOTION to recommend approval of Paisley SUP-247 by Resolution 2023- 05 based upon the findings presented and including the following conditions:

1. Park County noise, lighting, and other nuisance regulations shall apply;
2. The applicant shall provide evidence of compliance with the State Fire Inspector's requirements to the Planning and Zoning Department prior to commencing the use;
3. The applicant shall provide evidence of compliance with the Wyoming Department of Agriculture's requirements to the Planning and Zoning Department prior to commencing the use;
4. The applicant shall provide an initial inspection report from Park County Weed & Pest and provide an approved Long-Term Noxious Weed Management Plan, if required, prior to Board of County Commissioner review;

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- 736 5. All greywater produced on-site shall only be disposed of at an approved, government-  
737 regulated site;
- 738 6. The applicant shall provide a plan for overflow parking to the Planning and Zoning  
739 Department prior to review by the Board of County Commissioners;
- 740 7. The applicant shall have a chemical toilet available for restroom usage by vendors,  
741 employees, and customers prior to commencing the use; and
- 742 8. The applicant shall otherwise comply with standards in the Park County Development  
743 Standards and Regulations.

744  
745 The motion was SECONDED by Commissioner Mair. All in favor. Motion carried. See Resolution  
746 2023-05 attached hereto and incorporated herein.  
747

748 **PUBLIC HEARING – Sand Bar Ranch SUP-248:** Mike Sand requests approval of the Sand Bar  
749 Ranch SUP-248. The applicant is proposing a major recreation facility of 7,500 sq. ft. to be utilized  
750 for recreational horseback riding, lessons, training, boarding and potential future horse shows and  
751 clinics. The use is proposed within an unaddressed 4.62-acre parcel located approximately 1.5  
752 miles east of Powell, west of County Lane 6 on the west end of Hacienda Road. The parcel is  
753 described as part of Tract 69G, T55N, R98W of the 6<sup>th</sup> P.M., Park County, Wyoming. The property  
754 is in a General Rural-Powell (GR-P) zoning district in the Powell Local Planning Area.  
755

756 Chairman Brandon-Wintermote opened the public hearing at 6:21pm.  
757

758 There being no comments from Commission members, Kim Dillivan, Planner II, presented the  
759 Staff Report.  
760

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

- 762 • Commissioner Bonine asked about three additional horse shelters and their location. Staff  
763 clarified the location and indicated that the applicant has obtained permits for each existing  
764 structure.  
765

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

- 767 • Mike Sand provided an introduction regarding their equestrian experience and the  
768 proposed use. He mentioned they have a chemical toilet coming. They will work with  
769 Shoshone Irrigation District should they have any requirements. They plan to maintain  
770 roads and will work with neighbors regarding any concerns.
- 771 • Chairman Brandon-Wintermote asked about shelters being on skids and it was clarified  
772 that all structures need permitted.
- 773 • Commissioner Bonine asked if they will allow boarders to park their horse trailers long  
774 term. The applicants responded that the trailer parking indicated on the site plan is for  
775 temporary parking only.  
776

777 Chairman Brandon-Wintermote asked if any Commission members had any further questions for  
778 the applicant.  
779

780 There were no further questions.  
781

782 Chairman Brandon-Wintermote asked if there were comments from any members of the public.  
783



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784 • James McEvoy – neighbor of the Sands' on Hacienda Road. When he received the  
785 neighbor notice the title of use did concern him. The applicants stopped by right away and  
786 clarified that the use would not be shows and clinics; that it would be more of a private use  
787 rather than public. He and his wife support the proposed use.  
788

789 Commissioner Bonine inquired what prompted change. Shannon explained Staff highly  
790 encouraged them to include shows and clinics in case they would like to do so in the future. It  
791 seemed be too much of an impact and they decided they did not want to have events at all.  
792

793 The Commission had discussion:

- 794 • Finding 17 - change to state shelters are permitted.
- 795 • Finding 58 - change the third sentence to state the applicant has provided an amended  
796 parking plan showing adequate parking.
- 797 • Finding 61 – clarify the location of the sign to be on Hacienda Road.
- 798 • Finding 68 – change ho to no  
799

800 Commissioner Bonine made a MOTION to close the hearing at 6:51pm; SECONDED by  
801 Commissioner Peters. All in favor. Motion carried.  
802

803 Commissioner Mair made a MOTION to approve the Sand Bar Ranch SUP-248 by Resolution  
804 2023- 06 based upon the findings as corrected and including the following conditions:  
805

- 806 1. Park County noise, lighting, and other nuisance regulations shall apply;
- 807 2. A chemical toilet (or alternatively, a permitted small wastewater system) will be required  
808 on-site prior to commencement of use;
- 809 3. If a chemical toilet is provided, it must be anchored, and the tank emptied on a regular  
810 basis;
- 811 4. The applicant shall provide a response from Shoshone Irrigation District to confirm no  
812 water rights or irrigation infrastructure will be impacted by the proposed use;
- 813 5. Overnight camping is prohibited; and
- 814 6. The applicant shall otherwise comply with standards in the Park County Development  
815 Standards and Regulations.

816  
817 The motion was SECONDED by Commissioner Eastman. Commissioner Bonine amended to  
818 strike conditions 4 and 6 as they have been met. Commissioner Mair seconded. All in favor.  
819 Motion carried. See Resolution 2023-06 attached hereto and incorporated herein.  
820

821 **PUBLIC HEARING – Whisper Ridge MS-73 Sketch Plan:** Greybull River Ranch, LLC requests  
822 approval of the Sketch Plan of Whisper Ridge MS-73. The proposed subdivision is comprised of  
823 five lots: one 7.43-acre lot, one 5.87-acre lot, one 7.30-acre lot, one 7.84-acre lot and one 9.84-  
824 acre lot, each for residential use. The proposed subdivision is located within the northernmost  
825 portion of a 239.52-acre parcel, approximately 21 miles northeast of Meeteetse, the portion being  
826 north of County Road 3LE described as Lots 29 and 30, Section 12, T51N, R98W, of the 6<sup>th</sup> P.M.,  
827 Park County, Wyoming. The parcel is in the General Rural-Meeteetse (GR-M) zoning district in  
828 the Meeteetse Local Planning Area.  
829

830 Chairman Brandon-Wintermote opened the public hearing at 6:55pm.

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831  
832 There being no comments from Commission members, Kim Dillivan, Planner II, presented the  
833 Staff Report.

834  
835 Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.

- 836 • Commissioner Brandon-Wintermote asked for clarification on the wetlands and where the  
837 water sample was taken.
- 838 • Commissioner Peters asked about the fencing statute. Staff clarified that the statute is not  
839 yet within the subdivision statutes.
- 840 • Commissioner Bonine asked for clarification regarding the boundary line adjustment (BLA)  
841 with the Schlenker parcel.

842  
843 Chairman Brandon-Wintermote asked if the applicant had any questions or comments.

- 844 • Ed Reed, representative for the applicant, noted that he is working to have the wetland  
845 designation removed by the US Army Corps of Engineers (USACE). The water tests are  
846 done. The BLA is technically done; the attorneys are finalizing and recording. Ed contests  
847 that power is adjacent to each lot on the south side. They are in discussion with Big Horn  
848 Rural Electric Company (BHREA), and he asks that they (the PZ Commission) consider  
849 not having a condition requiring an SIA as they feel they have met the requirement of  
850 having the power adjacent to each lot. Chairman Brandon-Wintermote asked staff for  
851 clarification on the requirement. Staff explained that the regulations state that utility  
852 installations at a minimum shall meet the standards of the utility company.

853  
854 Chairman Brandon-Wintermote asked if there were comments from any members of the public.  
855 There were no comments from those in attendance.

856  
857 The Commission had discussion:

- 858 • Finding 61 - should also read wetland should be shown on final plat.
- 859 • Condition 8 - can be stricken. The water analysis has been completed.
- 860 • Condition 3 and Finding 61 - add "in the event the wetland area is not removed by the  
861 USACE".
- 862 • Condition 6 – after lengthy discussion it was determined that this condition is not  
863 necessary at this time and can be stricken.

864  
865 Commissioner Eastman made a MOTION to close the hearing at 7:49pm; SECONDED by  
866 Commissioner Peters. All in favor. Motion carried.

