

Planning & Zoning Commission Minutes
May 24, 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
Jolene Brakke, Office Assistant III (by virtual means)
Brian Edwards, County Engineer (by virtual means)
Ben McDonald, Public Works (by virtual means)
Mary McKinney, Weed and Pest

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

APPROVAL OF MINUTES

Chairman Brandon-Wintermote asked the Commission for comments or changes to the April 19, 2023, meeting minutes. A MOTION was made by Commissioner Mair to approve the minutes; the motion was SECONDED by Commissioner Eastman to approve the minutes as presented. 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. They indicated that they did.

Commissioner Bonine made a MOTION to approve the consent agenda. SECONDED by Commissioner Peters. All in favor. Motion carried.

Bott SS-306 Sketch Plan: Ron Jones requests approval of the application and Sketch Plan for the Bott Simple Subdivision (SS-306). The proposed subdivision is comprised of one 5.22-acre lot from a 257.8-acre parcel, for residential use. The proposed subdivision is located in Lot 63 G, Tract 3 of Lot 52 and Lot 7, Section 33, Resurvey, T55N, R100W of the 6th P.M., Park County, Wyoming. It is located approximately 7 m miles southwest of Powell, on the east side of Highway 294, and north of Highway 14A in the General Rural-Powell (GR-P) zoning district.

Planning & Zoning Commission Minutes

May 24, 2023

52 Commissioner Bonine read the conditions of approval (by Resolution #2023-12) for the Bott SS-
53 306 Sketch Plan:

54

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

60 2. The applicant shall obtain an access permit from WYDOT, including a joint access
61 agreement, as signed by the subdivider and the owner of Lot 101 of the Amended Plat
62 of Faith Lutheran SS-205, and provide evidence of the same to the Park County
63 Planning & Zoning Department, prior to final plat review by the Board of County
64 Commissioners;

65 3. The applicant shall provide a Long-Term Noxious Weed Management Plan that has
66 been approved by Park County Weed & Pest, prior to final plat review by the Board of
67 County Commissioners;

68 4. The applicant shall provide a response from Park County Public Works, prior to final plat
69 review by the Board of County Commissioners;

70 5. The applicant shall provide a subsurface evaluation to include a percolation test and
71 one depth to groundwater excavation cut, to the Planning & Zoning Department, prior
72 to final plat review by the Board of County Commissioners;

73 6. The applicant shall provide water analysis results for Calcium, Magnesium, Sodium,
74 Iron, Fluoride or Manganese, from a well within ½ mile of the proposed subdivision to
75 the Planning & Zoning Department, prior to final plat review by the Board of County
76 Commissioners;

77 7. The applicant shall establish waste ditches as prescribed by Heart Mountain Irrigation
78 District prior to final plat recording;

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

82 9. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of
83 1991; and

84 10. The applicant shall otherwise comply with standards in the Park County
85 Development Regulations and the minimum subdivision requirements as set forth in
86 Wyoming Statute 18-5-306.

187 See Resolution 2023-13 attached hereto and incorporated herein.

88

89 [Cross Ranch SS-307 Sketch Plan](#): Baltazar Rodriguez requests approval of the application and
90 Sketch Plan for the Cross Ranch Simple Subdivision (SS-307). The applicant is proposing a
91 simple subdivision comprised of one 15-acre lot from an 80-acre parcel owned by Mindy Gilbert,

Planning & Zoning Commission Minutes

May 24, 2023

92 for residential use. This proposed subdivision is located in Lot 42-D, Lot 42, Resurvey, T56N,
93 R98W of the 6th P.M., Park County, Wyoming. It is located in the northeast corner of the County
94 Road 6 and County Lane 6 intersection, approximately 3 miles northeast of Powell in the General
95 Rural-Powell (GR-P) zoning district.

96
97 Commissioner Peters read the conditions of approval (by Resolution #2023-13) for the Cross
98 Ranch SS-307 Sketch Plan:
99

- 100 1. The applicant shall provide all easements as requested by applicable utilities and
101 special districts, irrigation districts or public agencies providing services. The width of
102 any utility easement shall be sufficient to allow adequate maintenance of the system,
103 but in no case shall such utility easement be less than 20 feet in width. Easements must
104 be identified on the final plat;
- 105 2. The applicant shall place a condition on the final plat that any access approach that is
106 intended to serve the lots of this subdivision shall meet Park County Road & Bridge
107 Standards and will require a Right-of-Way Permit from Park County Public Works
108 Department;
- 109 3. The applicant shall provide an approved Long-Term Noxious Weed Management Plan
110 to the Park County Planning and Zoning Department, prior to final plat review by the
111 Board of County Commissioners;
- 112 4. The applicant shall provide an approved water distribution plan to the Park County
113 Planning and Zoning Department, prior to final plat review by the Board of County
114 Commissioners;
- 115 5. The applicant shall place the following note on the final plat: "Any proposed water wells
116 on these subdivision lots shall be permitted by the Wyoming State Engineer's Office
117 prior to installation";
- 118 6. The applicant shall place the following note on the final plat: on the final plat: "**NO
119 WATER ANALYSIS WAS CONDUCTED AND THE AVAILABILITY AND QUALITY
120 OF POTABLE WATER IS UNKNOWN. CISTERNS MAY BE REQUIRED**";
- 121 7. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of
122 1991; and
- 123 8. The applicant shall otherwise comply with standards in the Park County
124 Development Regulations and the minimum subdivision requirements as set forth in
125 Wyoming Statute 18-5-306.
126

127 See Resolution 2023-13 attached hereto and incorporated herein.
128

129 REGULAR AGENDA

130
131 [PUBLIC HEARING CONTINUED – River Ridge MS-74 Sketch Plan:](#) Karen Crowell, Cynthia
132 Hermans and Edward Harvey request approval of the application and Sketch Plan for the River
133 Ridge Minor Subdivision (MS-74). The proposed subdivision is comprised of three lots: one 1.90-
134 acre lot, one 4.78-acre lot, and one 22.33-acre lot, each for residential use. The proposed

Planning & Zoning Commission Minutes

May 24, 2023

135 subdivision is located within two existing properties: Lot 18, Section 6, Resurvey, and Lot 2 of
136 HVBII SS-243, all within T53N, R100W of the 6th P.M., Park County, Wyoming. The properties
137 are located approximately five miles northeast of Cody, east of Highway 14A and Corbett Road,
138 with addresses of 28 and 32 River's Ridge Road in a General Rural 5-Acre (GR-5) zoning district.
139

140 Chairman Brandon-Wintermote reviewed the rules of a public meeting and opened the public
141 hearing at 1:11pm. Chairman Brandon-Wintermote stated that the reason the Commission
142 continued the public hearing pending the decision of the Board of County Commissioners (Board)
143 on the appeal of the County Engineer's decision to grant administrative relief to the developer for
144 certain road standards and requirements. The Board continued the public hearing on the appeal
145 to their regular meeting on June 6, 2023, at 1:15pm. A date for their final decision on the matter
146 is uncertain.
147

148 At 1:12pm, Commissioner Bonine made a MOTION to CONTINUE the public hearing to 1:00pm
149 on July 19, 2023; SECONDED by Commissioner Mair. All in favor. Motion carried.
150

151 **PUBLIC HEARING – Hawkins Heart Mountain Collision & Repair SUP-249:** Michael Hawkins
152 requests approval of the application for the Hawkins Heart Mountain Collision & Repair Special
153 Use Permit (SUP-249). The applicant is proposing a cottage industry use to operate a collision
154 and repair business. The use is proposed within a 5.15-acre parcel located approximately nine
155 miles west/southwest of Powell, west of County Road 19, with an address of 1102 Road 19. The
156 property is described as Lot 8, Section 24, T55N, R101W of the 6th P.M., Park County, Wyoming.
157 The property is in a General Rural-Powell (GR-P) zoning district in the Powell Local Planning
158 Area.
159

160 Chairman Brandon-Wintermote opened the public hearing at 1:12pm.
161

162 There being no comments from Commission members, Kim Dillivan, Assistant Director, presented
163 the Staff Report.
164

