

Planning & Zoning Commission Minutes
April 19, 2023

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

Commission Members Present:

Kimberly Brandon-Wintermote, Chairman
 Duncan Bonine, Vice Chairman
 Guy Eastman
 Brian Peters
 Randy Mair

Staff Present:

Joy Hill, Planning Director
 Kim Dillivan, Assistant Director
 Jenny Cramer, Planner I
 Anthony Camiccia, Planning Technician (by virtual means)
 Jolene Brakke, Office Assistant III (by virtual means)
 Brian Edwards, County Engineer (by virtual means; joined after 2:47pm)
 Ben McDonald, Public Works (by virtual means; joined at 2:47pm)
 Mary McKinney, Weed and Pest

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

APPROVAL OF MINUTES

Chairman Brandon-Wintermote asked the Commission for comments or changes to the March 15, 2023, meeting minutes. Chairman Brandon-Wintermote asked for Line 44 to reflect that the public hearing was continued, not opened. A MOTION was made by Commissioner Mair to approve the minutes; the motion was SECONDED by Commissioner Eastman to approve the minutes as corrected. All in favor. Motion carried.

CONSENT AGENDA

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

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

Kim Dillivan stated that Figure 4 in the Ando Farms Staff Report is incorrect now because a boundary line adjustment has occurred. The Sketch Plan is accurate, but the maps in the packet will be updated

Chairman Brandon-Wintermote asked for the Syd Tryn SS-303 application to be pulled from consent due to concerns about easement issues. Commissioner Bonine asked to pull Haire SS-304 from the consent agenda due to questions about irrigation and recommended conditions.

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51 Chairman Brandon-Wintermote said Ando SS-305 remains on consent. Commissioner Bonine
52 said he is recusing himself from the Ando decision due to a contractual obligation.

53
54 Commissioner Peters made a MOTION to approve the consent agenda. SECONDED by
55 Commissioner Eastman. All in favor. Commissioner Bonine abstained from voting. Motion
56 carried.

57
58 **Ando Farms SS-305 Sketch Plan:** Shalice Cook as agent for Ando Farms requests approval of
59 the application and Sketch Plan for the Ando Farms Simple Subdivision (SS-305). The proposed
60 subdivision is comprised of one 2.41-acre lot for residential use in the General Rural-Powell (GR-
61 P) zoning district. This proposed subdivision is located in Lots 67-J, 67-K, 67-L, Tract 7, Resurvey
62 T55N, R99W of the 6th P.M., Park County, Wyoming. It is addressed as 1267 Lane 10, Powell.

63
64 Chairman Brandon-Wintermote read the conditions of approval (by Resolution #2023-08) for the
65 Ando Farms SS-305 Sketch Plan:

- 66
- 67 1. The applicant shall provide all easements as requested by applicable utilities and
68 special districts, irrigation districts or public agencies providing services. The width of
69 any utility easement shall be sufficient to allow adequate maintenance of the system,
70 but in no case shall such utility easement be less than 20 feet in width. Easements must
71 be identified on the final plat;
 - 72 2. The applicant shall provide a response from the Park County Public Works Department
73 to the Planning and Zoning Department, prior to final plat review by the Board of County
74 Commissioners;
 - 75 3. The applicant shall provide a water distribution plan that has been approved by the
76 Shoshone Irrigation District to the Park County Planning and Zoning Department, prior
77 to final plat review by the Board of County Commissioners;
 - 78 4. The applicant shall place a note on the final plat stating that engineered septic systems
79 may be required due to evidence of high groundwater;
 - 80 5. The applicant shall place the following note on the final plat: "Any proposed water wells
81 on these subdivision lots shall be permitted by the Wyoming State Engineer's Office
82 prior to installation";
 - 83 6. The applicant shall place a condition on the final plat that any access approach that is
84 intended to serve the lots of this subdivision shall meet Park County Road & Bridge
85 Standards and will require a Right-of-Way Permit from Park County Public Works
86 Department;
 - 87 7. The applicant shall either provide a shared maintenance agreement between the parcel
88 owners who will use the shared driveway, to be recorded with the final plat, or the
89 applicant shall place a note on the Final Plat and state in the Notarized Disclosure
90 Statement how maintenance of the shared driveway will be achieved by the property
91 owners who use it;
 - 92 8. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of
93 1991; and

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94 9. The applicant shall otherwise comply with standards in the Park County
95 Development Regulations and the minimum subdivision requirements as set forth in
96 Wyoming Statute 18-5-306.

97
98
99

REGULAR AGENDA

100 **Syd Tryn SS-303 Sketch Plan:** Travis White requests approval of the application and Sketch
101 Plan for the Syd Tryn Simple Subdivision (SS-303). The proposed subdivision is comprised of
102 one 25.22-acre lot for residential use in the General Rural-Powell (GR-P) zoning district. This
103 proposed subdivision is located in the N/2NW/4 and the N/2S/2NW/4 of Section 22, Resurvey
104 T55N R101W of the 6th PM, Park County, Wyoming. It is addressed as 2172 Lane 10, Powell.
105

106 There being no comments from Commission members, Kim Dillivan, Assistant Director, presented
107 the Staff Report.
108

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

- 110 - Commissioner Peters asked if staff received confirmation from Public Works about the
111 irrigation ditch. Kim Dillivan said we received an email from Ben McDonald, Public
112 Works, indicating that they had determined no action should be taken regarding the
113 ditch. (Read wording directly from letter)
- 114 - Chairman Brandon-Wintermote mentioned the letter from Tyler Weckler regarding
115 approval conditioned upon a ditch change. The applicant, present at the meeting,
116 mentioned that there was an issue regarding information that was missing from the
117 Sketch Plan, but this has been corrected and approved.
- 118 - Commissioner Mair referenced the irrigation ditch that was in the wrong location.
119 Chairman Brandon-Wintermote said the Public Works Department said in a letter
120 yesterday that they now recommend that no action be taken with that ditch.
121

122 Chairman Brandon-Wintermote asked the applicant if they would like to speak in support of their
123 application.

- 124 - Travis White, applicant, said the wastewater ditches and plans have been in place and
125 implementation for years. He has not changed the flow. For the easements, he is putting
126 one in from Lane 10.
- 127 - Chairman Brandon-Wintermote said this is a large piece of property and could be further
128 subdivided. Why are we not putting a 60-foot easement in? Travis said he's not putting it
129 in and that will prevent future subdivision.
- 130 - Chairman Brandon-Wintermote asked if he is proposing access through the southwest
131 access. Travis said yes. Chairman Brandon-Wintermote asked if he feels that is
132 sufficient. He said yes. He said it will be jointly maintained by him and the other
133 landowner – Public Works is requiring a signed agreement.
- 134 - Chairman Brandon-Wintermote asked about the ditches as shown on the sketch. Travis
135 said the ditches are as shown and they are according to his water distribution plan. They
136 resolved ditch issues last year to address drainage issues with the neighboring property.
137 Travis said the neighbor is upset because he wouldn't take her offer on the sale.
138

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

- 141 - Commissioner Peters asked what happens if there is no agreement with the adjacent

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- 142 Lot 1. If she doesn't sign off on the agreement, does that mean the Lane 10 access will
143 be used instead? Commissioner Peters asked if that should be clarified. Travis said they
144 don't have to pick just one.
- 145 - Chairman Brandon-Wintermote inquired about utility access; Travis said the north
146 easement will be for utilities and access.
 - 147 - Commissioner Peters asked, based upon Road and Bridge recommendations, will he
148 choose one driveway or use both? Travis said primary access will be through the
149 existing 20-foot easement.
 - 150 - Jennifer Cramer, Planner I, said Public Works stated that a road maintenance
151 agreement is required for the 20-foot easement. The applicant stated that he will put a
152 driveway in from Lane 10 upon approval of the subdivision. Lane 10 needs a culvert
153 installed. The other driveway needs to be improved with more gravel and road base.
 - 154 - Joy Hill, Planning Director, stated that required improvements will be addressed through
155 a Subdivision Improvements Agreement (SIA) and the applicant cannot begin
156 improvements until the subdivision and the SIA have been approved by the County.
 - 157 - Commissioner Bonine said he's hearing Travis say one thing but he's reading another
158 thing on paper. He wants to make sure that the applicant understands what he is going
159 to be required to do, in particular regarding the road and bridge standards and
160 requirements. Travis agreed that they will be installed.
 - 161 - Commissioner Bonine asked if there are currently any utilities installed within the
162 easement? Travis said no.
 - 163 - Chairman Brandon-Wintermote asked if it is currently being farmed? Travis said yes.
 - 164 - Commissioner Peters said the County is saying you have to have an agreement through
165 Lot 1 (neighbor) for access, but how do we know that is guaranteed so that will be
166 primary access? Or is the access coming in from the north being primary. Travis said
167 that the one from the south will probably be primary.
 - 168 - Chairman Brandon-Wintermote asked the Planning Director about the requirement for a
169 road maintenance agreement. The Planning Director explained that if a road
170 maintenance agreement is recommended by the Planning & Zoning Commission and
171 then required by the Board of County Commissioners, the applicant will need to comply
172 in order for the subdivision to be approved.
 - 173 - Commissioner Bonine said as a means to simplify and clarify this, would the applicant be
174 willing to declare the Lane 10 access as the primary driveway/access to serve the lot in
175 this subdivision? Travis said yes.
 - 176 - Chairman Brandon-Wintermote inquired about the existing access. Jennifer Cramer
177 said that easement is on the Christman Subdivision plat.
 - 178 - Commissioner Bonine said he presumes Public Works is requiring improvements on
179 both, because access is proposed using both. It would be their call whether maintenance
180 would still be required on the south access if the north one is proposed as primary.
 - 181 - Chairman Brandon-Wintermote said it might be easier to declare the upper access as
182 primary and consider the lower one as emergency. It is just confusing to understand
183 where the applicant is going with this, and without Public Works present, it is hard to say.
184
- 185 Chairman Brandon-Wintermote asked if the Commission had any questions for staff.
- 186 - Mary McKinney said the applicant does have an existing agreement with Weed and
187 Pest. He plans to continue the ag practices many years into the future, so she doesn't
188 see many issues with the subdivision barring the really long access. We will be
189 inspecting for his quarantine release anyway.
190
- 191 Chairman Brandon-Wintermote asked Commission members if they wanted to have discussion.
192 Commissioner Bonine indicated he wanted to discuss the proposed conditions.