867  
868 Commissioner Bonine made a MOTION to approve the Whisper Ridge MS-73 Sketch Plan by  
869 Resolution 2023-07 based upon the findings presented and including the following conditions:

- 870  
871 1. The applicant shall provide all easements as requested by applicable utilities and  
872 special districts, irrigation districts or public agencies providing services. The width  
873 of any utility easement shall be sufficient to allow adequate maintenance of the  
874 system, but in no case shall such utility easement be less than 20 feet in width.  
875 Easements must be identified on the final plat;
- 876 2. The applicant shall complete and record the boundary line adjustment transaction  
877 to combine and merge the lands within Lot 4 of Section 13 and Lot 30 of Section  
878 12 that are lying south of County Road 3LE with the Schlenker parcel lying south

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- 879 of the proposed subdivision and west of County Road 3XQ, prior to final plat review  
880 with the Board of County Commissioners;
- 881 3. In the event the wetland area is not removed by the USACE, the applicant shall  
882 show the riverine wetland on the final plat and place a note on the final plat that  
883 "According to the National Wetland Inventory, a riverine wetland has been  
884 identified on this parcel. Please note the US Army Corps of Engineers is the  
885 regulatory authority over wetlands and it is unlawful to begin work that will affect a  
886 wetland without a Department of the Army permit when one is required.";
- 887 4. The applicant shall provide an approved Long-Term Noxious Weed Management  
888 Plan, to the Planning and Zoning Department, prior to final plat review by the Board  
889 of County Commissioners;
- 890 5. The applicant shall provide to the Planning & Zoning Department a soils report from  
891 the Meeteetse Conservation District, prior to sketch plan review by the Board of  
892 County Commissioners;
- 893 6. The applicant shall place a condition on the final plat that any access approach that  
894 is intended to serve the lots of this subdivision shall meet Park County Road &  
895 Bridge Standards and will require a Right-of-Way Permit from Park County Public  
896 Works Department;
- 897 7. Following Board approval of the sketch plan and prior to the Board's review of the  
898 final plat, the applicant shall submit an appropriate Subdivision Improvements  
899 Agreement addressing all applicable required improvements (ex. utilities, etc.) for  
900 review by staff and approval of the County Attorney and the Board;
- 901 8. The applicant shall place the following note on the final plat: "Any proposed water  
902 wells on these subdivision lots shall be permitted by the Wyoming State Engineer's  
903 Office prior to installation";
- 904 9. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act  
905 of 1991;
- 906 10. In the event the wetland area is not removed by the USACE, the applicant shall  
907 include the following statement on the final plat in bold, capital letters: "**SELLER  
908 DOES NOT WARRANT TO THE PURCHASER THAT THERE ANY RIGHTS TO  
909 THE NATURAL FLOW OF ANY STREAM WITHIN OR ADJACENT TO THE  
910 PROPOSED SUBDIVISION. WYOMING LAW DOES NOT RECOGNIZE ANY  
911 RIPARIAN RIGHTS TO THE CONTINUED NATURAL FLOW OF A STREAM OR  
912 RIVER FOR PERSONS LIVING ON THE BANKS OF THE STREAM OR RIVER.**";  
913 and
- 914 11. The applicants shall otherwise comply with standards in the Park County  
915 Development Regulations and the minimum subdivision requirements as set forth  
916 in Wyoming Statute 18-5-306.
- 917

## Planning & Zoning Commission Minutes

March 15, 2023

918 The motion was SECONDED by Commissioner Peters. Commissioner Bonine indicated that "in  
919 the event the wetland area is not removed by the USACE" should be added to the beginning of  
920 Condition 10. All in favor. Motion carried. See Resolution 2023-07 attached hereto and  
921 incorporated herein.

922

923 Chairman Brandon-Wintermote delivered the Chair's report. Commission members were advised  
924 to familiarize themselves with the draft Land Use Plan. Joy will have more information soon  
925 regarding the process for adoption. It was suggested that a work session with Joy may be helpful  
926 before the P&Z LUP public hearing. PZ staff was reminded that the May 17<sup>th</sup> PZ meeting date  
927 was moved to May 24<sup>th</sup>.

928

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

930

931 There being no other business, a MOTION was made by Commissioner Bonine to adjourn the  
932 meeting at 8:07pm. The motion was seconded by Commissioner Mair. All in favor. Motion carried.

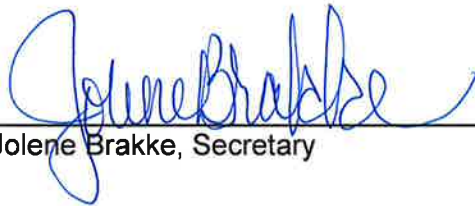
933

934 Respectfully submitted,

935

936

937

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

**RESOLUTION 2023 - 03  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE BE THERE BEARTOOTH RANCH  
SPECIAL USE PERMIT-245 (SUP-245)**

**WHEREAS**, Scot and Gretchen Hutton, submitted a Special Use Permit Application requesting review and approval of a Special Use Permit to operate a Major Institutional Use consisting of an outdoor adventure camp (Be There Adventure Camp) for teenage youth from Minnesota that have a mentoring relationship with a youth ministry organization titled CMYFC;

**WHEREAS**, the property is located approximately eight miles northwest of State Highway 120, on the north side of Louis L'Amour Lane (privately maintained). These lots are all approximately 0.25 miles north of County Road 1AB;

**WHEREAS**, this project is defined by Park County Development Standards and Regulations as a Major Institutional Use: Any general institutional, residential religious use or residential school with more than 5,000 square feet of associated building space or more than one acre of land developed in association with the use;

**WHEREAS**, the application and supporting documents are in substantial compliance with Park County Development Standards and Regulations pertaining to special use permits;

**WHEREAS**, the applicant submitted a statement on how compatibility can be achieved as required for a Special Use Permit – the proposed use will result in minimal noise and visual impacts, and is consistent with surrounding uses in this area, and adequate services and infrastructure are available, or will be made available, to serve the use;

**WHEREAS**, the Planning & Zoning Commission held a duly noticed public hearing on March 15, 2023, to consider the Special Use Permit application and made findings as follows:

1. A Special Use Permit Application, including payment, was received from the applicants on January 12, 2023, in addition to supplemental materials;
2. The applicant requests approval of a Special Use Permit for a Major Institutional Use consisting of an outdoor adventure camp called Be There Adventure Camp;
3. Campers will be on site during three, 5-day sessions (three weeks total);
4. Campers will number 16-24 per session;
5. With program mentors, staff, and volunteers, total number of participants hosted is 38-52 per session;
6. Shelters for participants include tipis, wall tents, and cabins;
7. Meals are provided and served in a barn-like structure on the property;
8. Camp activities include hiking, mountain biking, river rafting, trail riding, and local service projects;

9. The applicants have a residence on one of the lots and provide their horses for trail rides (on and off the main property) and horsemanship training;
10. Counting a prep week for each session, all activities occur annually during a six-week period from July to August;
11. Applicable regulations are the *Park County, Wyoming, 2015 Development Standards and Regulations*, adopted September 15, 2015;
12. The use is classified as a Major Institutional Use;
13. The property is in a General Rural 20-Acre (GR-20) zoning district;
14. Major Institutional Use is allowed in the GR-20 zoning district, provided a Special Use Permit is approved;
15. The applicants stated that the use has been in operation at this location for 18 years;
16. The use, which was not previously permitted by the County, was brought to the attention of the Planning and Zoning Department by a neighbor with concerns about compliance with covenants, risk of wildfires, nuisances, domestic water, unpermitted structures, and septic, among other things;
17. For each lot proposed for the use, ownership is affirmed by Warranty Deed to Be There Beartooth Ranch, LLC;
18. The Line Creek Wilderness Subdivision lots subject to the use are: Lots 54, 56, 57, 60, 61, 62, 63, 81, 83, 84, 85, and 86;
19. The properties are in the Line Creek Wilderness Subdivision, and is described as Section 25, T58N, R103W, and Sections 30, 31, 32, and 33, T58N, R102W, Park County, Wyoming;
20. Lot 57 has an address of 197 Louis L'Amour Lane and is the primary location for the Be There Adventure Camp;
21. Lot 61 has an address of 157 Louis L'Amour Lane and is where the ranch manager lives and where horses are stabled;
22. Lot 63 has an address of 145 Louis L'Amour Lane and is where the applicants reside;
23. Lots 60 and 62 are maintained as pasture for horses;
24. Lots 54, 56, 81, 83, 84, 85, and 86 are vacant and some trail rides will likely occur on these properties;
25. The site of the proposed use is located approximately eight miles northwest of State Highway 120, on the north side of Louis L'Amour Lane (privately maintained). The lots are all approximately 0.25 miles north of County Road 1AB;
26. Line Creek flows just south of the camp location;
27. Neighboring land uses are a mixture of residential, agricultural, and residential vacant land;
28. Line Creek flows to the southeast and is located just south of the proposed use;