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

- 166 • Chairman Brandon-Wintermote asked if there would be hazardous materials on the site.
167 Kim said we specifically met with the applicant and discussed the paint that will be used.
168 He said in terms of paint, the paint containers are left to dry and then can be disposed of
169 by normal means. Because his work is mostly collision repair, we do not anticipate
170 significant amounts of other substances.
- 171 • Brian Edwards, County Engineer, said existing access is already permitted and there is
172 an approved address. So long as there are no additional accesses proposed, there should
173 be no problems. They do not anticipate a substantial increase in traffic or a need to
174 reclassify the County roads nearby. Related to site and drainage, with it being a low impact
175 structure, they do not require a drainage and erosion control plan. A stormwater permit is
176 not required from Wyoming Department of Environmental Quality.
- 177 • Mary McKinney, Weed and Pest, said she recommends the applicant continue with bare
178 ground control and to mitigate any noxious weeds.
179

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

- 181 • Michael Hawkins, the applicant, offered to answer questions. Chairman Brandon-
182 Wintermote asked about hazardous materials. Mr. Hawkins said he will have someone
183 mix the paint per job so he will not have a lot of paint on the site. He will let unused paint
184 dry before disposing of the cans. He has a curtain area to keep the paint isolated and keep
185 his shop clean. It is a simple operation – he is not trying to do anything above and beyond.

Planning & Zoning Commission Minutes

May 24, 2023

186 He has been doing it for 30 years and he knows proper ways to dispose of things. He
187 won't have any oils or antifreeze for the business. He may have oil for his personal use.
188 • Chairman Brandon-Wintermote asked if a vehicle comes in leaking, what will he do with
189 that. Mr. Hawkins said he can store the fluids and have a company come and take it away.
190 He would do the best he can to clean up any spills. He wants to get into more of a heavier
191 duty "fix a hood" or RV repair bumper break. He doesn't want to paint big things – he's
192 more of a spot-repair type of facility. He's not set up for larger jobs.
193

194 Chairman Brandon-Wintermote asked if any Commission members had questions for the
195 applicant. There were none.

- 196 • Commissioner Bonine asked for follow-up on the unpermitted septic system. Kim Dillivan
197 said the shop building has a permit from a few years ago. At the time, Mr. Hawkins wanted
198 to put a bathroom in the shop. We do not have a permit for the residence or septic (both
199 were there previously). We do not ask for evidence for the long-time pre-existing. For a
200 use with a bathroom that will only be used by the person living on the property, there
201 should be no increase in the effluent. Mr. Hawkins should be the only person using the
202 bathroom.
203 • Chairman Brandon-Wintermote asked about business hours. Mr. Hawkins said he still
204 works a full-time job and will do so until the business takes off and he can work from 8am
205 to 5pm. So, this will basically be a side job initially.
206

207 Chairman Brandon-Wintermote asked if there were comments from any members of the public.
208 There were no comments from those in attendance.
209

210 Commissioner Bonine made a MOTION to close the hearing at 1:38pm; SECONDED by
211 Commissioner East. All in favor. Motion carried.
212

213 Chairman Brandon-Wintermote had comments:

- 214 - Finding 23 should reflect a response has been received from Public Works.
215 - Finding 24 should reflect that a public comment has been received.
216 - Condition #2 can be removed because a response has been received.
217

218 Commissioner Eastman made a MOTION to approve the Hawkins Heart Mountain Collision and
219 Repair SUP-249 by Resolution 2023-14 based upon the findings presented and including the
220 following conditions:
221

- 222 1. Park County noise, lighting, and other nuisance regulations shall apply;
223 2. Any changes to the number of employees, customer use, or expansion of the use of
224 the septic system, will require a review of septic system adequacy; and
225 3. The applicant shall otherwise comply with standards in the Park County Development
226 Standards and Regulations.
227

228 The motion was SECONDED by Commissioner Bonine. All in favor. Motion carried. See
229 Resolution 2023-14 attached hereto and incorporated herein.

230 **PUBLIC HEARING – Bridger Tower Corp SUP-250:** Bridger Tower Corporation requests
231 approval of the application for the Bridger Tower Corp Special Use Permit (SUP-250). The
232 Applicant is proposing a major utility use for a 310-foot-tall communication tower (unmanned
233 wireless facility), within an approximately 6,400-square foot lease area. The use is proposed

Planning & Zoning Commission Minutes

May 24, 2023

234 within a 679-acre parcel owned by the Switchback Ranch, LLC located approximately 18 miles
235 northwest of Powell. The proposed tower site is located approximately ¼ mile east/southeast of
236 the intersection of Highway 120 and Highway 294, on the north side of Highway 294, within the
237 SW/4SE/4 of Section 19, T57N, R101W of the 6th P.M., Park County, Wyoming. The property is
238 located in the General Rural 20-acre (GR-20) zoning district in the Clark Planning Area. The
239 physical address nearest the site is 1849 Highway 294.

240

241 Chairman Brandon-Wintermote opened the public hearing at 1:42pm.

242

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

245

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

247

248 • Commissioner Bonine asked about a letter in the packet from the FAA with a determination
249 of no hazard to air navigation. Does that meet the required condition? Jennifer Cramer,
250 Planner I, said there will be lighting required and within 5 days after the tower reaches its
251 greatest height, notice shall be e-filed to the FAA. The Planning Director stated that by
252 fulfilling the FAA reporting requirement, the applicant has met the requirements of two of
253 the proposed conditions.

253

254 • Ben McDonald, Public Works, said they provided a response and, while they haven't seen
255 the latest site plan, they do not suspect a runoff and erosion control plan will be needed.
256 He would like to see a condition that the applicant provide a site plan to Public Works for
257 review and consideration.

257

258 • Mary McKinney, Weed and Pest, said the applicant is not required to do a lot of
259 groundwork, but they do require them to clean the equipment before they bring it onto the
260 site and do any bare ground control, where applicable, and do reseeding for any disturbed
261 ground without gravel.

261

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

263

264 • Chad Krahel, applicant, said the tower and compound are exactly the same as the one
265 proposed previously, only the tower height has changed. They have a regulatory team to
266 address their filing requirements to the FAA.

266

267 • Chairman Brandon-Wintermote asked about signs being placed. The applicant said signs
268 for notice will be required, including notice of someone to contact. They do site
269 maintenance twice per year as needed. That is the only time they will be at the site.
270 Otherwise, the tenants (Verizon, AT&T, etc.) may visit the tower site as needed. Most
271 maintenance is done remotely these days. It is mostly hands-off.

271

272 • Chairman Brandon-Wintermote asked what the service area is. The applicant said the
273 tower is 18"x18"x18" and there are guy wires 120 feet off the tower that are fenced to
274 protect them from cattle or vehicles. Chairman Brandon-Wintermote clarified that she
275 meant cell phone range. The applicant said it depends on the technology. 5G only goes 7
276 miles. Others go farther. There is another tower planned to provide continuity. He guesses
277 about a 30-mile radius would apply for basic safety (9-1-1 calls).

277

278 • Commissioner Peters asked what the wind rating is on the structure. The applicant did not
279 know off hand. He said it is considered with the Geotech and design on the tower. He
280 addressed ice load and wind load considerations. It is planned for four carriers and all their
281 antennas, plus up to a 10-foot microwave dish. Technically, they will have overbuilt the
282 tower by 10x.

282

283 • Chairman Brandon-Wintermote asked what color the tower will be. The applicant said it
284 will be galvanized. It will be lit with daytime white and nighttime red. It is not required by

Planning & Zoning Commission Minutes

May 24, 2023

284 FAA that it be painted orange and white because it is not in an area of hazard. We will
285 look into Game and Fish requirements to determine if bird deterrents are required or not
286 to reduce bird collisions.

- 287 • Commissioner Mair asked if the setback for guy wires has changed. The applicant said
288 they increased the size of the footings to accommodate the increased height.
- 289 • Chairman Brandon-Wintermote asked what the footage setback from the highway is. The
290 applicant said he believes they are setting it back the height of the tower. He said they
291 have designed the tower to collapse upon itself within a 60-foot radius of the center of the
292 tower.