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- 193 - Chairman Brandon-Wintermote asked Jennifer Cramer if she had spoken with the
194 applicant about getting the taxes paid prior to final plat. Jennifer said yes.
195 - Commissioner Bonine said Condition #4 has been met.
196 - Chairman Brandon-Wintermote said Condition #11 has been met.
197 - Commissioner Peters said he would like for some of the access issues to be clarified, for
198 instance the primary access, prior to sending this on to the Board, to avoid them having
199 to deal with the confusion.
200 - Chairman Brandon-Wintermote asked if Condition #7 and #8 should be combined.
201 Commissioner Bonine said he didn't see the necessity in combining the two. Staff
202 clarified that the total swath for the access and utility easement is 30 feet, with 18 feet of
203 that being reserved for the driveway/access.
204 - Commissioner Bonine said Condition #8 just needs to be clarified that it's 30 feet total
205 based upon the Director's comment. In the absence of a 60-foot access and utility
206 easement, he would like to strengthen the notice on the plat in Condition #6. The
207 Planning Director added that the access is a driveway – it is not a road and doesn't need
208 to be classified as a road. As such, there is no requirement at this time for the applicant
209 to provide 60 feet. It is recommended based upon the potential for future subdivision;
210 however, if the applicant chooses to keep it at 30 feet and ownership changes, future
211 subdivision may be prevented by the easement limitation alone. Rules may change
212 between now and that time in the future, thus it is not recommended that a statement of
213 "no future subdivision" be placed on the plat at this time.
214 - Remove Conditions #9 and #10.
215 - Clarify Finding #47 to address primary access being proposed from Lane 10, not also
216 from the existing 20-foot easement to the south.
217 - Strike Finding #49.

218
219 Commissioner Bonine made a MOTION to recommend APPROVAL of the Syd Tryn SS-303
220 Sketch Plan by Resolution #2023-09 based upon the findings presented and including the
221 following conditions:
222

- 223 1. The applicant shall provide all easements as requested by applicable utilities and
224 special districts, irrigation districts or public agencies providing services. The width of
225 any utility easement shall be sufficient to allow adequate maintenance of the system,
226 but in no case shall such utility easement be less than 20 feet in width. Easements must
227 be identified on the final plat;
- 228 2. The applicant shall pay all property taxes that are due, prior to scheduling Final Plat
229 Review with the Board of County Commissioners;
- 230 3. The applicant shall provide a water analysis as required, from a well within ½ mile of the
231 proposed subdivision, prior to scheduling Final Plat Review with the Board of County
232 Commissioners;
- 233 4. The applicant shall place the following note on the final plat: "Any proposed water wells
234 on these subdivision lots shall be permitted by the Wyoming State Engineer's Office
235 prior to installation";
- 236 5. The applicant shall place the following note on the final plat if a 60-foot access and utility
237 easement is not provided: "Further subdivision of Lot 1 or the remainder parcel may
238 result in the requirement of a 60-foot access and utility easement.";

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- 239 6. The applicant shall improve the 18' driveway from County Lane 10 to Lot 1 in
240 accordance with Park County Road and Bridge Standards;
- 241 7. The applicant shall designate a combined 30-foot access and utility easement with an
242 18-foot driveway surface from Lane 10 to Lot 1;
- 243 8. Prior to scheduling Final Plat Review with the Board of County Commissioners, the
244 applicant shall provide a Subdivision Improvements Agreement (addressing the
245 required driveway improvements, etc.) to the Planning and Zoning Department, for staff
246 review and approval by the County Attorney's Office and the Board of County
247 Commissioners,
- 248 9. The applicant shall place a condition on the final plat that any access approach that is
249 intended to serve the lots of this subdivision shall meet Park County Road & Bridge
250 Standards and will require a Right-of-Way Permit from the Park County Public Works
251 Department;
- 252 10. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of
253 1991; and
- 254 11. The applicant shall otherwise comply with standards in the Park County
255 Development Regulations and the minimum subdivision requirements as set forth in
256 Wyoming Statute 18-5-306.

257

258 The MOTION was SECONDED by Commissioner Peters. All in favor. Motion carried. See
259 Resolution 2023-09 attached hereto and incorporated herein.

260

261 [Haire SS-304 Sketch Plan](#): Jack Haire requests approval of the application and Sketch Plan for
262 the Haire Simple Subdivision (SS-304). The proposed subdivision is comprised of one 6.19-acre
263 lot for residential use on property owned by Darold Newman. The proposed subdivision is located
264 in Lot 66 & Section 4, Resurvey T54N, R98W of the 6th P.M., Park County, Wyoming. It is located
265 on the west side of County Road 4, just south of Highway 295, Powell and is located in the General
266 Rural-Powell (GR-P) zoning district.

267

268 There being no comments from Commission members, Kim Dillivan, Assistant Director, presented
269 the Staff Report. Chairman Brandon-Wintermote mentioned that a response was received from
270 Weed and Pest – it was in SharePoint. Staff will make the correction.

271

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

273

- 274 • Commissioner Bonine mentioned that Finding #42 addresses merchantable title. He
275 doesn't recall seeing this type of condition in the past and was seeking clarification.
276 Jennifer Cramer said it should state that the applicant shall provide a letter from the
277 landowner. We came to this conclusion because we understand that the applicant is going
278 to be purchasing the lot; but under our proof of ownership requirements, it states that if
279 the applicant is under contract to purchase, evidence of binding arrangements made by
280 the person offering the land for sale shall be provided. It's been in our regs, the title report,
281 and proof of a mortgage if the applicant is not the owner of the land; we are trying to pay
282 better attention. It would just be in the form of a letter from the bank that they would release
the lot. Chairman Brandon-Wintermote said Condition #6 would need to be changed.

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- 283 • Commissioner Bonine expressed concern regarding the timing of this requirement; should
284 it be done at the time of sale? After further discussion, it was determined to utilize the
285 wording from Appendix 8 of the regulations.
286 • Mary McKinney said a Weed Management Plan is not required but she recommends
287 following Best Management Practices.
288

289 Chairman Brandon-Wintermote asked the applicant if they would like to speak in support of their
290 application.

- 291 • Jack Haire, the applicant, said he purchased the land several years ago. The reason it
292 wasn't done before is that the person who is buying it has since gotten divorced. We've
293 already started the process through the bank and the title holder.
294

295 Chairman Brandon-Wintermote started discussion on findings and conditions:

- 296 - Finding #33 – a response has been received – no weed plan is required, and the applicant
297 shall follow Best Management Practices.
298 - Deleted Finding #55.
299 - Remove Condition #2 and rephrase condition #6 to match Appendix 8 language.
300

301 Commissioner Bonine made a MOTION to recommend APPROVAL of the Haire SS-304 Sketch
302 Plan by Resolution #2023-10 based upon the findings presented and including the following
303 conditions:
304

- 305 1. The applicant shall provide all easements as requested by applicable utilities and
306 special districts, irrigation districts or public agencies providing services. The width of
307 any utility easement shall be sufficient to allow adequate maintenance of the system,
308 but in no case shall such utility easement be less than 20 feet in width. Easements must
309 be identified on the final plat;
- 310 2. The applicant shall place the following note on the final plat: "Any proposed water wells
311 on these subdivision lots shall be permitted by the Wyoming State Engineer's Office
312 prior to installation.";
- 313 3. The applicant shall place the following note on the final plat in bold lettering: "NO
314 WATER ANALYSIS WAS CONDUCTED AND THE AVAILABILITY AND QUALITY OF
315 POTABLE WATER IS UNKNOWN. CISTERNS MAY BE REQUIRED.";
- 316 4. The applicant shall place a condition on the final plat that any access approach that is
317 intended to serve the lots of this subdivision shall meet Park County Road & Bridge
318 Standards and will require a Right-of-Way Permit from the Park County Public Works
319 Department;
- 320 5. If the applicant is under contract to purchase the subject land, it shall be demonstrated
321 that binding arrangements have been made by the person who offers any part of the
322 subdivision for sale, directly or through an agent, to assure purchasers of any part of the
323 subdivision that upon full payment of the purchase price a deed can and will be delivered
324 conveying merchantable title subject only to noted reservations or restrictions of record
325 and free of encumbrances not specifically assumed by the purchaser, subject only to a
326 proportionate share of such taxes and assessments thereon as may be levied or
327 assessed for the year in which such sale may be legally effected.

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328 6. The applicant shall obtain the necessary Building and Small Wastewater System
329 permits for structures currently being constructed and any supporting septic systems as
330 required by the 2015 Development Standards and Regulations prior to final plat review;
331 and

332 7. The applicant shall otherwise comply with standards in the Park County Development
333 Regulations and the minimum subdivision requirements as set forth in Wyoming Statute
334 18-5-306.

335 The MOTION was SECONDED by Commissioner Eastman. All in favor. Motion carried. See
336 Resolution 2023-10 attached hereto and incorporated herein.