29. Lands along the creek have gentle to moderate slope (3-6%). Moving north beyond the valley, the terrain consists of north-south running ridges and valleys with slopes ranging from approximately 8% to 60%;
30. The applicants provided an area map that shows the property relative to Louis L'Amour Lane and County Road 1AB;
31. The applicants provided a topographic map;
32. The applicants provided a site plan map showing Lot 57;
33. The applicants provided a site plan map showing Lot 61;
34. Notice requirements for the public hearing have been met;
35. Notice of the public hearing was published in the *Powell Tribune* on January 31, 2023 and February 7, 2023;
36. Written notice of the public hearing was mailed to property owners within 660 ft. of the property boundary as well as all lot owners within the Line Creek Wilderness Subdivision;
37. The staff report packet was sent to the applicant and the Planning and Zoning Commission prior to the scheduled hearing;
38. The application was forwarded to relevant agencies on January 27, 2023, as required;
39. The Wyoming Department of Environmental Quality provided agency contacts and information for permitting associated with various construction activities;
40. The Park County Treasurer stated property taxes are paid in full;
41. Wyoming Office of State Lands and Investments provided a letter regarding access or work performed on state lands;
42. Park County Public Works stated legal access exists from County Road 1AB to Louis L'Amour Lane and Forty Five Drive. Public Works commented that Louis L'Amour and Forty Five are private road easements established by approval of Line Creek Wilderness Subdivision;
43. Public Works also stated they have no concerns regarding the bridge on Forty Five Drive;
44. The Wyoming Game and Fish Department has provided a response;
45. Park County Weed & Pest has provided a response;
46. Park County Fire Protection District #4 has provided a response;
47. Beartooth Electric has not provided a response;
48. Powell-Clarks Fork Conservation District has not provided a response;
49. A Wyoming State Fire Inspector has not provided a response;
50. A total of seven (7) comment letters have been received in opposition to the proposed use;
51. A total of six (6) comment letters have been received in support of the proposed use;

52. The applicants made a statement of how compatibility will be achieved;
53. The applicants propose an outdoor, summer adventure camp;
54. The applicants will provide lodging, meals, and activities;
55. Horses will be used for trail riding, and for grooming and training practice;
56. Hikers are encouraged to leave "no trace";
57. Applicants encourage vehicle parking behind vegetation to minimize visual impacts;
58. Applicants encourage attendees to drive slowly on County Road 1AB to minimize dust;
59. Applicants minimize artificial lighting and promote the protection of "night sky";
60. Camp participants use flashlights when traveling after dark;
61. Applicants are mindful of noise pollution and try to minimize nighttime noise;
62. All structures (permanent and temporary) are and will be, erected on the applicants' property – no structures are located in the subdivision common area;
63. The common area is used only for travel and Louis L'Amour Lane is used for travel between lots;
64. Structures will not be located within 20 feet of a County Road right-of-way;
65. There are protective covenants for Line Creek Wilderness Subdivision;
66. Of the applicants' property dedicated to this use, the covenants only apply to Lot 54 (currently vacant);
67. The covenants address uses, conditions, and restrictions, including, but not limited to, membership in a subdivision association, use regarding single-family residences, further subdividing, hunting, livestock, and nuisances;
68. Other than lanterns illuminating outdoor activities, outdoor lighting is not proposed;
69. There are no known nonconformities on the property;
70. The use of the property for the camp in recent years has been reported as a nuisance by one or more property nearby property owners;
71. No soils report is required;
72. Access to the property is proposed by Louis L'Amour Lane (a private drive running through several open space tracts in the subdivision), which connects to County Road 1AB (public road) via Forty Five Drive;
73. According to language in the Certificate of Dedication for the Line Creek Wilderness Subdivision plat, open space and easements are dedicated and set apart for the private use of all owners of lots within this subdivision for purposes of ingress and egress and for installation of utilities;
74. Domestic water (for drinking and cooking) will be provided by bottled water;
75. Water wells are located on the property, and a well water quality report has been provided;



76. The use is not located in an irrigation district;
77. A parking area of 50' x 60' should be adequate;
78. The applicants have existing, permitted septic systems and a new system is proposed to serve the use;
79. No signs are proposed for this use;
80. Adequate utilities, public services and infrastructure exist or will be available to serve the proposed use;
81. Electricity is provided by Beartooth Electric to Lots 57 and 61;
82. Solid waste will be stored in dumpsters on the property and disposed of by a commercial company;
83. No specific criteria are identified for this use;
84. The proposed use is not located in an Overlay District;
85. Site plan review is required for a major institutional use;
86. No hazardous substances will be stored, handled, or disposed of on the site;
87. The use is not expected to impact any lakes, reservoirs, or streams;
88. No federally protected wetlands are expected to be impacted by this use;
89. A runoff and erosion control plan is not required for this use;
90. Air quality is not expected to be impacted by this use;
91. The use is not located in any Overlay District;
92. The proposed use is not considered a specific use; and
93. Special Site Plan Standards do apply.

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

**WHEREAS**, the Planning & Zoning Commission concludes the following:

1. The use is in harmony and compatible with surrounding land uses and with the neighborhood and will not create a substantial adverse impact on adjacent properties with conditions;
2. Adequate services and infrastructure are available to serve the use, or adequate services and infrastructure will be provided;
3. The use complies with all specific criteria stated in these regulations for the use;
4. The use complies with additional requirements of overlay districts, if applicable.

**NOW, THEREFORE, BE IT RESOLVED** having heard and weighed the evidence, the Planning & Zoning Commission hereby recommends approval of the special use permit for the Be There Beartooth Ranch LLC Special Use Permit-245 subject to the following conditions:

1. Park County noise, lighting, and other nuisance regulations shall apply;
2. The applicants shall follow Wyoming Department of Game and Fish best practices for food storage in bear areas;
3. The applicants shall finish construction of the proposed 2<sup>nd</sup> vault toilet on Lot 57, prior to commencing the use;
4. The applicants shall submit building permit applications for each unpermitted structure, prior to commencing the use; and
5. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

**ADOPTED** by the Planning & Zoning Commission this 15<sup>th</sup> day of March, 2023.

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

**ATTEST:**

  
Kimberly Brandon-Wintermote, Chairman

  
Jolene Brakke, Secretary

**RESOLUTION 2023 - 04  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE OLD FAITHFUL RV PARK SITE PLAN  
REVIEW**

**WHEREAS**, Old Faithful RV Park, LLC submitted a Site Plan, requesting review and approval to operate a three-season RV Park consisting of twelve 16' x 24' cabins, 45 RV pads, and a two-story structure containing bathrooms, showers, a laundry, a convenience store, an office, and two apartments;

**WHEREAS**, the use is located approximately 15 miles west of Cody, on the south side of Highway 14-16-20, west of Jim Creek and north of the North Fork of the Shoshone River. The physical address is 3256 North Fork Highway;

**WHEREAS**, the property is zoned Commercial Retail under Land Use Change/Classification 96 (LUC-96), which was approved by the Park County Board of Commissioners (Board) on February 15, 1994;

**WHEREAS**, County regulations do not provide provisions for Special Use Permits within LUCs; however, County regulations specify that Site Plan Review is required for all recreational uses, including campgrounds;

**WHEREAS**, this project is defined by Park County Development Standards and Regulations as a Recreational Use - Campground: An outdoor area providing space for vacationers to live on a temporary basis in either tents, tent trailers, or recreational vehicles which is open to the general public and operated to provide financial gain to the proprietor. A campground may also include rental cabins and the sale of goods and services to patrons, but its primary function is to accommodate visitors providing their own shelter. An RV Park is defined in County Regulations as: A facility designed to accommodate recreational vehicles by providing parking spaces and either individual utility hookups or a common water supply and sanitary facilities. A recreational vehicle park may also include recreational amenities such as a clubhouse, playground, and athletic facilities for use by persons staying in the park, but not available to the general public;

**WHEREAS**, the applicant submitted statements and supporting documents that evidence they have met the basic site plan standards and the special site plan standards required by Park County Development Standards and Regulations pertaining to site plan review;

**WHEREAS**, the Planning & Zoning Commission held a duly noticed public hearing on March 15, 2023, to consider the Site Plan Review application and made findings as follows:

1. A Site Plan Review (without SUP) Application was received from Old Faithful RV Park, LLC., on September 16, 2022;

2. An updated application with Site Plan and Utility Plan was received on December 14, 2022;
3. A Site Plan Review Report was received on February 13, 2023;
4. The applicant requests approval to operate a three-season RV Park consisting of twelve 16' x 24' cabins, 45 recreational vehicle (RV) pads, and a two-story structure containing bathrooms, showers, a laundry, a convenience store, an office, and two apartments;
5. The application listed the estimated total floor area of the 2-story structure as 4,704 sq. ft.;
6. The twelve cabins have dimensions of 16' x 24' or 4,608 sq. ft. in total. The total floor area of the cabins (combined) is likely larger than 4,608 sq. ft. because each will contain a loft area;
7. The land area impacted by the proposed use as 5.22 acres;
8. Applicable regulations are the *Park County, Wyoming, 2015 Development Standards and Regulations*, adopted September 15, 2015;
9. The use is classified as a Recreational Use – Campground, and more specifically as an RV Park;
10. Ownership is confirmed by Warranty Deed (Document #2022-3501) to Old Faithful RV Park, LLC.;
11. The property is described as being within Tract 43, Sec. 19, RS, lying south of present Highway 14-16-20, north of the approximate centerline of the North Fork of the Shoshone River, and west of the present course of Jim Creek, T52N, R104W, 6th P.M., Park County, Wyoming;
12. The property is zoned Commercial Retail under Land Use Change/Classification 96 (LUC 96) which was approved by the Park County Board of Commissioners (Board) on February 15, 1994;
13. County regulations do not provide provisions for Special Use Permits within LUCs; however, County regulations specify that Site Plan Review is required for all recreational uses, including campgrounds;
14. The property is located in the North Fork Planning Area approximately 15 miles west of Cody, on the south side of Highway 14-16-20, west of Jim Creek and north of the North Fork of the Shoshone River, with a physical addresses of 3244 and 3256 North Fork Highway;
15. The easternmost and southernmost portions of the property are located in a Special Flood Hazard Area (SFHA or "floodplain");
16. The property is surrounded by primarily residential properties (south, north and east) and exempt, Bureau of Land Management (BLM) lands (east and west); there is commercial use on a property to the south/southeast on the south side of the river, and agricultural use further to the southeast;