293

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

295 There were no comments from those in attendance.

296

297 Chairman Brandon-Wintermote had comments:

- 298 - Finding 11 the year needs to be corrected to 2017.
- 299 - Conditions 4 and 5 can be removed.
- 300 - Condition 2 can be removed.
- 301 - Public Works clarified that they did not require an added condition as the plans had not
302 significantly changed from the previously permitted tower.

303

304 Commissioner Bonine made a MOTION to close the hearing at 2:10pm; SECONDED by
305 Commissioner Eastman. All in favor. Motion carried.

306

307 Commissioner Mair made a MOTION to approve the Bridger Tower Corp SUP-250 by Resolution
308 2023-15 based upon the findings presented and including the following conditions:

309

- 310 1. Park County noise, lighting, and other nuisance regulations shall apply;
- 311 2. The applicant shall provide comments from Park County Fire District #4;
- 312 3. The applicant shall otherwise comply with standards in the *Park County Development*
313 *Standards and Regulations*.

314

315 The motion was SECONDED by Commissioner Peters. All in favor. Motion carried. See
316 Resolution 2023-15 attached hereto and incorporated herein.

317

318 **PUBLIC HEARING – Riverwalk Subdivision Sketch Plan:** Jon & Gina Sowerwine request
319 approval of the application and Sketch Plan for the Riverwalk Subdivision. The proposed
320 subdivision is classified as a major subdivision comprised of 5 lots ranging in size from 1.96-acres
321 to 13.05-acres, each intended for commercial use. The proposed subdivision is located
322 approximately 700 feet west of the boundary of the City of Cody, in Lots 76 C and 76 B, T52N,
323 R102W of the 6th P.M., Park County, Wyoming. The property is zoned “commercial retail” under
324 LUC-89 and has an address of 4821 Highway 14-16-20.

325

326 Chairman Brandon-Wintermote opened the public hearing at 2:13pm.

327

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

330

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

Planning & Zoning Commission Minutes

May 24, 2023

- 332
- 333
- 334
- 335
- 336
- 337
- 338
- 339
- 340
- 341
- 342
- 343
- 344
- 345
- 346
- 347
- 348
- Commissioner Bonine asked about there currently being litigation in District Court regarding the Board upholding the Planning Director's decision, with the understanding that none of us are attorneys, he asked if it was appropriate to move forward with this application prior to a decision. The Planning Director stated that the County Attorney recommended, without an official response, it would be the applicant's decision.
 - Ben McDonald, Public Works, said they have not provided an official response. He said road standards apply and the road will need to be built to the standards. It will need to be named and addresses will be based on the road name.
 - Mary McKinney, Weed and Pest, said this is a good example of the type of lands that are disturbed and are not reseeded, this is what can happen. If you go to the site and look, any previously disturbed areas are thick with nuisance vegetation that are several feet tall. Should surface water irrigation be approved, then that would be an opportunity to do some seeding. We should limit disturbance and even consider native species seeding that do not require water. Native or at least drought-tolerant species are preferred. Mitigation of any noxious species that are there would also be recommended. They can help Mr. Sowerwine mitigate those and establish a plan.

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

- 350
- 351
- 352
- 353
- 354
- 355
- 356
- 357
- 358
- 359
- 360
- 361
- 362
- 363
- 364
- 365
- 366
- 367
- 368
- 369
- 370
- 371
- 372
- 373
- Mr. Jon Sowerwine, the applicant, clarified that he feels picked on. This is the first time the county has ever used steep slopes to stop a subdivision from happening. His lawsuit is in the financial realm and his losses. He lost sales due to this. All the stuff required for a major will cost him a lot of money. He will be asking the county for damages due to the major subdivision requirements. The Planning Director has a problem with the slopes. He wants to do everything possible to make her happy, so she doesn't deny it. He doesn't feel that the rules should not be followed, the land use zoning should be used. If you look at the regulation and find that the land is unsuitable for subdivision, if you subdivide it then you would have that unsuitable area on more than one lot. However, we put all the dangerous slopes on one lot and set back every other lot. Therefore, there would only be one owner susceptible to the steep slopes, just as there is now. He is trying to make it easy. He has a good potable water system, it's really good water. We really don't need the irrigation system anymore. Everything is being based on the water pipeline. He was not the one who built the road without a permit, he bought the property afterward. He is trying to make sure that every lot has room for individual septic and has a good water well. Doesn't need irrigation water from the river. He understands he can request cancellation of the permit from the state. He doesn't plan to use pumps and a pipeline to serve water. He is trying to make this simple. If we drill the wells now, we don't need the irrigation system. The power is on every lot. They designed the lots according to where the power is located. It has power adjacent or in the right-of-way. He meets all the requirements of a major subdivision. They will run septic through DEQ. They have really good water that they can get on every single lot. Only one lot/owner, will have the issue of the slopes. We are trying to make it easy to get along. It's been very difficult.

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

- 375
- 376
- 377
- 378
- 379
- 380
- 381
- 382
- Chairman Brandon-Wintermote asked for clarification on the good wells. Jon said there are two really good wells. There will be a well on each lot. There is power on each lot.
 - Commissioner Bonine said he appreciates the comments about the hazardous areas being contained on Lot 1, but it appears that the property boundaries for Lots 3, 4 and 5 sit on the edge. Jon said they have a driveway that is close to the edge and the lots are on the other side of the driveway – a pretty good-sized setback. There are other houses on the strip that are closer than these lots will be. We also looked at the siphon. If you look

Planning & Zoning Commission Minutes

May 24, 2023

- 383 at the actual ground and all the limestone, there is no structural instability far back. These
384 are rocks, the ones falling, that are not near the developing area. We built the road all the
385 way around, included and controlled in and by Lot 1 so the other 4 lots would have to be
386 set back quite a distance. Especially if we cancel the water permit and don't have to do
387 the pump in the river and do the floodplain permits. Everyone can have their own wells,
388 septic, and go on with their business.
- 389 • Chairman Brandon-Wintermote asked for the distance in numerical numbers.
 - 390 • Nick Hummel said on average the distance from the lot lines to the top of the slope ranges
391 from 25 to 30 feet. They can even set a condition that no one can build within 50 feet or
392 100 feet of the lot boundary if that is wanted.
 - 393 • Chairman Brandon-Wintermote said the proposed reclassification said the LUC applies
394 50 feet south of the rim, not to the entire property. So, the "zoning" would limit commercial
395 development to the area in the LUC area. Nick said they could create a setback for
396 buildings.
 - 397 • Commissioner Peters asked about the powerline/access agreement. He wondered how
398 far back the base of the massive poles for the transmission line are from the river's edge.
399 Nick estimates 60 feet. Jon said he would be happy to agree to cancel the water permit
400 with the State Engineer's Office. Then each lot would be dependent on its own well.
 - 401 • Chairman Brandon-Wintermote asked what the purpose of the road was. Jon said he
402 thinks it was for fishing. He said there are two other fishing trails there that are pretty scary.
 - 403 • Commissioner Mair said we haven't received anything from Rocky Mountain Power, but
404 he anticipates setbacks from the easement. Nick said the powerline was created 50+
405 years ago with a 100-foot easement.
 - 406 • Chairman Brandon-Wintermote asked if they already installed all the power, can they get
407 something from the power provider showing that? Nick said correspondence with Rocky
408 Mountain Power is difficult. It takes a lot of time to get a response. He understands it is
409 needed for the Preliminary Plat Application.
 - 410 • Commissioner Mair asked if the transmission line is Rocky Mountain Power or WAPA? It's
411 WAPA.
 - 412 • Chairman Brandon-Wintermote asked if gas is available. Jon said no, they'll use propane.
 - 413 • Commissioner Mair said he thinks they need a response from Western Area Power
414 Association regarding their easement and any concerns.
 - 415 • Kim Dillivan clarified that power response is required at the time of Sketch Plan
416 Application.
 - 417 • Jon said on the Preliminary he said it will be clear that they will not be proposing water
418 from the river – he will cancel his permit.
 - 419 • Commissioner Peters asked with Heart Mountain Irrigation District, do they have any
420 concerns. Jon said they have been in contact with them to get a tap and they can't get a
421 connection.
 - 422 • Chairman Brandon-Wintermote asked about Finding 22 regarding fire response and fire
423 marshal review. She asked what the applicant foresees going on the properties. If a hotel
424 goes up, a well would not be sufficient. Jon said it would not work for a hotel. There are a
425 lot of uses allowed. The uses would be determined at the time of the permit. The County
426 would have to determine what is adequate at the time. All of the uses are still well
427 controlled.
 - 428 • Chairman Brandon-Wintermote said back in the day, they talked about water being
429 provided by the City of Cody. Has the applicant considered bringing water from the city?
430 Jon said he read something about \$13 million dollars to bring it out there. Nick Hummel
431 said when utilizing the city utilities, they can't annex because they are not contiguous. The

Planning & Zoning Commission Minutes

May 24, 2023

432 Planning Director referenced the example where Greybull was able to annex a
433 noncontiguous property due to the presence of a highway corridor.