337

338 [Mollett SS-302 Sketch Plan](#): Arnold Mollett requests approval of the application and Sketch Plan
339 for the Mollett Simple Subdivision (SS-302). The proposed subdivision is comprised of two 10.0
340 +/- acre lots, utilizing lot size averaging, for residential use. The proposed subdivision is located
341 within a 153.42-acre parcel in the NE/4NE/4 of Section 19, T57N, R102W, of the 6th P.M., Park
342 County, Wyoming with an address of 88 Bennett Creek Road. This proposed subdivision is
343 located approximately 5.7 miles west of the intersection of Hwy 294 and the Belfry Highway in
344 Clark and is located within a General Rural 35-Acre (GR-35) zoning district.

345

346 Chairman Brandon-Wintermote reviewed the rules of a public meeting and opened the public
347 hearing at 1:00pm.

348

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

351

352 Chairman Brandon-Wintermote asked a question about lot size averaging. Kim explained how lot
353 size averaging applies to this subdivision. The 153-acre property may be split into four pieces,
354 total, by current regulations.

355

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

357

358 • Ben McDonald, Public Works, agreed with what staff said about access. We agree there
359 is legal access but will need to work with BLM as far as regulating access. The section of
360 road up to that point is 40-feet wide. The parcels will be addressed off Bennett Creek
361 Road. No drainage report will be required.

362

363 • Mary McKinney, Weed and Pest, said they are requiring the Weed Management Plan due
364 to past presence of noxious weeds on the property. It gives them the opportunity to do
365 closer monitoring of the land.

364

365 Chairman Brandon-Wintermote asked if the applicant would like to speak in support of their
366 application.

367

368 • Arnold Mollett, the applicant, said he had applied for access in the past, but was forgotten.
369 He's been there for 25 years and there has not been a concern. It barely touches the BLM,
370 and he proposes that the driveways to these parcels would encompass a minimum
371 amount of the BLM road. He knows the bank has approved two mortgages in that area in
372 recent years. As far as the BLM; he has a form that he has filled out and they indicated
373 that they do not anticipate any problems. Chairman Brandon-Wintermote asked if there is
374 a timeline for acceptance. Arnold said it may be subject to final approval, but he does not
know a timeline.

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- 375 • Chairman Brandon-Wintermote asked who is doing the road maintenance now. Arnold
376 said he is doing it and has hired an excavator to come in. People chip in. It hasn't been a
377 problem in 25 years and there are at least 15 residences that he can think of.
378 • Chairman Brandon-Wintermote asked about the irrigation ditches on the property, but no
379 water rights. Arnold said that is correct.
380

381 Chairman Brandon-Wintermote asked if any Commission members had questions for the
382 applicant. There were none.
383

384 Chairman Brandon-Wintermote asked if there were further questions for staff or the applicant.

- 385 • Commissioner Bonine asked for staff's view on the BLM access. Jennifer Cramer said that
386 the right-of-way permit had been terminated – it wasn't transferred/assigned upon change
387 of ownership. It lapsed. It came back from title. Legal access was not the concern, but title
388 would consider it to be a lack of access and mortgaging would be a problem. A typical
389 buyer would maybe have issues with getting clear title.
- 390 • Commissioner Mair asked who held the permit before it lapsed. Also, maintenance of the
391 road has to be permitted by the BLM. Jennifer Cramer said the way she understands it,
392 Arnold will get the right-of-way permit and then it is only assignable to one other person.
393 They will be able to form an association, if he does not go through the process for each
394 parcel, that manages the right-of-way permit. It requires periodic payments/renewals. BLM
395 will permit an association for a number of lots or for a single landowner. Arnold said the
396 BLM gave him a form to fill out that specifies for the two parcels. The BLM representative
397 didn't indicate that it would be a problem and gave him several options to qualify the two
398 parcels. Commissioner Mair asked if BLM indicated that to do maintenance, he would
399 have to get that permitted first. Arnold said no. There has been maintenance in the 25
400 years he has been there. Commissioner Mair is concerned that there is not an active
401 permit – someone was lax and let it go. Until those are taken care of, that is his concern.
402 Chairman Brandon-Wintermote added that there is a proposed condition that the permit
403 must be supplied before final plat approval. Jennifer said without an official right-of-way
404 grant you can't maintain. It is unclear what maintenance would be allowed. Jenny asked
405 how long it might take for BLM to approve – Kenny Marchant said it typically takes 90
406 days. Chairman Brandon-Wintermote asked if at the time of application payment is
407 required. Kenny said payment would be determined based upon acreage of the permit.
408

409 Chairman Brandon-Wintermote asked if Commission members wished to have discussion.

- 410 • Chairman Brandon-Wintermote asked if there are water test results. Jennifer said the
411 finding on water sampling results be added for specificity. Staff will add that finding.
- 412 • Chairman Brandon-Wintermote asked about Condition #6 – rewording to say the BLM
413 right-of-way permit is required. Commissioner Mair would like to note that the permit can
414 be pulled at any time with 30 days' notice. Jennifer said in the title insurance policy it states
415 that the right-of-way is limited to BLM's terms, provisions and limitations which may be
416 revoked or terminated without notice. Chairman Brandon-Wintermote said a new finding
417 should reflect that the BLM permit is subject to the agency's terms, provisions and
418 limitations which may be revoked or terminated without notice.
- 419 • The Planning Director mentioned that the requirement for a note on the plat regarding the
420 lots being subject to BLM access approval could be added.
- 421 • Chairman Brandon-Wintermote recommended an added condition to for a note to be
422 placed on the plat regarding the BLM access. Commissioners Eastman, Mair and Peters
423 agreed.

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424

425 Commissioner Peters made a MOTION to approve the Mollett SS-302 Sketch Plan by Resolution
426 2023-11 based on the findings presented and including the following conditions:

427

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

433 2. The applicants shall have the remainder parcel surveyed and indicated as a separate
434 parcel on the final plat;

435 3. The applicants shall place the following note on the final plat: "Lot size averaging was
436 used to create these subdivision lots, including the remainder parcel. Further subdivision
437 of Lot 1, Lot 2 or the remainder parcel may be subject to limitations, pursuant to County
438 Regulations or State Statutes in force at the time future subdivision is proposed;

439 4. The applicants shall provide an approved Long-Term Noxious Weed Management Plan
440 to the Planning & Zoning Department prior to recordation of the Final Plat;

441 5. The applicants shall provide an engineering review from Park County Public Works
442 Department to the Planning & Zoning Department prior to final plat review with the
443 Board of County Commissioners;

444 6. The applicants shall provide a BLM right-of-way permit prior to final plat review with the
445 Board of County Commissioners;

446 7. The applicants shall place the following note on the final plat: "Any proposed water wells
447 on these subdivision lots shall be permitted by the Wyoming State Engineer's Office
448 prior to installation";

449 8. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of
450 1991;

451 9. The applicant shall place the following note on the final plat: "These lots may be subject
452 to BLM access permitting requirements."; and

453 10. The applicants shall otherwise comply with standards in the Park County
454 Development Regulations and the minimum subdivision requirements as set forth in
455 Wyoming Statute 18-5-306.

456

457 The motion was SECONDED by Commissioner Mair. All in favor. Motion carried. See Resolution
458 2023-11 attached hereto and incorporated herein.

459

460 **PUBLIC HEARING – Hermans-Crowell MS-74:** Karen Crowell, Cynthia Hermans and Edward
461 Harvey request approval of the application and Sketch Plan for the Hermans-Crowell Minor
462 Subdivision (MS-74). The proposed subdivision is comprised of three lots: one 1.90-acre lot, one
463 4.78-acre lot, and one 22.33-acre lot, each for residential use. The proposed subdivision is located

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464 within two existing properties: Lot 18, Section 6, Resurvey, and Lot 2 of HVBII SS-243, all within
465 T53N, R100W of the 6th P.M., Park County, Wyoming. The properties are located approximately
466 five miles northeast of Cody, east of Highway 14A and Corbett Road, with addresses of 28 and
467 32 River's Ridge Road in a General Rural 5-Acre (GR-5) zoning district.

468
469 Chairman Brandon-Wintermote opened the public hearing at 3:44pm and identified individuals
470 who have requested time to present in advance of the meeting. Chairman Brandon-Wintermote
471 mentioned that there is an Administrative Relief decision, made by the County Engineer, that is
472 subject to appeal before the Board of County Commissioners. The Planning and Zoning
473 Commission is not the decision-making body on that matter.

474
475 There being no comments from Commission members, Kim Dillivan, Planner II, presented the
476 Staff Report. Kim stated up front that the applicants requested a name change for the subdivision
477 to River Ridge MS-74 and the staff report reflects the new name.

478
479 Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.

- 480 • Brian Edwards, County Engineer, said regarding the pending appeal of road issues and
481 administrative relief concerning Corbett Road and River's Ridge Rd, he recommends a
482 continuance of the hearing until the Board of County Commissioners decide on the appeal.
- 483 • Commissioner Peters suggested continuance. Commissioner Bonine recommended
484 hearing from the people who have been noticed, are present and have patiently awaited
485 the opportunity to speak on this matter today. The Planning Director agreed that hearing
486 from the folks who are here would be reasonable. Also, she confirmed that two appeals,
487 not three, have been received on the matter of the Administrative Relief decision.
- 488 • Mary McKinney, Weed and Pest, stated the previous subdivision, HVBII, did have a weed
489 plan but that it expired. Therefore, considering the issues on the property, a new weed
490 plan will be required, and Weed and Pest will be available to help.

491
492 Chairman Brandon-Wintermote asked if the applicant had any questions or comments.