17. The property is currently vacant and slopes downward from north to south, with some slopes on the property exceeding 65% near the river's edge, according to Google Earth measurements;
18. Legal notice requirements have been met;
19. The application was forwarded to agencies as required;
20. The Park County Treasurer' Office stated 2022 taxes have been paid;
21. The Big Horn Basin Fire Inspector commented that the project includes commercial buildings open to the public; therefore, plans must be submitted to his Department (prior to construction activities) for approval;
22. The Wyoming Department of Environmental Quality (DEQ) stated that wetlands may exist on the property; the US Army Corps of Engineers (USACE) will determine whether the wetlands/surface water are considered waters of the United States, and therefore under the jurisdiction of the Corps. If the wetlands are not waters of the United States, potential regulation would fall to DEQ.
23. USACE offered comments that questioned whether the waters were jurisdictional, whether the waters would flow into the Shoshone River, and whether the apparent pond is natural or human constructed;
24. The Wyoming State Engineer's Office (SEO) has no concerns with the proposed plan; however, the applicant will need to file for an enlargement of the existing water right;
25. The Wyoming Department of Transportation (WYDOT) stated that the developers inquired about existing and proposed highway access. WYDOT has received an application requesting a proposed change in use;
26. WYDOT stated that they have approved the access permit to widen the commercial access onto Highway 14-16-20;
27. The Wyoming Game & Fish Department (WGFD) recommends limiting human activity on the property from November 15<sup>th</sup> through April 30<sup>th</sup> due to Crucial Mule Deer Winter Range;
28. WGFD advises the applicant to follow bear awareness recommendations;
29. WGFD addressed riparian habitat, habitat alteration, landscaping considerations, garbage disposal, unrestrained pets, wildlife corridors and other topics, including recommendations;
30. Park County Public Works offered a review and concerns related to septic systems, public water supply, access, roads, drainage, and slopes;
31. Park County Weed & Pest commented on the previous use and the potential for weeds as a result of new disturbances and will require a Long-Term Noxious Weed Management Plan;
32. Park County Fire District #2 stated that the property is within their jurisdiction and requested that all roads and crossing meet legal load limits;
33. Cody Conservation District has not responded;

34. PacifiCorp (RMP) has responded;
35. Eight (8) written public comment opposing the project have been received;
36. Site Plan Review is required for recreational uses such as campgrounds;
37. There are two water wells located on the property;
38. The well located in the south-central portion of the property will be used for landscape irrigation only – there is not an SEO permit on file for this well;
39. The applicant plans to use the water well located in the southwest portion of the property for potable water – this well has been permitted by the SEO;
40. An enlargement to the current SEO permit has been requested by the applicant;
41. The applicant also anticipates making improvements to the southwestern well, which are detailed in a WYDEQ Permit to Construct Application;
42. Analysis of water from the southwestern well indicated the presence of coliform;
43. A more thorough analysis of the southwestern well will be performed during the process of obtaining a permit to operate the well as a public water supply;
44. There are records of four permitted septic systems located on this property; however, none of the systems are appropriate or adequate to serve the proposed use;
45. These existing small wastewater systems will be located and abandoned in-place according to DEQ regulations;
46. The applicant is proposing a greywater system for the laundry facility that will irrigate trees and shrubs;
47. The applicant is proposing a Presby-style small wastewater system for the cabins, shower house, and apartments;
48. The applicant proposes a separate septic system specifically to serve the RV pads;
49. The applicant has prepared a DEQ wastewater permit-to-construct application, and a DEQ UIC permit-to-construct application;
50. Solid waste disposal services will be contracted with private providers;
51. The applicant proposes four, 5-cubic-yard dumpsters for solid waste collection;
52. Chlorine or Hypochlorite may be stored and handled on site;
53. According to the applicant, PacifiCorp has adequate capacity to provide electrical service and is preparing service plans; however, no official response has been received from the provider indicating that they can and will serve the proposed development;
54. According to the applicant, cell phone service is available on the property;
55. Natural gas is not available in the area;
56. One elevated LED lighted sign (80" x 143") is proposed for the park entrance;
57. The applicant stated the sign will be dark sky-compliant, to the extent possible;

58. The proposed sign will require a permit from the Planning and Zoning Department;
59. It is unclear whether the applicant will provide other signage within the RV park to direct visitors around the property and identify important features;
60. Each RV site is designed to have the towing vehicle parked on the pad, and each pad will have an area (10' in width) to accommodate an additional vehicle;
61. Each cabin will have two designated parking spaces (9' 10" in width). One cabin will have an ADA-compliant parking space;
62. The main building will have eleven designated parking spaces, two of which will be ADA-compliant;
63. The applicant states that all roads will be built with crushed road base;
64. The applicant proposes that areas shown on the Site Plan and Utility Plan for asphalt paving will be paved within five years of Site Plan approval, with 3" of asphalt, though the lower bench road will remain crushed road base;
65. The State Engineer's Office has no concerns with the proposed irrigation plan. The applicant will need to file for an enlargement of the existing water right;
66. Should any of the irrigation wastewater flow into Jim Creek or into the Shoshone River, documentation regarding compliance will be required from DEQ and/or USACE;
67. Additional information from DEQ and/or USACE regarding the presence of wetlands, their jurisdictional requirements regarding wetlands, if any, and potential regulatory requirements, is required;
68. A stormwater drainage report has been submitted and approved by the Park County Engineer;
69. The use is not expected to impact air quality;
70. The use shall comply with County standards for noise;
71. Lights on the main building will be dark sky-compliant LED light fixtures. Lighting is proposed at each RV site with a small dark sky-compliant LED light installed at each RV electrical box;
72. Quiet hours will be from 10pm to 7am;
73. Pets will be permitted in the park;
74. A portion of the property is in the mapped floodplain;
75. A Floodplain Development Permit will be required to address proposed features within the mapped floodplain;
76. The proposed use is not located in an Airport or Agricultural Overlay District;
77. The proposed use is not considered a specific use;
78. The floor area of the two-story building and cabins combined is at least 9,312 sq. ft.;
79. Compliance with County Regulations regarding building setbacks along highways requires these structures be located at least 20' from the highway ROW;

80. Special Site Plan Standards apply to all site plans in the North Fork Planning Area;
81. The proposed campground will maintain a 100' setback distance from the river;
82. The applicant plans to construct a wooden fence and aspen trees along the campground boundary;
83. The proposed campground is located in mule deer crucial winter range;
84. Given the campground will be a three-season RV park, impacts to mule deer winter range will be minimal;
85. In an effort to minimize negative impacts to wildlife habitat, the 100 feet of land adjacent to Jim Creek and the Shoshone River will be left undisturbed;
86. The applicant is proposing the addition of trees and shrubs to enhance wildlife habitat;
87. The Jim Creek and Shoshone River corridors will be left undisturbed giving wildlife access to water and shelter; and
88. The proposed use is not within one mile of a designated Scenic Byway.