434

435

436

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

437

There were no comments from those in attendance.

438

439

Commissioner Bonine asked for discussion on the conditions prior to closing the public hearing.

440

- Chairman Brandon-Wintermote said they will keep the condition about the water permit until such time that the permit is officially cancelled with the state. Nick asked if it would help if they were to cancel the permit. Jon said he is willing to cancel it.

441

442

443

- The Planning Director indicated that clarification of the plan for irrigation, whether it be provided by a pipeline from the river or not will be needed by the preliminary plat phase.

444

445

- Jennifer Cramer said another point of clarification that is needed is on the well that is currently incomplete on Lot 5. It sounded like it may be a shared well. Jon said the permit indicates that it is approved for up to 6 houses. It is not complete because Christiansen Drilling has not completed the application. Jennifer said it appears that it is intended for a shared water facility. Jon said that is not the intent. Now that they have two really good wells, they don't want to share the water. The Planning Director sought a statement from the applicant that there is no intent for a shared water facility to serve the subdivision. Jon said that is correct, he does not intend to share water. Condition #11 & #12 can be stricken.

446

447

448

449

450

451

452

453

- Nick asked if the WAPA response could be added to a condition with other responses.

454

The Commission agreed to lump them into a single condition (#3).

455

- Commissioner Mair mentioned the requirement for a geologic report relating to flood irrigation. The Planning Director stated that the Board of County Commissioners mentioned the requirement for a Geotech report during the appeal and it was not specific to irrigation.

456

457

458

- Chairman Brandon-Wintermote asked if a Subdivision Improvements Agreement is required. It is for at least the road.

459

460

461

- Chairman Brandon-Wintermote asked if DEQ review is required for domestic water since it will be served by wells. The rules indicate that DEQ review is required for domestic water review on a major subdivision.

462

463

464

- Commissioner Mair asked a floodplain question. There is floodplain on the property and development within that area would require a floodplain development permit.

465

466

- Chairman Brandon-Wintermote asked about development being limited by the edge of the LUC. Commissioner Bonine asked if the LUC boundary should be depicted on the plat and a building setback/no build zone be imposed. The Planning Director pointed out that the LUC does not cover all of the property in the proposed subdivision and therefore would not dictate the setbacks in the entire subdivision. She would recommend requiring a Geotech report and basing setback requirements upon that report.

467

468

469

470

471

- Commissioner Bonine asked if they could go back and impose a limitation that would conflict with the LUC should the Geotech report recommended setbacks of more than 50 feet? The Planning Director indicated that the Commission and/or the Board may impose conditions on the subdivision that would be separate from the LUC. The LUC covers the use whereas a subdivision is not considered a use.

472

473

474

475

476

- Brian Edwards, County Engineer, recommends that a licensed professional engineer provide a recommended setback that is based upon a slope-stability analysis. The formation, the geology, the type of rocks, someone should be able to say what that setback should be in the interest of safety. Saying anything else would be arbitrary. The engineer should probably weigh in on that.

477

478

479

480

481

Planning & Zoning Commission Minutes

May 24, 2023

- 482 - Jon pointed out that whenever you build a house, you get a mortgage, you build a hotel
483 or restaurant, to get financing, you have to do these things. If you build a hotel on a slope,
484 you are going to build fences. If you build a restaurant, you are going to do what you have
485 to do to keep people safe. Why does the County always want to get involved in these
486 safety issues? With County Road and Bridge, almost no safety is factored in on their road
487 and bridge projects. He can't see any scenario when the safety issues wouldn't be taken
488 care of, in his opinion.
- 489 - On Condition #2, before slope stability they will add something about building setbacks.
- 490 - Nick Hummel asked if they are going to impose the setback for a 5-story hotel or following
491 the LUC? Commissioner Bonine said the understanding is that the boundary of the LUC
492 is just a number. Maybe it is sufficient or not. It just defines use. His thought in having a
493 recommended setback as part of the geotechnical report at least provides some guidance
494 on the plat for reasonable minimum expectation of where you can build safely. Jon asked
495 if the setback would be based on the Geotech it could vary along the slope. He thinks the
496 setback will be right along the edge. Commissioner Bonine said that is their only resource
497 to guarantee the slope is safe.
- 498 - Commissioner Bonine asked if there needs to be a finding that there will be no shared
499 water systems for irrigation water (including from the river) or domestic water. This will be
500 added as Finding #69.
- 501 - Jon asked if when you build a roadway and you have a shared area for grass and trees,
502 this may need shared irrigation.

503

504 Commissioner Peters made a MOTION to close the hearing at 3:40pm; SECONDED by
505 Commissioner Eastman. All in favor. Motion carried.

506

507 Commissioner Bonine made a MOTION to recommend approval of the Riverwalk Subdivision
508 Sketch Plan by Resolution 2023-16 based upon the findings presented and amended and subject
509 to the following conditions:

- 510 1. The applicant shall provide all easements as requested by applicable utilities and
511 special districts, irrigation districts or public agencies providing services. The width
512 of any utility easement shall be sufficient to allow adequate maintenance of the
513 system, but in no case shall such utility easement be less than 20 feet in width.
514 Easements must be identified on the final plat;
- 515 2. With the Preliminary Plat Application, the applicant shall provide a geotechnical
516 report, prepared by a Wyoming-licensed professional engineer, addressing the
517 following at a minimum: location and surface conditions (including indications of
518 hazards on or near the site); the geological setting; subsurface soil conditions and
519 adequacy of soils to accommodate on-site small wastewater systems and irrigation
520 water; groundwater conditions; recommended building setbacks; slope stability and
521 adequacy of the access road from the top of the slope on the property to the edge
522 of the Shoshone River, etc.;
- 523 3. The applicant shall provide comment from the City of Cody, and responses from
524 Western Area Power Association and Rocky Mountain Power, prior to Preliminary
525 Plat Review by the Planning & Zoning Commission;
- 526 4. An approved Long-Term Noxious Weed Management Plan must be submitted to
527 the Planning and Zoning Department prior to final plat review;