- 493 • Ted Harvey, applicant, stated that he lives at 32 River's Ridge. He has lived in this
494 neighborhood continually for 13 years. His mother, Cynthia Hermans and Karen Crowell
495 (sister-in-law) purchased homes in order to be closer to him. The 12 acres were split, and
496 it was always their intention to split the 12 acres after the purchase. The intent that we are
497 working on is not new – it is something that was planned. He addressed the history of
498 construction and use of the property. He is aware of permitting requirements. He stated
499 that he is not a developer. The purpose of the subdivision is for estate planning purposes.
500 There are no intentions of further subdivision, and he would be fine with including a
501 limitation on his deed to prevent future subdivision. He never had the intention of selling
502 the lots or building condos or anything like that. They have no plans for any other houses.
503 They may consider building a shop on Lot 2 at some point. He would like to be able to
504 build a guest house on his property. They have no intent to do more at this time. Whether
505 the County approves the subdivision or not, the number of people living here will be the
506 same. During the last couple of years, during the construction of Karen's house, there has
507 been increased traffic due to construction. That traffic will go away when the house is
508 completed. Karen needs to obtain a construction loan to complete her house. If the
509 subdivision is not approved, the timeline for completing the house will be extended, as will
510 the traffic impacts. Apart from construction, traffic on the road will remain the same
511 whether the subdivision is approved or not. He has received the appeals on the
512 administrative relief decisions. He did not have enough time to prepare a response to the
513 appeals. He said they have had great relationships with the neighbors in the past and
514 hopes to have that again. He thinks some of the objections may have been avoided had

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515 they had discussions before starting the process. None of the neighbors came to them
516 either after notification of the application. We understand the process is designed to
517 include notice for interested parties. We believe we are doing everything we can to work
518 with the County on that process.
519

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

522 • Commissioner Bonine asked for clarification on the reason for his property being
523 expanded into the picture. Ted said that Lot 3 is irrigated ground. There are no residences
524 or irrigation structures, and he is interested in putting hay and irrigation on those 12 acres.
525 Him inheriting that acreage early is essentially the reason.
526

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

- 528 • Martin James Dougherty, "Jim", lives at 51 Corbett Rd.
- 529 ○ He showed a map of where he lives – as the owner of River's Ridge Road. He
530 noticed an email from the County Engineer where he stated, "I cautioned Rusty
531 that anything we have done related to Corbett Roads in the past has brought out
532 neighbors with pitch forks." This tells me maybe there is a bias. It is an indication
533 of some sensitivity around things on Corbett Road. We moved here after 30 years
534 in Minnesota. It was an estate plan. He was looking for an accessible home and
535 anything else was a bonus. We found the right house and moved in about a year
536 ago. It came with some barns, pastures, and a road. We didn't even know we
537 owned the road.
 - 538 ○ He received notice of administrative relief on the road requirements. He looked at
539 the pages from the consultant and those from Public Works. He also studied
540 (quickly) the standards. In his previous life he was a publisher. A foundation of peer
541 review. He explained the science behind his work. The Society of Civil Engineers
542 does the same thing with their publications. He stated the County Engineer's
543 conclusions and recommendations and addressed each. He feels the County has
544 overlooked the owner (him) as a user of the road.
 - 545 ○ He addressed the mobile home occupied on one of the proposed lots and how it
546 has been occupied for 9 months.
 - 547 ○ He addressed traffic estimates and concerns about how they were calculated and
548 addressed the rules for different road classifications. He addressed the condition
549 of the road causing traffic to leave the main road surface and meander out of the
550 normal course. He addressed a cattle guard that he feels is not adequate to
551 support the weight of emergency vehicles.
 - 552 ○ He addressed access and utility easements and maintenance requirements. He
553 isn't sure the applicants have legal or perpetual easement to their property. The
554 easements on file do not appear on the sketch plan.
 - 555 ○ He feels that the conclusions drawn in the materials presented are not supported
556 by the data.
- 557 • Blaine Snyder owns the property to the north.
- 558 ○ It is not a true statement that there is not wildlife. There is a lot of wildlife and there
559 is wetland. It's a steep drop-off to the river. There have been problems with water
560 diversions in the past – he had to pay to fix it. And now he wants to irrigate more.
561 Fortunately, the irrigation district denied the applicant's request on irrigation. There
562 is an impervious boundary between the wastewater system and groundwater. He's
563 a petroleum engineer and he knows all about wells and cross-flow – migration from
564 one zone to another. Any time to drill a well, you are prone to pollution. You don't

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- 565 know if your well is a source of pollution until it fails. He is very concerned about
566 groundwater pollution.
- 567 ○ He pointed out water seepage and ground flow through his property. It pours out
568 all over. Septic seepage could occur and cause groundwater pollution. In the
569 summer, the wetland area is full of water which could be contaminated.
 - 570 ○ He worries about fire and inadequate access to the property. If ignited, it'll go up
571 along the whole river.
 - 572 ● Steve Youngbauer said he submitted a letter last night. He lives at 35 Corbett Rd.
 - 573 ○ His comments regard the engineer's report. It states there is limited access – it is
574 not accurate. In 1969 they granted an easement for fishing and waterfowl hunting.
575 In 2012, they got an additional access which was permanent easement for fishing,
576 hunting, boating, etc. Pursuant to that, they built a concrete boat ramp. Since then,
577 the traffic has increased dramatically. We now have commercial fishing, rafting,
578 etc. happening, with multiple trips and multiple vehicles which are causing a strain.
579 The general public are using the road as a public road. The Game and Fish doesn't
580 enforce it. The Sheriff's Office has advised not to enforce it to avoid difficulty with
581 folks. We have people unrelated to the area that use it for walking dogs, riding
582 bicycle, buses giving tours for field trips. On the highway there are two signs
583 encouraging people to use the road. The state is encouraging people to use the
584 Corbett Rd, unrelated to the easement. People are using it as a public road, and
585 we have no way to enforce the easement.
 - 586 ○ Google maps doesn't label it as Corbett Rd – they label it as County Rd 2FE. In
587 the summer, tourists come in to see Corbett Dam. The Corbett owners are asked
588 to subsidize maintenance of the road for the good of the public. There has never
589 been a requirement for anyone to update the road. He would like to see the County,
590 because this road is being used as a public road, take over maintenance of this
591 road. If they come into County standards, the road has to have a 60-foot easement.
592 It would be unfair to ask the people to the south to give up much space. He is on
593 the north, and he would be open to giving 30-feet of easement to improve and
594 maintain the road. He would like the staff to include his comments in the analysis
595 that goes to the County Commissioners. He would also like to see a
596 recommendation from the PZ Commission to the Board to take over the road. He
597 read the draft Land Use Plan and the most important thing he saw was access to
598 the public for wildlife and recreation, which he is supportive of, but we shouldn't
599 have to pay for it.
 - 600 ● Shelly Causey would give her time to Jim Dougherty to speak. James Causey said the
601 same.

602

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

- 604 - Commissioner Bonine asked staff, with regard to proposed Lot 1, has staff considered that
605 lot in view of the lot design standards for lots under 3 acres. Jennifer Cramer said staff
606 has done calculations and it is 2:1 using the method we have used in the past. Kim Dillivan
607 said we looked at the numbers and can revisit them. Jennifer said she calculated it multiple
608 ways and still found the lot dimensions to satisfy the requirements. The Planning Director
609 indicated that the original plan had to be changed to satisfy the requirements. However,
610 requests for recalculation are welcomed as this is always a difficult task.
- 611 - Commissioner Bonine said the configuration makes it difficult to determine what is length
612 and what is width. It is one of those things that we need to look at a lot and as much as
613 the applicant has talked about estate planning, 10-15 years down the road, we look at a
614 lot and wonder how a lot like that ever got approved. The configuration of the lot does not

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615 make sense to me. Jennifer said the ag land and solar panels are the reason for the
616 configuration.
617 - Rusty Blough, applicant's surveyor, said he also ran calculations. He pro-rated the
618 distance and ran three scenarios and we all came up with less than 3:1. The Hermans
619 had installed the solar panels and electrical lines and we didn't want to create an
620 easement. We extended the lot to eliminate the need for easement.
621 - The Planning Director added that due to the dimensions of the lot, the applicant will be
622 required to produce a site plan that provides evidence that all septic set back distances
623 can be met.
624 - Chairman Brandon-Wintermote asked if the wetlands should be shown; they are on the
625 latest version of the sketch plan.
626 - Brian Edwards, County Engineer, pointed out a few things related to the road issues. On
627 the comment about "pitch forks", he apologies for that comment. He didn't mean to offend
628 anyone. He knows folks out there and has no ill-will. It was taken a bit out of context. What
629 he meant is that in his 10 years as County Engineer, he has granted administrative relief
630 15 times and his decision has been appealed twice, once overturned by the Board. Not
631 often do we get a lot of public input and opinion. He had a meeting with Mr. Harvey and
632 Mr. Blough early on and we were talking about what would be expected on the road. At
633 one point Mr. Harvey discussed what he might want to do, including an additional lot. Brian
634 told him at that time if he would add that additional lot, he would have to build the road to
635 standards. He has been involved in several issues along Corbett Road over the years. He
636 did caution the applicant that he can grant relief, but ultimately the decision could be
637 overturned. Also, the language in his letter regarding the people that live on River's Ridge
638 Road, we can't force people into an agreement, but the Commissioners can put
639 requirements on there. It was not his intent that people on Corbett Road would need to
640 enter into maintenance on River's Ridge Rd. Brian said it is not uncommon to have pre-
641 application discussions with applicants and we did discuss administrative relief but did not
642 decide on it before application. There was no perceived decision before the application
643 notice came out.
644