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

**NOW, THEREFORE, BE IT RESOLVED** having heard and weighed the evidence, the Planning & Zoning Commission hereby recommends approval of the site plan review for the Old Faithful RV Park subject to the following conditions:

1. The applicant shall submit to the Planning & Zoning Department evidence of approval from the Big Horn Basin Fire Inspector, prior to commencement of construction of the use;
2. The applicant shall submit to the Planning and Zoning Department evidence of USACE and/or DEQ review/approval regarding satisfaction of requirements related to wetlands, surface water, waters of the US, and/or other matters relating to discharge of irrigation or drainage water to the Shoshone River or Jim Creek on/from the property, prior to scheduling Board consideration of the Site Plan;
3. The applicant shall submit to the Planning and Zoning Department evidence of SEO approval of the well (including an adequate supply of water) proposed to serve irrigation purposes on the property, prior to commencing the use;
4. The applicant shall submit to the Planning and Zoning Department evidence of SEO approval of the well (including an adequate supply of water) proposed to serve as a public water supply for the RV Park, prior to commencing construction of the use;



5. The applicant shall provide to the Planning and Zoning Department evidence of WYDOT approval for highway access to the property, including permission to widen the access approach, prior to commencing construction of the use;
6. The applicant shall not operate commercial use or construction/maintenance activities on the property from November 15<sup>th</sup> through April 30<sup>th</sup> each year;
7. The applicant shall post or otherwise provide bear awareness information for customers and otherwise heed the recommendations of the Wyoming Game and Fish Department regarding garbage disposal, unrestrained pets, etc.;
8. The applicant shall submit to the Planning and Zoning Department an approved Long-Term Noxious Weed Management Plan, prior to commencing the use;
9. The applicant shall provide to the Planning and Zoning Department evidence of DEQ approval of both the public water supply and wastewater system (including the proposed greywater system) to serve the proposed use, prior to commencing construction of the use;
10. All lighting on the property shall be down-directed and shielded to protect dark skies and prevent lighting nuisance issues;
11. All signage proposed on the property shall be reviewed by the Planning and Zoning Department and permitted as required;
12. The applicant shall pave the roads on the property that have been designated for paving and provide evidence of the County Engineer's approval of the roads to the Planning and Zoning Department, prior to commencing the use;
13. The applicant shall obtain an approved Floodplain Development Permit that addresses proposed features within the mapped floodplain, prior to commencing construction of the use;
14. The applicant shall comply with regulatory requirements for building setbacks along the highway;
15. The applicant shall maintain at least 100 feet of separation between the campground use and the Shoshone River and Jim Creek;
16. The applicant shall ensure that the fence to be constructed along the campground boundary meets floodplain development requirements and/or highway right-of-way requirements;
17. The campground may operate from May 1<sup>st</sup> through October 31<sup>st</sup>;
18. Quiet time in the campground shall be from 10 pm to 7 am;
19. The applicant shall post an emergency contact phone number for the proprietor or property manager in a central location, easily accessible and visible to customers;
20. Following approval of the Site Plan, the applicant shall obtain a Building/Zoning Permit for each building to be constructed to serve the use, including each cabin, the two-story building, and the building to house the water treatment system; and

21. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

**ADOPTED** by the Planning & Zoning Commission this 15<sup>th</sup> day of March, 2023.

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

**ATTEST:**

  
Kimberly Brandon-Wintermote, Chairman

  
Jolene Brakke, Secretary

**RESOLUTION 2023 - 05  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE PAISLEY  
SPECIAL USE PERMIT-247 (SUP-247)**

**WHEREAS**, Paisley Custom Wood, LLC, submitted a Special Use Permit Application requesting review and approval of a Special Use Permit to operate a highway commercial business that will consist of one mobile coffee kiosk, one mobile food and catering trailer, and one additional rental spot for a short-term retail or food vendor. The total floor space of the three proposed mobile units is 544 square feet and the estimated total developed site area is 0.25 acre;

**WHEREAS**, the property is located approximately 550 feet northwest of the Town of Meeteetse, east of State Highway 120 and State Street. The property has an address of 1602 State Street, Meeteetse, WY;

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

**WHEREAS**, the application and supporting documents are in substantial compliance with Park County Development Standards and Regulations pertaining to special use permits;

**WHEREAS**, the applicant submitted a statement on how compatibility can be achieved as required for a Special Use Permit – the proposed use will result in minimal noise and visual impacts, and is consistent with surrounding uses in this area, and adequate services and infrastructure are available, or will be made available, to serve the use;

**WHEREAS**, the Planning & Zoning Commission held a duly noticed public hearing on March 15, 2023, to consider the Special Use Permit application and made findings as follows:

1. A Special Use Permit Application, including payment, was received from Paisley Custom Wood, LLC., the applicant, on February 9, 2023, including supplemental materials;
2. The applicant provided a letter, signed by Dennis Harris (Trustee of the Scotty G. Harris Family Trust), as the property owner, granting permission to Joe and Paige Paisley of Paisley Custom Wood, LLC to submit an SUP Application;
3. The applicant requests approval of an SUP for a highway commercial business consisting of one mobile coffee kiosk, one mobile food and catering trailer, and one additional rental spot for a short-term retail or food vendor;
4. The total floor space of the three proposed mobile units is 544 square feet and the estimated total developed site area is 0.25 acre;

5. Applicable regulations are the *Park County, Wyoming, 2015 Development Standards and Regulations*, adopted September 15, 2015;
6. The use is classified as a highway commercial business;
7. Ownership is affirmed by Warranty Deed dated October 20, 2020, to Dennis Harris, Trustee of the Scotty G. Harris Family Trust, dated 6/26/84;
8. The property is a 1.38-acre parcel located within Section 4, T48N., R100W., Park County, Wyoming;
9. The property is located approximately 550 feet northwest of the Town of Meeteetse, east of State Highway 120 and State Street. The property has an address of 1602 State Street, Meeteetse, WY;
10. The property is in a General Rural Meeteetse (GR-M) zoning district;
11. Highway commercial business uses are allowed in the GR-M zoning district, provided an SUP is approved;
12. Neighboring land uses are a mixture of residential and commercial land, with several exempt, residential vacant and commercial vacant lands interspersed in the area;
13. The property is relatively flat;
14. The Greybull River is approximately 350 feet to the east of the property, but no portion of the parcel is within the mapped floodplain;
15. Four outbuildings and one residence exist on the property and are estimated to have been built between 1925 and 1966. No permits exist in Planning & Zoning records; the uses are considered pre-existing. The status of any unpermitted septic systems and/or wells serving the current structures is unknown;
16. The applicant provided a site plan drawing for the use;
17. Legal notice requirements were met, including notice to property owners within 660 ft. of the property boundary;
18. The application was forwarded to relevant agencies as required;
19. Big Horn Rural Electric Company can provide power to the proposed use;
20. The Town of Meeteetse stated they have capacity to serve domestic water and sewer disposal service for the use;
21. Wyoming DEQ provided agency contact information and requirements for permitting various surface development activities;
22. Park County Treasurer confirmed that property taxes are current; the next payment is due on May 10, 2023;
23. WYDOT will not require an access permit for the use off-of State Street;
24. WYDOT has concerns about proximity of the proposed use to the right-of-way (ROW). Per Wyoming Statute and the Code of Federal Regulations, no commerce (including parking) may take place within the ROW;

25. Providing the applicant ensures all designated parking for the business is on his property, WYDOT has no further concerns;
26. The State Fire Inspector will require any trailers providing mobile cooking to be inspected by the State Fire Inspector;
27. State Street is not a County Road and the County does not maintain State Street;
28. Any and all improvements shall comply with Park County Regulations, including but not limited to setback requirements, ROW permitting, and addressing;
29. A storm water drainage and erosion control plan are not necessary for this proposed use and will not be required by Park County Public Works;
30. The Meeteetse Local Planning Area Advisory Committee (MLPAAC) has reviewed the application material and is in support of approval of the Special Use Permit;
31. The Wyoming Game & Fish Department does not have any terrestrial wildlife comments on this project;
32. The Meeteetse Fire Department can respond to any calls at this address;
33. Greybull Valley Irrigation District has stated they have no concerns with the proposed project;
34. Wyoming Department of Agriculture will require plan reviews for the food truck and coffee kiosk;
35. Park County Weed and Pest has not provided a response;
36. No public comments have been received;
37. The applicant made a statement of how compatibility will be achieved;
38. The use is intended to create small business start-ups and growth as well as create job opportunities and economic growth in the Meeteetse community;
39. Hours of operation will be from 5 am to 6 pm, potentially seven days per week;
40. A dumpster will be on location and trash receptacles will be provided by the applicants on site. Vendors will be responsible for trash pickup and the applicants will be onsite daily for oversight;
41. The proposed use will not be within 20 feet of a County road right-of-way;
42. No covenants are known to exist on the property;
43. Outdoor lighting is proposed on each mobile kiosk/retail trailer. All lighting will be down-directed and shielded;
44. While pre-existing, unpermitted structures exist on the parcel, there are no known nonconformities on the property;
45. No nuisances have been reported at this location;
46. A soils report is not required;
47. Access is proposed via State Street;

48. Domestic water will be the responsibility of each vendor and will be provided by the Town of Meeteetse;
49. Based on Park County Regulations, two parking spaces are required. Four parking spaces are proposed. Due to the likelihood of needing more spaces during peak times (morning, lunch and dinner times) and parking concerns of WYDOT, an overflow parking area is recommended;
50. Each mobile unit will have a self-contained greywater tank and will be responsible for disposing of it regularly in the Town of Meeteetse. The Town of Meeteetse has confirmed they have the capacity to serve;
51. The applicant proposes the vendors and their employees utilize neighboring restrooms at the Oasis Motel with permission from the owner, or as an alternative is willing to provide chemical toilets on-site;
52. Staff recommends a chemical toilet be placed on-site, to serve the vendors, employees, and customers, prior to commencement of the use;
53. No signs are proposed for this use and sign standards apply to any signage planned in the future;
54. Solid waste will be disposed of according to County regulations;
55. It is unclear if adequate utilities, public services and infrastructure are available to serve the use, in particular relating to adequate small wastewater services;
56. No specific criteria are identified for this use;
57. The proposed use is not located in an Overlay District; and
58. Site plan review is not required.