Planning & Zoning Commission Minutes

May 24, 2023

- 528 5. The applicant shall show a mailbox pullout at the entrance of the subdivision on
529 construction drawings for the subdivision, according to US Postal Service
530 requirements. If the pullout is proposed within the WYDOT right-of-way, the
531 applicant shall provide evidence of WYDOT's approval for the design and
532 placement of the pullout;
- 533 6. The applicant shall place the following note on the final plat: "WYDOT-permitted
534 commercial accesses currently exist to serve the subdivision; however, any new
535 business proposed on the lots will be considered a change of use and will require a
536 new access application to be submitted to WYDOT to review impacts to the state
537 highway. Further requirements, such as a traffic impact study or the addition of turn
538 lanes, may be imposed by WYDOT.";
- 539 7. Prior to Preliminary Plat Application, the applicant shall submit a report to the DEQ
540 evaluating the adequacy and safety of the proposed wastewater system(s). The
541 report shall at a minimum comply with W.S. §18-5-306(a)(iv) and any requirements
542 of the DEQ;
- 543 8. With the Preliminary Plat Application, the applicant shall provide a response from
544 the DEQ regarding the adequacy and safety of the proposed wastewater system
545 for the subdivision;
- 546 9. Prior to Preliminary Plat Application, the applicant shall submit a report to the DEQ
547 evaluating the safety and adequacy of the proposed domestic water source. The
548 report shall at a minimum comply with W.S. §18-5-306(a) and any requirements of
549 the DEQ;
- 550 10. With the Preliminary Plat Application, the applicant shall provide a written letter of
551 "no adverse recommendation" from the DEQ regarding domestic water to serve the
552 subdivision, including a complete copy of the application submitted to the DEQ that
553 resulted in the approval letter and/or recommendations;
- 554 11. The applicant shall place a note on the final plat: "SELLER DOES NOT WARRANT
555 TO THE PURCHASER THAT THERE ARE ANY RIGHTS TO THE NATURAL
556 FLOW OF ANY STREAM WITHIN OR ADJACENT TO THE PROPOSED
557 SUBDIVISION. WYOMING LAW DOES NOT RECOGNIZE ANY RIPARIAN
558 RIGHTS TO THE CONTINUED NATURAL FLOW OF A STREAM OR RIVER FOR
559 PERSONS LIVING ON THE BANKS OF THE STREAM OR RIVER.";
- 560 12. With the Final Plat Application, the applicant shall submit a draft Subdivision
561 Improvements Agreement addressing all applicable required improvements (e.g.,
562 subdivision road, mailboxes and pullout, irrigation infrastructure and permit
563 completion, etc.) for review by staff and approval of the County Attorney and the
564 Board;
- 565 13. The applicant shall obtain a Floodplain Development Permit prior to installing any
566 infrastructure within the mapped floodplain;
- 567 14. The applicant shall place the following condition on the final plat: "Any development
568 within a Special Flood Hazard Area (SFHA) requires a Floodplain Development

Planning & Zoning Commission Minutes

May 24, 2023

- 569 Permit to be issued by the Board of County Commissioners prior to
570 commencement of development.”;
- 571 15. The applicant shall submit a draft Homeowners Association Agreement that
572 addresses all applicable shared improvements (e.g., road, irrigation pump and
573 pipeline) to the Planning & Zoning Department prior to Preliminary Plat review by
574 the Board of County Commissioners;
- 575 16. The applicant shall place the following note on the final plat: “Hazards: Lot 1 is
576 subject to steep slopes, flooding, landslides and rockfall. Lots 1 and 5 are crossed
577 by a high voltage power line.”
- 578 17. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act
579 of 1991;
- 580 18. The applicant shall otherwise comply with standards in the Park County
581 Development Regulations and the minimum subdivision requirements as set forth
582 in Wyoming Statute 18-5-306.

583 The motion was SECONDED by Commissioner Eastman. All in favor. Motion carried. See
584 Resolution 2023-16 attached hereto and incorporated herein.

585 Chairman Brandon-Wintermote delivered the Chair’s report.

586

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

588

589 There being no other business, a MOTION was made by Commissioner Peters to adjourn the
590 meeting at 4:18pm. The motion was seconded by Commissioner Eastman. All in favor. Motion
591 carried.

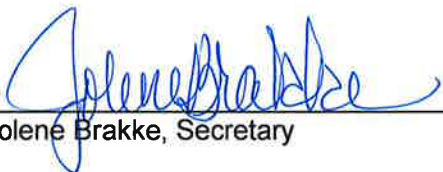
592

593 Respectfully submitted,

594

595

596



Jolene Brakke, Secretary

**RESOLUTION 2023 - 12
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
BOTT SIMPLE SUBDIVISION SS-306 (SS-306) SKETCH PLAN**

WHEREAS, Ron Jones, proposes to create one 5.22-acre lot for residential and agricultural use, from an existing 257.72-acre parcel. The creation of this subdivision will result in a remainder parcel of 252.50-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 May 24, 2023 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision Permit Application including payment, was received from Ron Jones on April 14, 2023;
2. A revised sketch plan was received on May 16, 2023;
3. The applicant requests approval of the sketch plan for a subdivision to create one 5.22-acre lot for residential and agricultural use, from an existing 257.72-acre parcel;
4. The creation of this subdivision will result in a remainder parcel of 252.50 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 by Warranty Deed dated December 22, 1977 (Book 64, Page 302), to Ronald R. Jones and Theodora Jones, as husband and wife, as tenants by the entirety with rights of survivorship, and not as tenants in common;
8. The parcel is described as Farm Unit "D", according to the Farm Unit Plat, or the following described lands: Lot 7 in Section 32, Lot 7 in Section 33, Tracts 3, 14, and 16, of Lot 52, Lot 63-G of Lot 63, Tract 64-C of Lot 64, in Township 55 North, Range 100 West, 6th P.M., Park County, Wyoming;

9. The property is located approximately seven miles southwest of Powell, on the east side of US Highway 294 (aka Road 18) and north of US Highway 14A;
10. Proposed Lot 1 is vacant, unirrigated agricultural land, the northern half of which is relatively flat with a decline in elevation moving south to the Garland Canal;
11. Neighboring land uses are agricultural to the north, east, south and west boundaries of the proposed subdivision. Faith Community Church operates and is situated on the west side of the proposed subdivision. The Church parcel is Lot 101 of the Amended Plat of Faith Lutheran SS-205 and is classified as exempt. Eaglenest Ranch Subdivision lies south of the proposed subdivision on the south side of Highway 14A;
12. The proposed subdivision is not within a mile of any municipality; therefore, municipal review is not required;
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 April 13, 2023 and April 20, 2023;
16. Agency referral requirements have been met;
17. 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;
18. Garland Light & Power has the capacity to serve power to the subdivision;
19. WYDOT recommends designating a shared access with Lot 101 of the Amended Plat of the Faith Lutheran SS-205. This would require a joint access agreement (signed by the subdivider and the owner of Lot 101) to be submitted along with an access application;
20. Powell-Clarks Fork Conservation District soils report found five soil types on the property, three of which exist on proposed Lot 1 (the subdivision). The soil types are rated "not limited" and "very limited" (in nearly equal proportions) for septic tank absorption fields, dwellings with or without basements and small commercial buildings. Limitations regarding dwellings and buildings are due to slope. Limitations due to septic tank absorption fields are due to slope and slow water movement;
21. Black Hills Energy has the capacity to serve the subdivision from the east side of Road 18;
22. Park County Weed & Pest District has inspected the property and a Long-Term Noxious Weed Management Plan is required;