645 Commissioner Bonine made a MOTION to CONTINUE the public hearing to 1:00pm on May 24,
646 2023, based upon the request from the applicant and based upon the pending decision of the
647 Board; SECONDED by Commissioner Peters. All in favor. Motion carried.
648


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

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

651 There being no other business, a MOTION was made by Commissioner Bonine to adjourn the
652 meeting at 6:22pm. The motion was seconded by Commissioner Mair. All in favor. Motion carried.
653

654 Respectfully submitted,
655

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657
658
659



Jolene Brakke, Secretary

**RESOLUTION 2023 - 08
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
ANDO FARMS SIMPLE SUBDIVISION SS-305 (SS-305) SKETCH PLAN**

WHEREAS, Shalice Cook, on behalf of Ando Farms, LLC, proposes to create one 2.41-acre lot for residential use, from an existing 71.94-acre parcel in a GR-P zoning district. The eastern portion of Lot 1 is within the Powell Planning Area and the western portion of proposed Lot 1 is within the Cody/Powell Rural Planning Area. The creation of this subdivision will result in a remainder parcel of 69.53-acres;

WHEREAS, the proposed subdivision is classified as a simple subdivision which must comply with the Simple Subdivision Review Process;

WHEREAS, the application and supporting documents are in substantial compliance with Park County Development Standards and Regulations pertaining to Simple Subdivision sketch plans;

WHEREAS, the Planning & Zoning Commission held a duly noticed meeting on April 19, 2023 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision Permit Application, including payment, was received from Shalice Cook, of Ando Farms, LLC., on March 10, 2023;
2. A revised sketch plan was received on March 15, 2023;
3. The applicant requests approval of the sketch plan for a subdivision to create one 2.41-acre lot for residential use, from an existing 71.94-acre parcel. The eastern portion of proposed Lot 1 is within the Powell Planning Area and the western portion of proposed Lot 1 is within the Cody/Powell Rural Planning Area;
4. The creation of this subdivision will result in a remainder parcel of 69.53 acres;
5. Applicable regulations are the *Park County, Wyoming, 2015 Development Standards and Regulations*, adopted September 15, 2015;
6. The subdivision is classified as a simple subdivision;
7. Ownership is affirmed Warranty Deed dated March 26, 2003 (Doc. #2003-3835), to Ando Farms, LLC;
8. The parcel is in a portion of Farm Unit "H", according to the Farm Unit Plat, or

- Lot 67-J, Lot 67-K, Lot 67-L and Tract 7 of Lot 67, T55N-R99/100W, 6th P.M., Park County, Wyoming;
9. The property is located approximately two miles west of Powell, north of Highway 14A, on the north side of County Lane 10, with an address of 1267 Lane 10;
 10. Neighboring land uses are primarily agricultural and residential;
 11. The proposed subdivision is not within a mile of any municipality; therefore, municipal review is not required;
 12. Proposed Lot 1 is developed with an uninhabited residence and outbuildings. There are no building or small wastewater permits on record. The topography is relatively flat;
 13. The subdivision is located in the General Rural Powell (GR-P) zoning district;
 14. The lot size proposed is consistent with the GR-P zoning district;
 15. A Notice of Intent to Subdivide was published in the Powell Tribune on March 7, 2023 and March 14, 2023;
 16. Agency referral requirements have been met;
 17. MDU has natural gas service available. A 3/4" polyethylene service line currently feeds the service point at 1267 Lane 10. MDU has a 2" gas main on the north side of Lane 10 to serve the remaining portion of the subdivision;
 18. Park County Fire District #1 can provide fire protection to the proposed subdivision providing all accesses are constructed to accommodate their fire equipment;
 19. TCT can serve the subdivision with internet and VOIP phone service, dependent on clear line of site. All install and equipment fees are the responsibility of the customer;
 20. Powell-Clarks Fork Conservation District soils report found four soil types on the property. The soil types are primarily rated "not limited" for dwellings with or without basements, however, one soil type is considered "very limited" due to slope. Two of the soil types are rated "very limited" regarding septic tank absorption fields and limitations are due to filtering capacity, slope and slow water movement. Two soil types are considered "not limited" regarding septic tank absorption fields;
 21. Park County School District #1 will have bus service available to this subdivision;

22. USPS can provide mail service to the proposed subdivision;
23. Garland Light & Power currently serves the proposed subdivision, however it is only a 70A service and should be upgraded;
24. Wyoming DEQ provided agency contacts and information for permitting associated with various construction activities;
25. The Park County Treasurer stated taxes are paid in full;
26. The Wyoming Game & Fish Department stated they have no terrestrial wildlife concerns, but offered their standard subdivision recommendations;
27. The Park County Weed & Pest District has inspected the property and a Long-Term Noxious Weed Management Plan is not required. However, Weed & Pest recommends the applicant follow "Best Management Practices for Controlling the Spread of Noxious Weeds";
28. The Park County Public Works Department has not provided a response;
29. No public comments have been received;
30. A pre-application meeting was held on February 2, 2023;
31. A title report dated January 26, 2023 has been provided by the applicant;
32. No new roads are proposed as part of this subdivision;
33. Access is proposed from County Lane 10;
34. The existing residence on proposed Lot 1 has a separate, individual access and driveway;
35. A separate access and easement exists on the west side of proposed Lot 1 and currently serves a parcel addressed as 1273 Lane 10. It is also proposed to serve the remainder parcel;
36. Maintenance of the shared driveway will be the responsibility of the property owners who use it for access;
37. Solid waste disposal service can be provided by private service providers;
38. Simple subdivisions are not required to install utilities, however natural gas and electric services are available;
39. No hazardous features, other than the potential for a high water table, are known to exist on the property;
40. Application submission requirements for sketch plan review have been met;

41. Wastewater requirements pertaining to sketch plan review have been met;
42. A perc test completed on proposed Lot 1 found a perc rate of 6 mpi;
43. A depth-to-groundwater cut completed on proposed Lot 1 found evidence of soil saturation at 7'8";
44. The Park County Small Wastewater Administrator stated that engineered septic systems may be required for this proposed subdivision, due to high groundwater;
45. Domestic water will be provided by individual on-site wells;
46. A water sample was taken from a nearby well and the test results indicate the water sample meets the Safe Drinking Water Act (SDWA) requirement because no E-coli nor total coliform were detected;
47. The well water sample contained no Lead nor Arsenic; Nitrogen was detected at 1.33 mg/L and TDS was detected at 421 mg/L;
48. Agricultural impacts have been addressed;
49. The adjacent remainder parcel is in an Agricultural Overlay District;
50. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act;
51. No stream or river passes within or adjacent to the property;
52. State review of water rights is not required;
53. Water rights requirements pertaining to sketch plan have been met;
54. Lot standards have been met;
55. No common maintenance of facilities is proposed; however, a driveway will be shared by two parcels north of proposed Lot 1 and potentially by Lot 1;
56. An HOA will not be required, however a road maintenance agreement is recommended for the shared driveway, and the Final Plat and Disclosure Statement will need to state how maintenance responsibility is to be shared;
57. Easement standards apply;
58. No drainage, sidewalks, street lighting or alleys are proposed;
59. The subdivision is not within a Flood Overlay District or an Airport Overlay District; and

60. No open spaces, natural areas, schools, or parks are proposed or required.

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

NOW, THEREFORE, BE IT RESOLVED based on the foregoing, the Planning & Zoning Commission hereby recommends approval of the sketch plan for Ando Farms SS-305, subject to the following conditions:

1. The applicant shall provide all easements as requested by applicable utilities and special districts, irrigation districts or public agencies providing services. The width of any utility easement shall be sufficient to allow adequate maintenance of the system, but in no case shall such utility easement be less than 20 feet in width. Easements must be identified on the final plat;
2. The applicant shall provide a response from the Park County Public Works Department to the Planning and Zoning Department, prior to final plat review by the Board of County Commissioners;
3. The applicant shall provide a water distribution plan that has been approved by the Shoshone Irrigation District to the Park County Planning and Zoning Department, prior to final plat review by the Board of County Commissioners;
4. The applicant shall place a note on the final plat stating that engineered septic systems may be required due to evidence of high groundwater;
5. The applicant shall place the following note on the final plat: "Any proposed water wells on these subdivision lots shall be permitted by the Wyoming State Engineer's Office prior to installation";
6. The applicant shall place a condition on the final plat that any access approach that is intended to serve the lots of this subdivision shall meet Park County Road & Bridge Standards and will require a Right-of-Way Permit from Park County Public Works Department;
7. The applicant shall either provide a shared maintenance agreement between the parcel owners who will use the shared driveway, to be recorded with the final plat, or the applicant shall place a note on the

Final Plat and state in the Notarized Disclosure Statement how maintenance of the shared driveway will be achieved by the property owners who use it;

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

ADOPTED by the Park County Planning & Zoning Commission this 19th day of April, 2023.