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

**WHEREAS**, the Planning & Zoning Commission concludes the following:

1. The use is in harmony and compatible with surrounding land uses and with the neighborhood and will not create a substantial adverse impact on adjacent properties with conditions;
2. Adequate services and infrastructure are available to serve the use, or adequate services and infrastructure will be provided;
3. The use complies with all specific criteria stated in these regulations for the use;
4. The use complies with additional requirements of overlay districts, if applicable.

**NOW, THEREFORE, BE IT RESOLVED** having heard and weighed the evidence, the Planning & Zoning Commission hereby recommends approval of the special use permit for the Paisley Special Use Permit-247 subject to the following conditions:

1. Park County noise, lighting, and other nuisance regulations shall apply;
2. The applicant shall provide evidence of compliance with the State Fire Inspector's requirements to the Planning and Zoning Department prior to commencing the use;
3. The applicant shall provide evidence of compliance with the Wyoming Department of Agriculture's requirements to the Planning and Zoning Department prior to commencing the use;
4. The applicant shall provide an initial inspection report from Park County Weed & Pest and provide an approved Long-Term Noxious Weed Management Plan, if required, prior to Board of County Commissioner review;
5. All greywater produced on-site shall only be disposed of at an approved, government-regulated site;
6. The applicant shall provide a plan for overflow parking to the Planning and Zoning Department prior to review by the Board of County Commissioners;
7. The applicant shall have a chemical toilet available for restroom usage by vendors, employees, and customers prior to commencing the use; and
8. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

**ADOPTED** by the Planning & Zoning Commission this 15<sup>th</sup> day of March, 2023.

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

**ATTEST:**

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

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

**RESOLUTION 2023 - 06  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE SAND BAR RANCH  
SPECIAL USE PERMIT-248 (SUP-248)**

**WHEREAS**, Michael Sand, submitted a Special Use Permit Application requesting review and approval of a Special Use Permit to operate a major recreation facility that will entail equine trainings and lessons, recreational horseback riding, and equine boarding.;

**WHEREAS**, the property is located on an unaddressed parcel approximately 2 miles east of the City of Powell, south of County Lane 8H, on the west side of Hacienda Road;

**WHEREAS**, this project is defined by Park County Development Standards and Regulations as a Major recreation facility: Any commercial recreation business or outdoor recreation facility with over 5,000 square feet of building floor space or over one acre of land developed in association with use including driving ranges, golf courses, shooting ranges, skeet and trap ranges, commercial bird raising and hunting operations, outdoor riding arenas, and cross-country (Nordic) ski centers;

**WHEREAS**, the application and supporting documents are in substantial compliance with Park County Development Standards and Regulations pertaining to special use permits;

**WHEREAS**, the applicant submitted a statement on how compatibility can be achieved as required for a Special Use Permit – the proposed use will result in minimal noise and visual impacts, and is consistent with surrounding uses in this area, and adequate services and infrastructure are available, or will be made available, to serve the use;

**WHEREAS**, the Planning & Zoning Commission held a duly noticed public hearing on March 15, 2023, to consider the Special Use Permit application and made findings as follows:

1. A Special Use Permit Application, including payment, supplementary information, and a site plan was received on February 10, 2023;
2. Application statements were amended through a letter delivered to the Planning and Zoning department on February 27, 2023, terminating the applicant's request for horse show events and clinic events as part of the SUP;
3. The applicant requests approval of an SUP, with Site Plan review, for a proposed use that will include equine training and lessons, recreational horseback riding, and equine boarding;
4. The property will not be open to the general public. Potential clients must be invited to the property and follow the guidelines and agreements set forth in the application's supporting documents;
5. Most of the activities will occur on the property in a proposed 7,500-square foot indoor riding arena;



6. The applicant has indicated the activities will occur on a weekly basis and only during reasonable daylight hours;
7. The applicant expects there to be 1-3 persons at one time during a given day and no more than six non-resident horses boarded at one time;
8. The area where the SUP is proposed is approximately one acre in size;
9. Applicable regulations are *Park County, Wyoming 2015 Development Standards and Regulations* adopted September 15, 2015;
10. The use is classified as a Major Recreation Facility;
11. Ownership is confirmed by Warranty Deed 2007-5287, dated July 16, 2007, to Michael W. Sand and Shannon A. Sand;
12. The property is a 4.62-acre parcel within Lot 69-G of Lot 69, T55N-R98W;
13. The property is located within a General Rural Powell (GR-P) zoning district and major recreation facility uses are permitted provided a Special Use Permit is approved;
14. This property is located approximately two miles east of Powell, south of County Lane 8H, on the west side of Hacienda Road;
15. Neighboring land uses are a mixture of residential, vacant residential and agricultural uses;
16. The Sand Major Subdivision is located approximately 30 feet East of the parcel, across Hacienda Road;
17. There is an existing permitted barn, horse corrals, an outdoor horse-riding arena and three existing, permitted horse shelters proposed to be used for horse boarding;
18. The property gradually slopes downward from north to south, with an elevated area located at the mid-section of the property on the western half. The surrounding land is relatively flat;
19. All public notice requirements have been met;
20. Agency referral requirements have been met;
21. The Park County Treasurer's Office stated the first half taxes are paid and the 2<sup>nd</sup> half is due on May 10, 2023;
22. Park County Fire Protection District #1, stated they can provide fire protection to said properties, as long as any and all accesses are constructed to accommodate the fire equipment;
23. The Wyoming Department of Environmental Quality provided a list of activities that need to be permitted by DEQ and permitting contact information;
24. The Wyoming State Fire Marshal's Office stated that there is no requirement from their department for plan review, so long as the proposed project is not open to the public for events;

25. Park County Public Works stated that access to the site is provided by way of Hacienda Road which is legally accessed via Park County Lane 8H;
26. County Lane 8H is maintained by the Road and Bridge Division of the Park County Public Works Department. Hacienda Road is a private road and is maintained by the applicant, according to statements in the application;
27. It is the Public Works Department understanding that Hacienda Road is an all-weather road with suitable drainage;
28. Planned development will not result in a change in the road classification of the County Road;
29. A site-specific drainage plan will not be required for this use;
30. Consideration should be given to the surface type of parking areas servicing the proposed structure. A sufficient gravel surface, at a minimum, is recommended;
31. A storm water permit from DEQ is not required;
32. The Wyoming Game & Fish Department has no wildlife comments regarding the project;
33. A soils report was generated from the USDA NRCS website using the Web Soil Survey application. Willwood-Pretorson-Rock outcrop complex and Sharland sandy clay loam (primary type found on the property) are the identified soil types. The primary soil type is rated "not limited" for small commercial buildings (structures less than three stories and without basements). Both soil types are considered "very limited" for septic absorption fields due to filtering capacity, slow water movement and depth to bedrock;
34. Park County Weed & Pest stated that the PCWP has completed the initial inspection of the property and a Long-Term Noxious Weed Management Plan will not be required, but recommends the applicant follow Best Management Practices of Controlling the Spread of Noxious Weeds;
35. Rocky Mountain Power has capacity to serve the proposed use;
36. Shoshone Irrigation District: No comments have been received.
37. No public comments have been received;
38. The applicant provided statements as to how compatibility with surrounding land uses and the neighborhood will be achieved;
39. The applicant stated that there will be little noise or dust from the use;
40. The applicant stated that there will be a small amount of traffic generated by the use;
41. The applicant maintains Hacienda Road as necessary; grading is done on occasion and following rain and snow events;
42. The applicant cleans stalls daily, and manure is stored in a compost pile out of site and hauled to the landfill on a regular basis;