23. Park County School District #1 will have bus service available to this subdivision;
24. Park County Fire District #1 can provide fire protection to the proposed subdivision providing all accesses are constructed to accommodate their fire equipment;
25. USPS can provide mail service to the proposed subdivision;
26. Wyoming DEQ provided agency contacts and information for permitting associated with various construction activities;
27. The Park County Treasurer stated taxes are paid in full;
28. The Wyoming Game & Fish Department stated they have no terrestrial wildlife concerns, but offered their standard subdivision recommendations;
29. Heart Mountain Irrigation District confirmed that no water rights or HMID infrastructure exist on the proposed lot, therefore a Water Distribution Plan is not required. However, there is a current encroachment of irrigation water on the upper portion of the lot and the subdivider will need to establish waste ditches and also re-establish a waste ditch (shown as an irrigation easement on sketch plan through northern portion of the lot) so irrigation water from the parent parcel does not sub or leach into the ground that does not have water rights;
30. Park County Public Works has not commented;
31. No public comments have been received;
32. A pre-application meeting was held on October 28, 2022;
33. A title report dated January 26, 2023 has been provided by the applicant;
34. No new roads are proposed as part of this subdivision;
35. Access is proposed from US Highway 294 via a shared access with Lot 101 of the Amended Plat of Faith Lutheran SS-205 and a driveway across a portion of the remainder parcel;
36. Proposed Lot 1 will be responsible for maintenance of the driveway across the remainder parcel;
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 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 not been met;
42. The applicant will be required to submit a subsurface evaluation to include at least one percolation test and a depth to groundwater excavation cut;
43. Domestic water will be provided by individual on-site wells;
44. A well water sample was collected from a well located at 1267 Road 18, Powell on March 15, 2023. The analysis indicates the water sample meets the Safe Drinking Water Act requirement for bacteria because no E-coli or total coliform was detected. Lead was reported at 0.002 mg/L, Nitrate was detected at 5.70 mg/L, Total Dissolved Solids were reported at 427 mg/L; all of which are considered satisfactory levels;
45. The well water sample was not tested for Calcium, Magnesium, Sodium, Iron, Fluoride or Manganese, which is a requirement;
46. Agricultural impacts have been addressed;
47. Proposed Lot 1 is in an Agricultural Overlay District;
48. HMID has identified an adverse impact due to an encroachment of water onto proposed Lot 1 where no water rights exist. The applicant will be required to establish and re-establish certain waste ditches as prescribed by HMID to mitigate this impact;
49. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act;
50. No portion of the proposed subdivision lies within or is adjacent to any stream or river. A note will not be required on the final plat regarding riparian rights;
51. Water rights requirements pertaining to sketch plan have been met;
52. Lot standards have been met;
53. No common maintenance of facilities is proposed;
54. Easement standards apply;
55. No drainage, sidewalks, street lighting or alleys are proposed;
56. The subdivision is not within a Flood Overlay District or an Airport Overlay District; and
57. 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 Bott SS-306, 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 obtain an access permit from WYDOT, including a joint access agreement, as signed by the subdivider and the owner of Lot 101 of the Amended Plat of Faith Lutheran SS-205, and provide evidence of the same to the Park County Planning & Zoning Department, prior to final plat review by the Board of County Commissioners;
3. The applicant shall provide a Long-Term Noxious Weed Management Plan that has been approved by Park County Weed & Pest, prior to final plat review by the Board of County Commissioners;
4. The applicant shall provide a response from Park County Public Works, prior to final plat review by the Board of County Commissioners;
5. The applicant shall provide a subsurface evaluation to include a percolation test and one depth to groundwater excavation cut, to the Planning & Zoning Department, prior to final plat review by the Board of County Commissioners;
6. The applicant shall provide water analysis results for Calcium, Magnesium, Sodium, Iron, Fluoride or Manganese, from a well within ½ mile of the proposed subdivision to the Planning & Zoning Department, prior to final plat review by the Board of County Commissioners;
7. The applicant shall establish waste ditches as prescribed by Heart Mountain Irrigation District prior to final plat recording;
8. The applicant shall place the following note on the final plat: "Any proposed water wells on these subdivision lots shall be permitted by the Wyoming State Engineer's Office prior to installation";
9. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991; and
10. The applicant shall otherwise comply with standards in the Park County

Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306.

ADOPTED by the Park County Planning & Zoning Commission this 24th day of May, 2023.

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

ATTEST:



Kimberly Brandon-Wintermote, Chairman



Jolene Brakke, Secretary

**RESOLUTION 2023 - 13
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
CROSS RANCH SIMPLE SUBDIVISION SS-307 (SS-307) SKETCH PLAN**

WHEREAS, Baltazar Rodriguez, on behalf of Mindy Keil, fka Mindy Gilbert, proposes to create one 15.00-acre lot, for residential and agricultural use, from an existing 79.90-acre parcel. The creation of this subdivision will result in a remainder parcel of 64.90 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 May 24, 2023 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision Permit Application including payment, signed by Mindy Keil, fka Mindy Gilbert as owner, was received from Baltazar Rodriguez on April 17, 2023;
2. A revised sketch plan was received on May 15, 2023;
3. The applicant requests approval of the sketch plan for a subdivision to create one 15.00-acre lot, for residential and agricultural use, from an existing 79.90-acre parcel;
4. The creation of this subdivision will result in a remainder parcel of 64.90 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 August 8, 2002 (Doc. #2002-6079), to Mindy Gilbert, as sole owner;
8. The parcel is in that part of Farm Unit "H", according to the Farm Unit Plat, described as follows: Tracts D and E of Lot 42, in Township 56 North, Range 98 West, 6th P.M., Park County, Wyoming;
9. The property is located approximately three miles northeast of Powell, north of Highway

- 14A, on the northeast corner of the County Road 6 and County Lane 6 intersection;
10. Neighboring land uses are a combination of residential, agricultural, and residential vacant lands. The Powell Country Club golf course is situated just to the east of the proposed subdivision and is classified as exempt;
 11. The proposed subdivision is not within a mile of a municipality; therefore, municipal review is not required;
 12. Proposed Lot 1 is vacant land that is currently not irrigated; however, irrigation water rights do exist on the property. The topography in the southern portion of the lot is relatively flat and then gains in moderate elevation to a point in the northern section of the proposed lot;
 13. The subdivision is 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 April 13, 2023 and April 18, 2023;
 16. Agency referral requirements have been met;
 17. Powell-Clarks Fork Conservation District soils report found five soil types on the property. The soil types are primarily rated "somewhat limited" for dwellings without basements and "somewhat limited" to "very limited" for dwellings with basements, due to depth to soft bedrock. Soils are primarily rated "somewhat limited" for small commercial buildings due to depth to soft bedrock. Soil types are considered primarily "very limited" regarding septic tank absorption fields. Limitations are due to depth to soft bedrock, seepage and slope;
 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. NRWD does not currently have the capacity to serve domestic water to the proposed lot;
 20. MDU has the capacity to serve natural gas from an existing main located at the intersection of County Road 6 and County Lane 6;
 21. 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;
 22. Park County School District #1 will have bus service available to this subdivision;
 23. USPS can provide mail service to the proposed subdivision;

24. The Park County Weed & Pest District has inspected the property and a Long-Term Noxious Weed Management Plan is required;
25. Garland Light & Power has the capacity to serve power to the subdivision;
26. Wyoming DEQ provided agency contacts and information for permitting associated with various construction activities;
27. The Park County Treasurer stated taxes are paid in full;
28. The Wyoming Game & Fish Department stated they have no terrestrial wildlife concerns, but offered their standard subdivision recommendations;
29. The Park County Public Works Department stated access exists from either County Road 6 or County Lane 6. Accesses are encouraged from County Road 6 and not at the intersection of Road 6 and Lane 6 for safety purposes;
30. No comment has been received from The Shoshone Irrigation District;
31. No public comments have been received;
32. A pre-application meeting was held on April 6, 2023;
33. A title report dated June 24, 2022 has been provided by the applicant;
34. No new roads are proposed as part of this subdivision;
35. Access is proposed by County Road 6 and the County Lane 6 right of way. County Road 6 is county maintained, however the section of County Lane 6 bordering the subdivision is not currently improved/maintained by the county;
36. Solid waste disposal service can be provided by private service providers;
37. Simple subdivisions are not required to install utilities, however natural gas and electric services are available;
38. No hazardous features are known to exist on the property;
39. Application submission requirements for sketch plan review have been met;
40. Wastewater requirements pertaining to sketch plan review have been met;
41. A perc test completed on proposed Lot 1 found a perc rate of 30 mpi;
42. A depth-to-groundwater cut was completed on proposed Lot 1 to a depth of 10 feet and no groundwater or impermeable layers were encountered;
43. The Park County Small Wastewater Administrator stated that conventional septic systems will likely be sufficient, should the subdivision be approved;

44. Domestic water will be provided by individual on-site wells;
45. A water sample was not collected from a well within ½ mile of the proposed subdivision;
46. The following note will be required on the final plat: **“NO WATER ANALYSIS WAS CONDUCTED AND THE AVAILABILITY AND QUALITY OF POTABLE WATER IS UNKNOWN. CISTERS MAY BE REQUIRED”**;
47. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act;
48. Part of proposed Lot 1 is in an Agricultural Overlay District;
49. Agricultural impacts have been addressed;
50. No stream or river passes within or adjacent to the property;
51. The proposed Lot is located within the Shoshone Irrigation District. A water distribution plan review and recommendations from the District will be required;
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;
56. A Homeowners Association Agreement will not be required;
57. The subdivision is not within a Flood Overlay District or an Airport Overlay District; and
58. 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 Cross Ranch SS-307, 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 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;
3. The applicant shall provide an approved Long-Term Noxious Weed Management Plan to the Park County Planning and Zoning Department, prior to final plat review by the Board of County Commissioners;
4. The applicant shall provide an approved water distribution plan to the Park County Planning and Zoning Department, prior to final plat review by the Board of County Commissioners;
5. The applicant shall place the following note on the final plat: "Any proposed water wells on these subdivision lots shall be permitted by the Wyoming State Engineer's Office prior to installation";
6. The applicant shall place the following note on the final plat: on the final plat: **"NO WATER ANALYSIS WAS CONDUCTED AND THE AVAILABILITY AND QUALITY OF POTABLE WATER IS UNKNOWN. CISTERNS MAY BE REQUIRED"**;
7. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991; and
8. 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 24th day of May, 2023.