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

ATTEST:



Kimberly Brandon-Wintermote, Chairman



Jolene Brakke, Secretary

**RESOLUTION 2023 - 09
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
SYD TRYN SIMPLE SUBDIVISION SS-303 (SS-303) SKETCH PLAN**

WHEREAS, Travis White, proposes to create one 25.22-acre lot for agricultural and residential use, from an existing 60.23-acre parcel in the GR-P zoning district and the Cody/Powell Rural planning area. The creation of this subdivision will result in a 35.01-acre remainder parcel;

WHEREAS, the proposed subdivision is classified as a simple subdivision which must comply with the Simple Subdivision Review Process;

WHEREAS, the application and supporting documents are in substantial compliance with Park County Development Standards and Regulations pertaining to Simple Subdivision sketch plans;

WHEREAS, the Planning & Zoning Commission held a duly noticed meeting on April 19, 2023 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision Permit Application, including payment, was received from Travis B. White on March 9, 2023;
2. A revised sketch plan was received on March 23, 2023;
3. The applicant requests approval of the sketch plan for a subdivision to create one 25.22-acre lot for agricultural and residential use, from an existing 60.23-acre parcel in the GR-P zoning district and the Cody/Powell Rural planning area;
4. The creation of this subdivision will result in a 35.01-acre remainder parcel;
5. Applicable regulations are the *Park County, Wyoming, 2015 Development Standards and Regulations*, adopted September 15, 2015;
6. The subdivision is classified as a simple subdivision;
7. Ownership is affirmed Warranty Deed dated March 24, 2022 (Doc. #2022-1916), to Travis Benton White, as sole owner;
8. The parcel is located in a portion of Farm Unit " D", according to the Farm Unit Plat, described as the N1/2NW1/4, N1/2S1/2NW1/4, Section 22, T55N-R101W, 6th P.M., Park County, Wyoming;
9. The property is located approximately seven miles west of Ralston on the south side of County Lane 10, with an address of 2172 County Lane 10, Powell;

10. Neighboring land uses are agricultural to the north, south, and east of the proposed subdivision. Christman SS-230 borders the west and is classified as residential land. There are residential and residential vacant lands interspersed with agricultural lands nearby;
11. The proposed subdivision is not within a mile of any municipality; therefore, municipal review is not required;
12. The proposed subdivision is vacant land, currently in crop production. The proposed subdivision's topography shows little change in elevation;
13. The subdivision is located within a General Rural Powell (GR-P) zoning district;
14. The lot size, as proposed, is consistent with the GR-P zoning district;
15. A Notice of Intent to Subdivide was published in the *Powell Tribune* on February 2, 2023 and February 7, 2023;
16. Agency referral requirements have been met;
17. Heart Mountain Irrigation District provided the applicant with specific requirements for the water distribution plan;
18. Park County Fire District #1 can provide fire protection to the proposed subdivision providing all accesses are constructed to accommodate their fire equipment;
19. Park County School District #1 will have busing available for the subdivision;
20. TCT can serve the subdivision with wireless internet and VOIP phone service;
21. USPS can provide mail service to the proposed subdivision;
22. Garland Light & Power stated the proposed subdivision is within their territory and they have the capacity to serve the subdivision lot;
23. Powell-Clarks Fork Conservation District soils report found one soil type on the property. It is rated "not limited" with regard to dwellings with or without basements and for small commercial buildings. It is rated "very limited" to "not limited" for septic tank absorption fields;
24. Black Hills Energy stated natural gas service is available to the proposed subdivision, with a 1,000-foot main extension;
25. Park County Weed and Pest stated that a Long-Term Noxious Weed Management Plan will not be required; however, they recommend adhering to *Best Management Practices for Preventing the Spread of Noxious Weeds*;
26. Wyoming DEQ provided agency contacts and information for permitting associated with various construction activities;

27. The Park County Treasurer stated taxes are currently unpaid;
28. The Wyoming Game & Fish Department stated they have no terrestrial wildlife concerns, but provided their standard subdivision recommendations;
29. The Park County Public Works Department stated legal access is proposed by an 18' access easement from County Lane 10 and also by an existing 20' access easement from County Road 22. County Lane 10 is chip sealed and paved and County Road 22 is a crushed gravel roadway – both are County-maintained;
30. Public Works stated neither proposed access meets the minimum standards for subdivision development road design standards (60' width), but based on the proposed easement serving a single lot, it is considered a driveway and not a road;
31. Public Works recommends a 60' access and utility easement, and states that if a 60-foot easement is not provided, they recommend that no further development be allowed;
32. Public Works stated the proposed 18' access easement from Lane 10, within the proposed 30' easement is more suitable for a primary access than the existing 20' access from Road 22. Driveway standards are outlined in Pages 24-26 of the Park County Road and Bridge Standards;
33. Public Works recommends the proposed 18' access easement and 30' utility easement be designated as a combined access and utility easement;
34. Public Works has approved a Right-of-Way Permit for an access in the location of the proposed 18' access easement from Lane 10. Construction has not been started to date;
35. Public works will require improvement of the driveway surface (as outlined in pages 24-26 of the Park County Road and Bridge Standards) to the existing 20' Access Easement from Road 22;
36. Public Works recommends a shared maintenance agreement between the landowners who use the driveway be a requirement of subdivision approval;
37. The existing 20' access easement is specifically for access only and does not include allowances for utilities;
38. The property owner of Lot 1, Christman SS-230 has contacted Public Works and believes the existing 20' access is not sufficient to accommodate the proposed development. The landowner cited snow removal and snow storage along the access as very problematic;
39. No new subdivision roads are being proposed;

40. Developed lots must be addressed in accordance with Park County Road & Bridge Standards when new structures/dwellings are constructed and a building permit has been issued by the Planning and Zoning Department. A Right-of-Way Permit must be approved by Public Works for any new accesses to either County Road;
41. Public Works will not require a drainage and erosion control plan;
42. No public comments have been received;
43. A pre-application meeting was held on December 12, 2022;
44. A title report dated January 13, 2023 has been provided by the applicant;
45. No new roads are proposed as part of this subdivision;
46. Primary access for the subdivision is proposed by an 18' easement on the west side of the remainder parcel from County Lane 10;
47. Maintenance of the proposed access and driveway from County Lane 10 will be the responsibility of proposed Lot 1;
48. Solid waste disposal service can be provided by private service providers;
49. Simple subdivisions are not required to install utilities, however natural gas and electric services are available;
50. No hazardous features are known to exist on the property;
51. Application submission requirements for sketch plan review have been met;
52. Wastewater requirements pertaining to sketch plan review have been met;
53. A perc test completed on proposed Lot 1 found a perc rate of 16 mpi;
54. A depth-to-groundwater cut completed on proposed Lot 1 revealed no groundwater at a depth of 9 feet;
55. The Park County Small Wastewater Administrator stated that conventional septic systems will likely be sufficient for this proposed subdivision;
56. Domestic water requirements have been met, with the exception of a water well analysis from a well within ½ mile. The applicant has sent a sample for analysis, and results will be provided to the Planning and Zoning Department prior to Final Plat Review by Board of County Commissioners;
57. The applicant has not proposed any changes that would be expected to impact neighboring agricultural activities or related uses;
58. The property is in an Agricultural Overlay District and the final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act;

59. Agricultural impacts have been addressed;
60. No stream or river passes within or adjacent to the property;
61. State review of water rights is not required;
62. Water rights requirements pertaining to sketch plan have been met;
63. Lot standards have been met and easement standards apply;
64. No common maintenance of facilities is proposed or required, with the exception that shared access is possible to the southwest corner of proposed Lot 1;
65. No drainage, sidewalks, street lighting or alleys are proposed;
66. The subdivision is not within a Flood Overlay District or an Airport Overlay District;
67. The developer and future lot owner should consider locating non-agricultural use on the least productive or agriculturally marginal portions of the proposed lot; and
68. No open spaces, natural areas, schools, or parks are proposed or required.

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

NOW, THEREFORE, BE IT RESOLVED based on the foregoing, the Planning & Zoning Commission hereby recommends approval of the sketch plan for Syd Tryn SS-303, 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 pay all property taxes that are due, prior to scheduling Final Plat Review with the Board of County Commissioners;
3. The applicant shall provide a water analysis as required, from a well within ½ mile of the proposed subdivision, prior to scheduling Final Plat Review with the Board of County Commissioners;
4. 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";

5. The applicant shall place the following note on the final plat if a 60-foot access and utility easement is not provided: Further subdivision of Lot 1 or the remainder parcel may result in the requirement of a 60-foot access and utility easement;
6. The applicant shall improve the 18' driveway from County Lane 10 to Lot 1 in accordance with Park County Road and Bridge Standards;
7. The applicant shall designate the 18' access easment and 30' utility easement as a combined access and utility easement;
8. Prior to scheduling Final Plat Review with the Board of County Commissioners, the applicant shall provide a Subdivision Improvements Agreement (addressing the required driveway improvements, etc.) to the Planning and Zoning Department, for review by staff and approval by the County Attorney's Office and the Board of County Commissioners,
9. 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;
10. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991; 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 18-5-306.

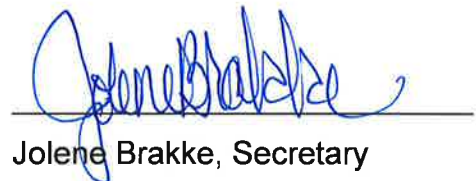
ADOPTED by the Park County Planning & Zoning Commission this 19th day of April, 2023.