43. The applicant said that haystacks are well maintained, any loose hay does not blow onto adjacent properties;
44. The applicant believes the use will be a great asset to the community;
45. The property has Northwest Rural Water;
46. The property has no septic system;
47. Rocky Mountain Power will provide electricity to the structure;
48. The proposed use has no buildings or structures within 20 feet of a County road right-of-way;
49. No covenants are proposed or known to exist;
50. No outdoor lighting is proposed;
51. No nonconformities exist; however, unpermitted structures exist that have been built or placed on the property since 2015. The applicant has since submitted building permit applications for all existing structures on this property;
52. No nuisances have been reported at this location;
53. Compatibility and impacts of the use have been sufficiently addressed and suggest that the proposed use will be in harmony and compatible with surrounding land uses and with the neighborhood and will not create a substantial adverse impact on adjacent properties;
54. Access to the indoor arena is proposed by way of Hacienda Road from County Lane 8H. Hacienda Road is on a parcel (located just north of the subject property) owned by Michael Sand and Julie A. Sanders; this property has an address of 858 Hacienda Road. The entirety of Hacienda Road is on the parcel owned by Michael Sand and Julie A. Sanders. The applicant has a residence on 858 Hacienda;
55. Domestic water will be provided for animal consumption by Northwest Rural Water. Potable drinking water will not be provided to clients. Clients must bring their own water to the site;
56. The parcel is within the boundaries of the Shoshone Irrigation District. No response from the District has been received. This use is not expected to impact any irrigation facilities, however this should be confirmed by the Irrigation District;
57. Parking regulations require 19 parking spaces for this use. 17 – 10' x 20' parking spaces and 3 – 10' x 30' parking spaces for Clients will be available to the north of the proposed riding arena, therefore parking requirements have been met;
58. There is no septic system proposed or existing on the parcel. Either one chemical toilet or a small wastewater system should be required for appropriate wastewater disposal;
59. Electricity is provided by Rocky Mountain Power. The indoor riding arena will not use natural gas for heating;
60. One sign is proposed to identify client access to the proposed use from Hacienda Road;

61. The applicant will need to comply with county regulations including obtaining a building and zoning permit for the sign and the sign must not exceed 80 sq-ft in area;
62. Solid waste disposal is available through private service providers;
63. Based upon the above findings, adequate services and infrastructure are available to serve the use or the applicant will provide services to serve the proposed use, with the exception of proving adequate parking space and wastewater disposal.
64. Specific criteria for an accessory use structure applies. The applicant will need an approved building and zoning permit for each structure on the property;
65. The use is not located in an overlay district;
66. Site Plan Review is required for Major Recreation Facilities;
67. No hazardous substances are expected to be produced, stored, or handles on this property'
68. The use is not expected to impact any lakes, reservoirs, or streams;
69. The use is not expected to impact any federal wetlands;
70. A runoff and erosion control plan is not required according to Park County Public Works;
71. No impacts to air quality are expected by this development;
72. Nuisance regulations shall apply;
73. Standards for Specific Uses apply under accessory structures;
74. The applicant is not proposing construction of buildings along any highways;
75. The applicant has met all requirements for site plan review and all site plan standards have been adequately addressed and met, with the exception of parking and sewage disposal; and
76. The proposed use is in the Powell Planning Area, thus special site plan review is not required.

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

**WHEREAS**, the Planning & Zoning Commission concludes the following:

1. The use is in harmony and compatible with surrounding land uses and with the neighborhood and will not create a substantial adverse impact on adjacent properties with conditions;
2. Adequate services and infrastructure are available to serve the use, or adequate services and infrastructure will be provided;

3. The use complies with all specific criteria stated in these regulations for the use;
4. The use complies with additional requirements of overlay districts, if applicable.

**NOW, THEREFORE, BE IT RESOLVED** having heard and weighed the evidence, the Planning & Zoning Commission hereby recommends approval of the special use permit for the Sand Bar Ranch Special Use Permit-248 subject to the following conditions:

1. Park County noise, lighting, and other nuisance regulations shall apply;
2. A chemical toilet (or alternatively, a permitted small wastewater system) will be required on-site prior to commencement of use;
3. If a chemical toilet is provided, it must be anchored and the tank emptied on a regular basis;
4. The applicant shall provide a response from Shoshone Irrigation District to confirm no water rights or irrigation infrastructure will be impacted by the proposed use;
5. Overnight camping is prohibited; and
6. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

**ADOPTED** by the Planning & Zoning Commission this 15<sup>th</sup> day of March, 2023.

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

**ATTEST:**

  
Kimberly Brandon-Wintermote, Chairman

  
Jolene Brakke, Secretary

**RESOLUTION 2023 - 07  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE  
WHISPER RIDGE MINOR SUBDIVISION-73 (MS-73) SKETCH PLAN**

**WHEREAS**, Greybull River Ranch proposes to create one 7.43-acre lot, one 5.87-acre lot, one 7.30-acre lot, one 7.84-acre lot, and one 9.84-acre lot, each for residential use. Creation of this subdivision will result in a remainder parcel of approximately 201 acres;

**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. 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 March 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 Greybull River Ranch, LLC., on February 10, 2023;
2. A revised sketch plan was received on February 24, 2023;
3. The applicant requests approval of a five-lot subdivision consisting of one 7.43-acre lot, one 5.87-acre lot, one 7.30-acre lot, one 7.84-acre lot, and one 9.84-acre lot, each for residential use;
4. Ownership is affirmed by Warranty Deed (dated June 30, 2021, Doc. #2021-4682) to Greybull River Ranch, LLC., a Montana limited liability company;
5. Applicable Regulations for this development are the *Park County, Wyoming, 2015 Development Standards and Regulations* adopted September 15, 2015 ("Regulations");
6. This subdivision is classified as a minor subdivision;
7. The property is in a GR-M zoning district;
8. The lot sizes as proposed are consistent with the GR-M zoning district;

9. The parcel is located within Lots 28, 29 & 30 in Section 12 and Lots 2, 3 & 4 in Section 13, Lots 9, 10, 16, 17, 25 & 26 and the west part of Lots 11 & 12, Lot 38 and Tract 93, 6<sup>th</sup> P.M., Park County, Wyoming, according to the records of the County Clerk and Recorder of Park County, State of Wyoming;
10. A boundary line adjustment in which the lands within Lot 4 of Section 13 and Lot 30 of Section 12 that are lying south of County Road 3LE, will be completed, conveyed to and merged with the Neil E. Schlenker and William B. Schlenker parcel lying south of the proposed subdivision and west of County Road 3XQ, prior to final plat review with the Board of County Commissioners;
11. The proposed subdivision is located within the northernmost portion of a 239.52-acre parcel, approximately 21 miles northeast of Meeteetse, on the north side of County Road 3LE;
12. The property is currently vacant, unirrigated agricultural rangeland. The terrain is moderately hilly across the proposed subdivision with an overall decline in elevation from north to south.
13. A riverine wetland, classified in the U.S. Fish and Wildlife Service National Wetlands Inventory as an intermittent, seasonally flooded streambed runs north to south mid-subdivision. The U.S. Army Corps of Engineers is the governing authority over wetlands identified in the aforementioned inventory;
14. Neighboring land uses are a combination of agricultural and exempt federal lands;
15. This property is not located within one mile of any municipality; therefore, municipal review is not required;
16. The application has been forwarded to the Meeteetse Local Planning Area Advisory Committee for comments;
17. A Notice of Intent to Subdivide was published in the Cody Enterprise on January 26, 2023 and February 2, 2023;
18. Public notice requirements have been met including notice to owners of all properties within 660 feet of the property boundary;
19. Agency referral requirements have been met;
20. Bureau of Land Management confirmed they do not show an easement within the subdivision connecting County Road 3LE to BLM lands to the north;
21. The State Engineer's Office stated a permit to appropriate groundwater at a maximum of 25 gallons per minute exists on the property and current filing status is incomplete. No other water rights seem to be associated with the

lands;

22. Based on Big Horn Rural Electric Company Rules, they will require the developer to install a backbone on the north side of the highway, from which each lot could then be served; therefore, power improvements will be required;
23. Park County Weed and Pest has completed an initial inspection and a Long-Term Noxious Weed Management Plan will be required;
24. The US Postal Service has the capacity to serve the proposed subdivision and suggests locating the five mailboxes at the two track road;
25. The Meeteetse Fire Department stated they can provide fire protection to the proposed subdivision;
26. Park County School District #16 stated they can provide bus service for students;
27. TCT stated they have fiber optic available in this area and may be able to provide internet, telephone and TV service to his location. Construction fees may be required;
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 have been paid and the second half will be due on May 10, 2023;
30. Park County Public Works (PW) confirmed legal access exists from County Road 3LE, a County-maintained paved with chip sealed surface road. The proposed use is not anticipated to alter the classification of the roadway;
31. PW is not concerned with drainage and erosion control at this time;
32. Individual access points are available from County Road 3LE through PCPW; however, shared access points for multiple lots are preferred. Addresses to the lots can be obtained from Public Works with proof of an approved building permit and the submission of an address request form;
33. Right of way permits are required for new accesses or improvements to existing accesses from County Road 3LE and can be applied for and obtained from Park County Public Works;
34. Park County Public Works would be willing to permit up to two overhead utility crossings for the proposed subdivision;
35. PW does not have concerns with drainage and erosion control;
36. The Meeteetse Local Planning Area Advisory Committee has reviewed the