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

ATTEST:



Kimberly Brandon-Wintermote, Chairman



Jolene Brakke, Secretary

**RESOLUTION 2023-14
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE HAWKINS HEART MOUNTAIN
COLLISION & REPAIR
SPECIAL USE PERMIT-249 (SUP-249)**

WHEREAS, Michael Hawkins has submitted a Special Use Permit Application requesting review and approval of a Special Use Permit to operate a collision repair business in an existing 2400 sq. ft. shop building. The use will include the repair (body work) of vehicles, tractors, and trailers;

WHEREAS, The property is located approximately 4.5 miles west of Ralston, and directly southwest of the intersection of Road 19 and Lane 11 with an address of 1102 Road 19. It is described as Lot 8, Section 24, T55N, R101W, 6th P.M., Park County, Wyoming;

WHEREAS, this project is defined by Park County Development Standards and Regulations as a cottage industry: A business located in the proprietor's home or out of other buildings on the same parcel as the proprietor's home with no more than 5,000 square feet of building floor area devoted to the business and no more than five (5) non-resident employees. Dog boarding/kenneling is considered a cottage industry;

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

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

WHEREAS, the Planning & Zoning Commission held a duly noticed public hearing on May 24, 2023, to consider the Special Use Permit application and made findings as follows:

1. A Special Use Permit Application, including payment, a Site Plan, a Shop Building Plan, and an Application Letter, was received from Michael H. Hawkins, on March 24, 2023;
2. The applicant requests approval of a Special Use Permit to operate an automotive collision and repair business;
3. The use will include the repair (body work) of vehicles, tractors, and trailers. The applicant will operate in a 2,400 sq. ft. shop building. Initially, the applicant plans to operate primarily on weekends but also occasionally on weekday evenings. When the applicant can devote more time to this business, hours will be Monday through Friday, 8 am to 5 pm. All the work will be completed inside the shop building. According to the applicant, vehicles and equipment needing repair will be stored outside in a dedicated parking area not to exceed 5,000 sq. ft.;

4. Applicable regulations are the *Park County, Wyoming, 2015 Development Standards and Regulations*, adopted September 15, 2015;
5. The use is classified as a Cottage Industry;
6. Ownership is affirmed by Warranty Deed dated October 21, 2022 to Michael H. Hawkins and Shawna Rae Hawkins, husband and wife, from Shawna Rae Hawkins, fka Shawna Rae Jensen and Michael H. Hawkins, wife and husband (Document #2022-6110).
7. The proposed use is located on a 5.15-acre property described as: Lot 8, Section 24, T55N, R101W, 6th P.M., Park County, Wyoming;
8. The proposed use is located approximately 4.5 miles west of Ralston, and directly southwest of the intersection of Road 19 and Lane 11. The property has an address of 1102 Road 19;
9. The property is in a General Rural Powell (GR-P) zoning district;
10. Cottage Industry use is permitted in the General Rural Powell (GR-P) zoning district provided a Special Use Permit is approved;
11. Neighboring land uses are primarily agricultural. There are residential uses in the immediate vicinity; these are located just north, northeast, and east of the proposed use location;
12. There is an existing and permitted shop structure (BZP20221003-5) located on the property. This structure will be used for the collision repair business and is 2,400 sq. ft. in size. It contains an office area, a 40' x 20' curtained area for dust and paint containment, and an area for vehicle preparation. The structure contains a bathroom that is connected to an existing unpermitted septic system that also serves a residence. The shop is located just northwest of the residence, and a dedicated parking area will be located to the southwest.
13. The topography of the property and the surrounding area has little change in elevation;
14. Legal notice requirements have been met, including notice to property owners within 660 ft. of the property boundary;
15. The application was forwarded to relevant agencies as required;
16. Wyoming DEQ summarized the notifications, permits, and certificates required for various activities that may impact surface or groundwater;
17. The Park County Treasurer stated 1st half of property taxes are paid and 2nd half are due on May 10, 2023;
18. Heart Mountain Irrigation District stated the proposed use will not interfere with any irrigation infrastructure. HMID did recommend the applicant confer with the irrigation watermaster and confirm the proposed parking area does not impact any irrigation ditches or wastewater ditches;
19. Wyoming Game & Fish has no terrestrial wildlife concerns with the project;

20. Garland Light & Power stated they are in the process of upgrading service for this location;
21. Park County Weed & Pest stated that an initial inspection found no noxious weeds, and as a result, a Long-Term Noxious Weed Management Plan will not be required. However, W&P recommends the applicant follow Best Management Practices for Controlling the Spread of Noxious Weeds;
22. No response has been received from Park County Fire Protection District No. 1;
23. A response has been received from Park County Public Works;
24. A verbal public comment has been received;
25. The applicant made a statement of compatibility will be achieved;
26. The repair of vehicles and other equipment will occur inside an existing 2,400 sq. ft. shop building;
27. Air compressors and pneumatic tools will only be used indoors and only during business hours;
28. Business hours will be Monday through Friday, 8 am to 5 pm. Initially, the applicant plans to operate primarily on weekends but also occasionally on weekday evenings;
29. The applicant anticipates that delivery of parts and other materials will occur during normal business hours and once per week;
30. A vehicle repair parking area has been proposed in a location that will limit visual impact to neighbors;
31. The applicant anticipates that customer traffic will include one or two vehicles per week;
32. Customer parking will be created on the northeast side of the shop building;
33. The applicant will be the only employee;
34. Dusk to dawn lights are located on all sides of the shop. These lights are shielded and down directed;
35. The shop building is not within 20 feet of a County road right-of-way;
36. No covenants are proposed or existing;
37. There are no known nonconformities on the property;
38. No nuisances have been reported at this location;
39. Given the nature and circumstances of the use, no soils review is warranted;
40. Access is proposed from County Road 19;
41. If necessary, bottled water will be provided to customers;
42. The shop is 2,400 square feet requiring six parking stalls;
43. Parking spaces are located northeast of the structure and adequate space exists;
44. The existing shop has an unpermitted septic system that also serves the residence;

45. The shop restroom will be used by the applicant only – customers will not have access to the structure's restroom;
46. Electricity is provided by Garland Light & Power;
47. Natural gas is provided by Black Hills Energy;
48. No signs are proposed or necessary for this use;
49. Solid waste disposal services are available through private companies;
50. Adequate utilities, public services and infrastructure exist for the proposed use;
51. No specific criteria are identified for this use;
52. The proposed use is in an Agricultural Overlay District;
53. No aspects of the proposed use are expected to impact surrounding agricultural uses;
54. The proposed use should not be negatively impacted by agricultural practices in the vicinity;
55. There will be no decrease in productive agricultural land by this use; and
56. Site plan review is not required for this use.

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

WHEREAS, the Planning & Zoning Commission concludes the following:

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

NOW, THEREFORE, BE IT RESOLVED having heard and weighed the evidence, the Planning & Zoning Commission hereby recommends approval of the special use permit for the Hawkins Heart Mountain Collision & Repair Special Use Permit-249 subject to the following conditions:

1. Park County noise, lighting, and other nuisance regulations shall apply;
2. Any changes to the number of employees, customer use, or expansion of the use of the septic system, will require a review of septic system adequacy; and

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

ADOPTED by the Planning & Zoning Commission this 24th day of May, 2023.