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

ATTEST:



Kimberly Brandon-Wintermote, Chairman



Jolene Brakke, Secretary

**RESOLUTION 2023 - 10
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
HAIRE SIMPLE SUBDIVISION SS-304 (SS-304) SKETCH PLAN**

WHEREAS, Jack Haire, with permission from the landowner, Darold Newman, proposes to create one 6.20-acre lot for residential use from an existing 42.25-acre parcel in the Cody/Powell Rural planning area. The creation of this subdivision will result in a remainder parcel of 36.05 acres;

WHEREAS, the proposed subdivision is classified as a simple subdivision which must comply with the Simple Subdivision Review Process;

WHEREAS, the application and supporting documents are in substantial compliance with Park County Development Standards and Regulations pertaining to Simple Subdivision sketch plans;

WHEREAS, the Planning & Zoning Commission held a duly noticed meeting on April 19, 2023 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision Permit Application, including payment, was received from Jack Haire on March 10, 2023;
2. A revised sketch plan was received on March 22, 2023;
3. The applicant requests approval of the sketch plan for a subdivision to create one 6.20-acre lot for residential use from an existing 42.25-acre parcel in the Cody/Powell Rural planning area;
4. The creation of this subdivision will result in a remainder parcel of 36.05 acres;
5. Applicable regulations are the *Park County, Wyoming, 2015 Development Standards and Regulations*, adopted September 15, 2015;
6. The subdivision is classified as a simple subdivision;
7. Ownership is affirmed Warranty Deed dated November 2, 2021 (Doc. #2021-7794), to Darold Newman, a single person, as sole owner;
8. The parcel is located in a portion of Farm Unit " J", according to the Farm Unit Plat, or the N/2N/2 Lot 66-A and Lot 2 of Section 4, Township 54 North, Range 98 West, 6th P.M., Park County, Wyoming;

9. The proposed subdivision is located approximately five miles southeast of Powell, on the west side of County Road 4, south of State Highway 295 (also known as Lane 13). The remainder parcel is addressed as 420 Lane 13, Powell;
10. The neighboring land uses are primarily agricultural, with a small residential parcel on the south boundary of proposed Lot 1. Exempt Bureau of Reclamation lands lie to the south of the remainder parcel and the excepted parcel within the subdivision tract of record is vacant land, owned by Willwood Light & Power Co. The Hart Major Commercial Auto/Diesel Repair business, permitted under SUP-230, is approximately 1000' north of the proposed subdivision on the north side of Highway 295;
11. The proposed subdivision is unirrigated land with what appears to be a partially built residence and outbuilding(s);
12. The topography of the property shows little change in elevation;
13. The proposed subdivision is not within a mile of any municipality; therefore, municipal review is not required;
14. The subdivision is in the General Rural Powell (GR-P) zoning district;
15. The lot size proposed is consistent with the GR-P zoning district;
16. A Notice of Intent to Subdivide was published in the Powell Tribune on January 19, 2023 and February 9, 2023;
17. Relevant agencies were notified as required;
18. Park County Fire District #1 can provide fire protection to the proposed subdivision providing all accesses are constructed to accommodate their fire equipment;
19. MDU has natural gas service available from an existing gas main on the north side of Highway 295;
20. Park County School District #1 will have school busing available and the property is within the boundaries of the school district;
21. USPS can provide mail service to the proposed subdivision;
22. TCT can serve the subdivision with wireless internet and VOIP phone service via a wireless dish mounted on building(s);
23. Willwood Irrigation District stated the proposed lot does not have water rights and they have no issues with the proposed subdivision;

24. Powell-Clarks Fork Conservation District found three soil types on the property. Soil ratings are "not limited" for dwellings without basements and "not limited" to "somewhat limited" for dwellings with basements. Ratings for septic tank absorption fields are "very limited" to "somewhat limited" due to depth to bedrock and slow water movement;
25. Willwood Light & Power stated the proposed subdivision is currently served and does not foresee barriers to the continued supply of power to the location;
26. Park County Treasurer stated the first half of taxes are paid and the second half are due on May 10, 2023;
27. Wyoming DEQ provided agency contacts and information for permitting associated with various construction activities;
28. The Wyoming Game & Fish Department stated they have no terrestrial wildlife concerns, but offered their standard subdivision recommendations;
29. Park County Public Works confirmed legal access exists and will be from County Road 4, a paved and county-maintained road;
30. Park County Public Works will be able to issue an address once a building permit has been issued by the Planning & Zoning Department;
31. A right of way permit will be required for any access from County Road 4, by Park County Public Works Department;
32. A drainage and erosion control plan will not be required for this project;
33. Park County Weed & Pest has provided a response. No Long Term Noxious Weed Management Plan is required and the applicant shall follow Best Management Practices;
34. No public comments have been received;
35. A pre-application meeting was held on December 2, 2020;
36. A title report dated December 8, 2022 has been provided by the applicant;
37. No new roads are proposed as part of this subdivision;
38. Access is proposed directly from County Road 4;
39. Solid waste disposal service can be provided by private service providers;
40. Simple subdivisions are not required to install utilities, however natural gas, electricity, and communication services are available;

41. No hazardous features are known to exist on the property;
42. A mortgage is noted in the title report. The landowner will be required to provide evidence he can convey merchantable title to a buyer of proposed Lot 1 upon approval of the subdivision permit;
43. Application submission requirements for sketch plan review have been met;
44. Wastewater requirements pertaining to sketch plan review have been met;
45. A perc test completed on proposed Lot 1 found a perc rate of 13 mpi;
46. A depth-to-groundwater cut completed on proposed Lot 1 found no groundwater at a depth of 8 feet;
47. The Park County Small Wastewater Administrator stated that conventional septic systems will likely be sufficient for this proposed subdivision;
48. Wastewater requirements pertaining to sketch plan review have been met;
49. Domestic water will be provided by individual on-site wells to be permitted by the Wyoming State Engineer's Office or cisterns;
50. A water well sample was not available from within 0.5 mile of the proposed subdivision;
51. The following must be stated on the final plat in bold lettering: "NO WATER ANALYSIS WAS CONDUCTED AND THE AVAILABILITY AND QUALITY OF POTABLE WATER IS UNKNOWN. CISTERNS MAY BE REQUIRED."
52. Domestic water requirements have been met;
53. Agricultural impacts have been addressed;
54. The property is not located in an Agricultural Overlay District; however, it is on property adjoining an Agricultural Overlay District;
55. No stream or river passes within or adjacent to the property;
56. No state review of water rights is required;
57. Water rights requirements pertaining to sketch plan have been met;
58. Lot standard requirements have been met;
59. No common maintenance of facilities is proposed;
60. Easement standards apply;
61. No drainage, sidewalks, street lighting or alleys are proposed;

62. The subdivision is not within a Flood or Airport Overlay District;
63. No open spaces, natural areas, schools, or parks are proposed or required; and
64. Building and Small Wastewater System permits for any structures currently being constructed and for supporting septic systems will be required prior to final plat review.

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 Haire SS-304, subject to the following conditions:

1. The applicant shall provide all easements as requested by applicable utilities and special districts, irrigation districts or public agencies providing services. The width of any utility easement shall be sufficient to allow adequate maintenance of the system, but in no case shall such utility easement be less than 20 feet in width. Easements must be identified on the final plat;
2. The applicant shall place the following note on the final plat: "Any proposed water wells on these subdivision lots shall be permitted by the Wyoming State Engineer's Office prior to installation";
3. The applicant shall place the following note on the final plat in bold lettering: "NO WATER ANALYSIS WAS CONDUCTED AND THE AVAILABILITY AND QUALITY OF POTABLE WATER IS UNKNOWN. CISTERNS MAY BE REQUIRED.";
4. 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;
5. If the applicant is under contract to purchase the subject land, it shall be demonstrated that binding arrangements have been made by the person who offers any part of the subdivision for sale, directly or through an agent, to assure purchasers of any part of the subdivision that upon full payment of the purchase price a deed can and will be delivered conveying merchantable title

subject only to noted reservations or restrictions of record and free of encumbrances not specifically assumed by the purchaser, subject only to a proportionate share of such taxes and assessments thereon as may be levied or assessed for the year in which such sale may be legally effected;

6. The applicant shall obtain the necessary Building and Small Wastewater System permits for structures currently being constructed and any supporting septic systems as required by the 2015 Development Standards and Regulations prior to final plat review; and
7. The applicant shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306.

ADOPTED by the Park County Planning & Zoning Commission this 19th day of April, 2023.

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

ATTEST:



Kimberly Brandon-Wintermote, Chairman



Jolene Brakke, Secretary

**RESOLUTION 2023 - 11
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
MOLLETT SIMPLE SUBDIVISION SS-302 (SS-302) SKETCH PLAN**

WHEREAS, Arnold Mollett, proposes to create a two-lot subdivision in a GR-35 zoning district (utilizing lot size averaging), resulting in one 10.01-acre lot, one 10.03-acre lot and a 133.38-acre remainder parcel. The lots are designated for residential use in the Clark Planning Area;

WHEREAS, the proposed subdivision is classified as a simple subdivision which must comply with the Simple Subdivision Review Process;

WHEREAS, the application and supporting documents are in substantial compliance with Park County Development Standards and Regulations pertaining to Simple Subdivision sketch plans;

WHEREAS, the Planning & Zoning Commission held a duly noticed meeting on April 19, 2023 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision Permit application, including payment and additional materials, was received from Arnold & Vicki Mollett on January 13, 2023;
2. The applicants request review and approval of the sketch plan for a two-lot subdivision resulting in one 10.01-acre lot, one 10.03-acre lot and a 133.38-acre remainder parcel. The lots are designated for residential use in the Clark Planning Area;
3. Ownership is affirmed by Warranty Deed to Arnold R. Mollett and Vicki R. Mollett, husband and wife (Document #1996-7626);
4. Applicable regulations are the *Park County, Wyoming, 2015 Development Standards and Regulations*, adopted September 15, 2015;
5. The subdivision is classified as a simple subdivision;
6. The property is within part of the N/2NE/4, NW/4 of Section 19, T57N, R102W, 6th PM, Park County, Wyoming;
7. The parcel is located approximately 5.7 miles west of the intersection of State Highway 294 and the Belfry Highway in Clark, with an address of 88 Bennett Creek Road;
8. The property is in a General Rural 35-Acre (GR-35) zoning district;