- application materials and supports approval of the subdivision;
37. The Wyoming Game & Fish Department does not have major concerns with the subdivision, however they continue to be concerned with the number of proposed subdivisions in Park County and have provided standard subdivision recommendations from their Department for the applicant;
  38. Greybull Valley Irrigation District confirmed they have no infrastructure or easements within the boundary of the five proposed lots;
  39. Meeteetse Conservation District has not provided a soils report;
  40. No public comments have been received;
  41. A pre-application meeting was held on December 16, 2022;
  42. A title report, dated February 3, 2023, was submitted;
  43. No new roads or shared driveways are proposed;
  44. Solid waste disposal services are available through private companies;
  45. Access to each lot is proposed from individual access points directly from County Road 3LE;
  46. Application submission requirements for sketch plan have been met;
  47. Subsurface evaluations and excavation cuts have been made on proposed Lots 1, 2 and 5;
  48. Based upon subsurface evaluation information provided by the applicant, conventional septic systems will likely be sufficient to serve the subdivision;
  49. Wastewater requirements pertaining to sketch plan review have been met;
  50. Domestic water will be provided by on-site wells;
  51. A well water sample was collected from a well drilled on proposed Lot 2 on February 20, 2023;
  52. No E-coli or total coliform bacteria was detected in the water sample. Nitrate levels of 0.47 mg/L (under the maximum contaminant level) were detected;
  53. Total Dissolved Solids, Iron and Sulfate results are considered "objectionable";
  54. Sodium levels detected in the sample indicate water may impart a salty taste. People on a sodium restricted diet should inform their doctor that the sodium level is above 200 mg/L;
  55. Domestic water requirements pertaining to sketch plan review have been met;

56. An active BLM Grazing Allotment exists on the north and west boundary of the proposed subdivision;
57. Fencing is required (per W.S. 11-28-106,) to mitigate potential adverse impacts to and from agricultural activities (livestock at large) adjacent to the subdivision;
58. No irrigation facilities or ditches are known to exist within the proposed subdivision;
59. The subdivision is not located in an Agricultural Overlay District;
60. Agricultural impacts have been addressed;
61. In the event the wetland area is not removed by the USACE, the applicant shall show the riverine wetland on the final plat and place a note regarding riparian rights on the final plat;
62. Water rights requirements pertaining to sketch plan have been met;
63. Natural gas is not available within 400' of the proposed subdivision;
64. Utility requirements for a minor subdivision have not been met – power will need to be installed on the north side of the County road; therefore, a Subdivision Improvements Agreement will be required;
65. Lot standards have been met;
66. No common maintenance of facilities, sidewalks, street lighting, alleys or open spaces are proposed;
67. An HOA will not be required unless common facilities maintained by lot owners are proposed;
68. The subdivision is not within any Overlay District; and
69. No hazardous features are known to exist on the property.

**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 Whisper Ridge Minor Subdivision-73 (MS-73), 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 complete and record the boundary line adjustment transaction to combine and merge the lands within Lot 4 of Section 13 and Lot 30 of Section 12 that are lying south of County Road 3LE with the Schlenker parcel lying south of the proposed subdivision and west of County Road 3XQ, prior to final plat review with the Board of County Commissioners;
3. In the event the wetland area is not removed by the USACE, the applicant shall show the riverine wetland on the final plat and place a note on the final plat that "According to the National Wetland Inventory, a riverine wetland has been identified on this parcel. Please note the US Army Corps of Engineers is the regulatory authority over wetlands and it is unlawful to begin work that will affect a wetland without a Department of the Army permit when one is required.";
4. The applicant shall provide an approved Long-Term Noxious Weed Management Plan, to the Planning and Zoning Department, prior to final plat review by the Board of County Commissioners;
5. The applicant shall provide to the Planning & Zoning Department a soils report from the Meeteetse Conservation District, prior to sketch plan review by the Board of County Commissioners;
6. The applicant shall place a condition on the final plat that any access approach that is intended to serve the lots of this subdivision shall meet Park County Road & Bridge Standards and will require a Right-of-Way Permit from Park County Public Works Department;
7. 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. utilities, fencing, etc.) for review by staff and approval of the County Attorney and the Board;
8. 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”;

9. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991;
10. In the event the wetland area is not removed by the USACE, the applicant shall include the following statement on the final plat in bold, capital letters: **“SELLER DOES NOT WARRANT TO THE PURCHASER THAT THERE ANY RIGHTS TO THE NATURAL FLOW OF ANY STREAM WITHIN OR ADJACENT TO THE PROPOSED SUBDIVISION. WYOMING LAW DOES NOT RECOGNIZE ANY RIPARIAN RIGHTS TO THE CONTINUED NATURAL FLOW OF A STREAM OR RIVER FOR PERSONS LIVING ON THE BANKS OF THE STREAM OR RIVER.”**; and
11. The applicant shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute

**ADOPTED** by the Park County Planning & Zoning Commission this 15<sup>th</sup> day of March, 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, March 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 February 15, 2023, meeting.

**REGULAR AGENDA**

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

[Old Faithful RV Park Site Plan](#)

[Paisley SUP-247](#)

[Sand Bar Ranch SUP-248](#)

[Whisper Ridge MS-73 Sketch Plan](#)

**OTHER BUSINESS**

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

**ADJOURN**

# PLEASE SIGN IN

## PLANNING and ZONING COMMISSION REGULAR MEETING March 15, 2023

		Be There Beartooth Ranch SUP-245 CONTINUED	
		Old Faithful RV Park Site Plan Review	
		Paisley SUP-247	
		Sand Bar Ranch SUP-248	
		Whisper Ridge MS-73 Sketch Plan	
	<b>Please PRINT your name</b>	<b>Name of the HEARING OF INTEREST</b>	<b>DO YOU WISH TO SPEAK</b>
1	Gregg & Jane Bierei	Old Faithful RV Park	Yes
2	Michelle Hall	Be there	<del>Yes</del> if others are present
3	James McEvoy	Sand Bar Ranch SUP-248	yes
4	Edward Reed	Whisper Ridge MS-73	
5	Bruce Jacobson	Whisper Ridge MS-73	
6	MARC THOMPSON	OLD FAITHFUL	APPLICANT
8	JAMES PENUEL	Be there	
9	Barb Oslie	Be there	
10	Sara Murray	Be There	Yes if by 2:30!
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12	Larry Dorse		
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# PLEASE SIGN IN

## PLANNING and ZONING COMMISSION REGULAR MEETING March 15, 2023

		Be There Beartooth Ranch SUP-245 CONTINUED
		Old Faithful RV Park Site Plan Review
		Paisley SUP-247
		Sand Bar Ranch SUP-248
		Whisper Ridge MS-73 Sketch Plan
	<b>Please PRINT your name</b>	<b>Name of the HEARING OF INTEREST</b>
1	Alisa Acosta	Old Faithful
2	Bryan Clements	Old Faithful
3	Sadie Peters	Old Faithful
4	BRIAN CLARKSON	OLD FAITHFUL
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# PLEASE SIGN IN

## PLANNING and ZONING COMMISSION REGULAR MEETING March 15, 2023

		Be There Beartooth Ranch SUP-245 CONTINUED	
		Old Faithful RV Park Site Plan Review	
		Paisley SUP-247	
		Sand Bar Ranch SUP-248	
		Whisper Ridge MS-73 Sketch Plan	
	Please <b>PRINT</b> your name	Name of the <b>HEARING OF INTEREST</b>	DO YOU WISH TO SPEAK
1	Bill and Janice Kuntz	Be There	
2	Jerry Hill	Be there	
3	Joe & Paige Paisley	Paisley	
4	Gonnie King	Be There	X
5	Michael Miketa	Old Faithful RV Park	Yes
6	Michelle Scarpella	Old Faithful RV Park	Yes
8	Gretchen Hutton	Be There	Yes!
9	Vonda Christy	Be There	Yes
10	HARL J DEMBK	RV PARK	YES
11	Carrie Satterwhite	Park County	Maybe
12	James Hayes	Park County	Maybe
13	Duke Snider	Park County	Maybe
14	Connie Solomon	Park County	NO
15	Bert Reed	Old Faithful	Maybe
16	Spencer McBurney	Old Faithful	No
17	Jay Reynolds	Old Faithful	
18	Courtney Hooper	Old Faithful	maybe
19	Randy Hooper	Old Faithful	Maybe
20	Jim & Maggie LaFollette	Beartooth Ranch	maybe
21	Larry Dodge	Hutton - Be There	maybe
22	Michael Huebsch	Hutton - Be There	Yes
23	DEB HOWES		
24	Nick Balaban		
25	ROIS BURGIN	Old Faithful	yes
26	Kim Burgin	"	yes
27	Don Tollman	Be There	
28	Tom Christman	Be There	
29	Judith Jeffers		
30			



# PLEASE SIGN IN

## PLANNING and ZONING COMMISSION REGULAR MEETING March 15, 2023

		Be There Beartooth Ranch SUP-245 CONTINUED
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		Whisper Ridge MS-73 Sketch Plan
	<b>Please PRINT your name</b>	<b>Name of the HEARING OF INTEREST</b>
1	DAN SEPAN	Joe Paisley <i>Bob Hill</i>
2	Mike & Shannon SAND	Sand Bar Ranch SUP
3	Heather Johnson	Paisley
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DO YOU WISH TO SPEAK  
*no*