9. Using lot size averaging, the lot sizes (in conjunction with the remainder parcel) are consistent with the GR-35 zoning district;
10. Since the remainder parcel is larger than 35 acres and used for lot-size averaging to create lots smaller than the minimum lot size in GR-35, it shall be surveyed and indicated as a separate parcel on the final plat;
11. A note on the final plat will be required to state that lot size averaging was used and to indicate the lots may be subject to limitations, pursuant to County Regulations or State Statute at the time future subdivision is proposed;
12. Proposed Lots 1 and 2 are currently vacant. The remainder parcel is developed with a permitted residence, septic system, and accessory outbuildings;
13. The lands are not irrigated, however the Alanko No. 1 Ditch (serving other properties) runs through the eastern portion of the parcel from west to east;
14. Bennett Creek flows across a portion of the remainder parcel from the north boundary in a southerly direction;
15. The terrain of the proposed lots is relatively flat with a general decline in elevation from west to east;
16. Surrounding land uses are primarily residential and residential vacant lands, with some agricultural lands to the south and exempt, Bureau of Land Management lands, are adjacent to the north and west boundaries;
17. The property is not located within one mile of any municipality, therefore, municipal review is not required;
18. Notice requirements have been met;
19. Agency referral requirements have been met;
20. Park County Fire Protection District #4 confirmed the property is within their district;
21. Park County School District #1 stated the closest bus stop is at the intersection of 8UD, Bennett Creek Road, Moore Road and Rustler's Way and students would need to be dropped off or walk to that stop;
22. Beartooth Electric Cooperative currently serves the remainder parcel;
23. Nemont Telecommunications stated they can serve the proposed subdivision with existing copper facilities in the area;
24. Park County Weed & Pest stated they discovered noxious weed species on the property and a Long-Term Noxious Weed Management Plan will be required;
25. Wyoming State Engineer's Office stated no water rights exist on the property;

26. Wyoming Department of Environmental Quality provided agency contacts and information for permitting associated with various construction activities;
27. The Park County Treasurer's Office stated the first half of 2022 property taxes are paid and the second half is due on May 10, 2023;
28. Wyoming Game & Fish Department stated they have no terrestrial wildlife comments on this project;
29. Bureau of Land Management stated a buyer of the land would have "casual use" of Bennett Creek Road across the public lands. "Formal Access" involving the BLM issuing a right-of-way grant is available if it is necessary to perform road maintenance or if a bank/title company requires it. They know of no reason an application would be denied;
30. BLM does not allow landowners to maintain the BLM road without a BLM right-of-way permit;
31. Powell-Clarks Fork District identified four soil types on this property. Based on soil properties, dwellings with and without basements were primarily rated not limited, however one soil type is considered somewhat limited. Soil features for septic drain fields primarily received a very limited rating (due to filtering capacity/slow water movement), with one soil type considered somewhat limited. A complete copy of the property soil report is available in the Planning & Zoning Department;
32. USPS can provide mail delivery. Placement of mailboxes will be determined when new residents are ready for mail delivery;
33. Without a formal right-of-way permit issued by the BLM, Park County Title Company would report a "Lack of Access" for the property;
34. Big Horn Federal Savings Bank confirmed they will not mortgage a property accessed by BLM casual use over a federally-owned (BLM-managed) portion of road and are not aware of any lender in the area who would;
35. Park County Public Works has been notified but no response has been received;
36. One public comment has been received in opposition to 10-acre lots being allowed in the Clark area;
37. Staff reviewed the subdivision proposal with representatives of the applicants on April 25-28, 2022 and on July 27, 2022;
38. The Notice of Intent to Subdivide was published on January 12, 2023, and January 19, 2023, in the Powell Tribune;
39. A title report dated January 11, 2023, has been provided by the applicant;
40. The title report noted that roadway access over BLM lands (under BLM permit

WYW-127004) is subject to the agency's terms, provisions and limitations on use which may be revoked or terminated without notice. It was determined that permit WYW-127004 has been terminated and without an active BLM right-of-way permit, Park County Title Company considers the property to "lack access";

41. No new roads are proposed for this subdivision. Access is proposed via Bennett Creek Road;
42. The applicant has not indicated who is responsible for road maintenance of the shared private road (Bennett Creek Road). It should be noted that without a BLM right-of-way permit, the new lot owners do not have the right to maintain the BLM portion of Bennett Creek Road;
43. Solid waste disposal services are available from private companies;
44. Simple subdivisions are not required to install utilities;
45. No confirmed hazardous features are known to exist on the property;
46. Part of the "proof of ownership showing encumbrances of record" requirement by Park County is that the person offering any part of the subdivision for sale may convey merchantable title. Without a BLM right-of-way grant/permit for access to the property, title considers the property to lack access and conventional banks and lenders will likely not lend or mortgage the property. By definition, merchantable title to real property means it can readily be sold or mortgaged to a reasonable buyer or mortgagee.
47. Application submission requirements for sketch plan review have been met, with the exception that legal access, and merchantable title, has not been confirmed;
48. Wastewater requirements pertaining to sketch plan review have been met;
49. Conventional small wastewater systems should be sufficient to serve the subdivision lots;
50. Domestic water requirements have been met;
51. Agricultural impacts have been addressed;
52. Water rights requirements pertaining to sketch plan have been met;
53. There are no water rights on the property, though irrigation ditches do exist on the property;
54. Simple subdivisions are not required to install utilities;
55. Lot standards have been met;

56. No common maintenance of facilities is proposed;
57. No roads, drainage, sidewalks, street lighting or alleys are proposed;
58. Easement standards apply;
59. The proposed subdivision is not located within any Overlay District;
60. No open spaces, natural areas, schools, or parks are proposed or required; and;
61. Staff recommends the Commission require the applicants obtain a BLM right-of-way permit to be transferred with the lots at the time of sale;
62. A water sample was obtained from a nearby well and the test results indicate the water sample meets the Safe Drinking Water Act (SDWA) requirement because no E-coli nor total coliform were detected;
63. BLM access is subject to agency's terms, provisions, and limitations on use which may be revoked or terminated without notice.

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 Mollett SS-302, subject to the following conditions:


1. The applicants shall provide all easements as requested by applicable utilities and special districts, irrigation districts or public agencies providing services. The width of any utility easement shall be sufficient to allow adequate maintenance of the system, but in no case shall such utility easement be less than 20 feet in width. Easements must be identified on the final plat;
2. The applicants shall have the remainder parcel surveyed and indicated as a separate parcel on the final plat;
3. The applicants shall place the following note on the final plat: "Lot size averaging was used to create these subdivision lots, including the remainder parcel. Further subdivision of Lot 1, Lot 2 or the remainder parcel may be subject to limitations, pursuant to County Regulations or State Statute in force at the time future subdivision is proposed;

4. The applicants shall provide an approved Long-Term Noxious Weed Management Plan to the Planning & Zoning Department prior to recordation of the Final Plat;
5. The applicants shall provide an engineering review from Park County Public Works Department to the Planning & Zoning Department prior to final plat review with the Board of County Commissioners;
6. The applicants shall provide a BLM right-of-way permit prior to final plat review with the Board of County Commissioners;
7. The applicants shall place the following note on the final plat: "Any proposed water wells on these subdivision lots shall be permitted by the Wyoming State Engineer's Office prior to installation";
8. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991;
9. The applicant shall place the following note on the final plat: "These lots may be subject to BLM access permitting requirements."; and
10. The applicants shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306.

ADOPTED by the Park County Planning & Zoning Commission this 19th day of April, 2023.

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

ATTEST:



Kimberly Brandon-Wintermote, Chairman



Jolene Brakke, Secretary

PLEASE SIGN IN
PLANNING and ZONING COMMISSION
REGULAR MEETING
March 15, 2023

		Syd Tryn SS-303 Sketch Plan	
		Haire SS-304 Sketch Plan	
		Ando Farms SS-305 Sketch Plan	
		Mollett SS-302 Sketch Plan	
		Hermans-Crowell (River Ridge) MS-74 Sketch Plan	
	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	MARTIN JAMES DOUGHERTY	Hermans-Crowell MS-74	Yes
2	BARBARA DOUGHERTY	" " "	NO
3	JOHN DOUGHERTY	" " "	NO
4	Blaine Snyder	" " "	Yes
5	Travis White		NO
6	Arnold E Mollett	Mollett SS-302 sketch	NO
8	Kenneth Marchbanks	Mollett SS-302 & MS-74	NO
9	Christine Hosiow	MS-74 Hermans-Crowell	No
10	Karen Crowell	MS-74 "	No
11	Cynthia Hermans	Hermans-Crowell	No
12	Edward Haruon	Hermans Crowell	Yes
13	Kendrick Harvey	" "	No
14	Cody Schatz	Ando Farms	Maybe
15	Annamarie McMahon	Hermans Crowell	no
16	Steve Youngbauer	" "	YES
17	Jack Haine	Jack Haine Subdivison	no
18	RUSTY BLOUGH	HERMANS CROWELL	MAYBE
19	Mary McKinney	all	
20	Farran Green	Hermans Crowell	yes
21	Bruce Spangole	" "	
22	Edie Spangole	" "	
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PLEASE SIGN IN
PLANNING and ZONING COMMISSION
REGULAR MEETING
March 15, 2023

		Syd Tryn SS-303 Sketch Plan	
		Haire SS-304 Sketch Plan	
		Ando Farms SS-305 Sketch Plan	
		Mollett SS-302 Sketch Plan	
		Hermans-Crowell (River Ridge) MS-74 Sketch Plan	
	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	Shelley Causey	MS-74	yes
2	James Causey	MS-74	yes
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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, April 19, 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 March 15, 2023, meeting.

CONSENT AGENDA

[Syd Tryn SS-303 Sketch Plan](#)

[Haire SS-304 Sketch Plan](#)

[Ando Farms SS-305 Sketch Plan](#)

REGULAR AGENDA

[Mollett SS-302 Sketch Plan](#)

[Hermans-Crowell MS-74 Sketch Plan](#)

OTHER BUSINESS

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

ADJOURN