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

ATTEST:



Kimberly Brandon-Wintermote, Chairman



Jolene Brakke, Secretary

**RESOLUTION 2023-15
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMEND APPROVAL OF BRIDGER TOWER CORPORATION
SPECIAL USE PERMIT-250**

WHEREAS Bridger Tower Corporation applied for a Special Use Permit to allow construction of a 310-foot-tall monopole tower as part of a wireless communication facility to accommodate up to four wireless carriers. The tower owner is Vertical Bridge and the site applicant is Bridger Cell Assets;

WHEREAS the tower will be constructed in the SE/4SW/4 and the SW/4SE/4 of Section 19, T57N R101W, 6th P.M., Park County, Wyoming;

WHEREAS the lands are owned by Switchback Ranch, LLC and located in a General Rural 20-Acre zoning district;

WHEREAS this project is defined by Park County as a Major Utility Use; a communication tower over 35 feet in height, a use which requires a Special Use Permit in a GR-20 zoning district;

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

WHEREAS the Planning & Zoning Commission held a duly noticed public hearing on May 24, 2023 to consider the Special Use Permit application and found the following:

1. A Special Use Permit Application, including payment, an Application Letter, Sheet Plans, Construction Drawings, a Geotechnical Report, and additional material, was received from Bridger Tower Corporation on April 14, 2023;
2. David Leuschen, representing the property owner, has signed the application;
3. The applicant proposes the construction and operation of a 310' tall monopole tower as part of a wireless facility to accommodate up to four wireless carriers;
4. Applicable regulations are the *Park County, Wyoming, 2015 Development Standards and Regulations*, adopted September 15, 2015;
5. This communication tower is classified as a major utility use;
6. The proposed use is in the GR-20 zoning district;
7. A major utility use is allowed in the GR-20 zoning district with an approved SUP;

8. Ownership is affirmed by Limited Warranty Deed dated 10th May, 1999 (Doc. #1999-3786) to Switchback Ranch, LLC from David M. Leuschen, a single person;
9. Ownership is affirmed by Warranty Deed dated 29th March, 2010 (Doc. #2010-2442) to Switchback Ranch, LLC from The Pilkington Family Limited Partnership;
10. The parcel upon which the proposed development will occur is described as: A 679.26-acre parcel described as Lots 1, 2 (except 1.81 acres in the SW corner described in Document #2010-2443) 6, 7, and a 1.07 acre parcel in the SE corner of Lot 8 (described in Document #2010-2442), all of Lot 12, E/2W/2, E/2, Section 19, T57N, R101W, 6th P.M., Park County, Wyoming;
11. In December 2015, the Board of County Commissioners approved a special use permit (Resolution 2015 -59) for a Major Utility Use for a proposed 199' telecommunication and accessory equipment shelters at this location. An extension was granted to the applicant until May 15, 2017. Construction on the facility never commenced and the SUP expired in May, 2017;
12. The tower site is approximately 20 miles northwest of Powell, 2,000 feet southeast of the intersection of State Highway 120 and State Highway 294 with a physical address of 1849 State Highway 294;
13. According to the County Assessor's records, surrounding uses to the north, east, and south are land managed by Bureau of Land Management. A mixture of agricultural, residential vacant, residential, and commercial uses apply to land northwest, west, and southwest of this parcel;
14. The tower location is approximately 4,000 feet east of the Clarks Fork of the Yellowstone River. There is some elevation gain from the river to the use location. However, in the general vicinity of the tower site there is little change in elevation. The property is undeveloped rangeland and pasture;
15. Notice requirements have been met;
16. Relevant agencies were notified on April 28, 2023;
17. Beartooth Electric Cooperative stated that they can serve the proposed site provided easements are sufficient;
18. Wyoming DEQ provided agency contacts and information for permitting associated with various construction activities;
19. The Park County Treasurer stated all property taxes are paid in full;
20. Wyoming DOT commented that a field access exists for this location. However, a highway access has not been constructed and an access application for this new use will be required. The applicant has been informed of this requirement;
21. Wyoming Game & Fish stated the proposed tower location is outside of any sage grouse core area and any lek buffers. Additionally, according to a BLM raptor nesting database, there are no nearby raptor nests. However, modeling shows the area does have higher use by Golden Eagles and Ferruginous Hawks, As a result Game & Fish recommends

the tower be made as visible as possible, including guy lines, to prevent raptor air strikes.

22. Park County Weed & Pest stated that no noxious weed species were found within the SUP site. However, given land disturbance will occur should the SUP be approved, a Long-Term Noxious Weed Management Plan will be required;
23. Park County Fire District #4 has not provided a response;
24. Park County Public Works has not provided a response;
25. Due to the height of the tower, certain registration/licensing requirements may be imposed by the FCC or the FAA. The applicant has utilized both entities online permitting tools to determine their requirements and will provide them to staff upon receipt;
26. No public comments have been received;
27. The applicant provided a statement on how compatibility will be achieved;
28. This tower will be a self-supporting, 310-foot, guyed, monopole tower. Following installation of a lightning rod, total height is 315';
29. Following construction, the applicant stated there will be no significant increase in traffic or noise;
30. The tower will be constructed in an 80' x 80' (6,400 square feet) fenced compound and lease area. The compound will be enclosed by a 6' tall chain link fence, with a 1' section of barbed wire above the fencing. Access to the compound will be from a 16' wide access gate. Gate access will be locked;
31. A metal swing gate is proposed at the access point from State Highway 294;
32. There will be no additional noise created by this structure, beyond construction;
33. Electricity will be provided by Beartooth Electric Cooperative;
34. No water, wastewater, or sewage facilities are proposed for this use;
35. A proposed 20-foot-wide access and utility easement will contain a 12' wide gravel access drive;
36. Three, 25-foot-wide guy wire easements are proposed;
37. Within the fenced compound a 18' x 30' lease area is proposed for Verizon equipment. This will contain a 10' x 10' equipment shelter and a 30kw diesel generator;
38. Three additional carrier areas are shown in the Construction Drawings;
39. The surface of the fenced compound will be 4" layer of #57 stone over a geotextile fabric;
40. This is an unmanned telecommunications site. Once the site is built, the only traffic will be maintenance technicians visiting the site once per month;
41. The proposed facility will not be within 20 feet of a County road right-of-way;
42. No covenants are proposed or existing;

43. Lighting will likely be required by federal regulation due to the proposed height of the tower. If practicable, the applicant shall comply with County lighting regulations;
44. This property has no known nonconformities;
45. No nuisances on the property have been reported;
46. The applicant has provided a Geotechnical Report;
47. Access is proposed from State Highway 294. An access permit from WYDOT will be required;
48. Domestic water is not proposed or required to serve the use;
49. The parcel is not located within the boundaries of an Irrigation District;
50. Parking regulations do not apply to this use. Designated parking is not required, however, there is adequate space for parking maintenance vehicles;
51. The proposed use will not produce sewage or wastewater;
52. Power will be supplied by Beartooth Electric Cooperative;
53. No signs are proposed;
54. The proposed use will not produce solid waste;
55. No specific criteria are identified for this use;
56. The use is not located in an overlay district; and
57. Site Plan Review is not required.

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

WHEREAS the Planning & Zoning Commission concludes the following:

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

NOW, THEREFORE, BE IT RESOLVED having heard and weighed the evidence, the Planning & Zoning Commission hereby recommends approval of the Special Use Permit for Bridger Tower Corporation SUP-250, subject to the following conditions:

1. Park County noise, lighting, and other nuisance regulations shall apply;
2. The applicant shall provide comments from Park County Fire District #4;

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

ADOPTED by the Planning & Zoning Commission this 24th day of May, 2023.

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

ATTEST:



Kimberly Brandon-Wintermote, Chairman



Jennifer Cramer, Planner I

**RESOLUTION 2023-16
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
RIVERWALK MAJOR SUBDIVISION SKETCH PLAN**

WHEREAS, Jon Sowerwine proposes to create a five-lot subdivision consisting of one 13.05-acre lot, one 2.95-acre lot, one 2.40-acre lot, one 1.96-acre lot and one 8.48-acre lot, each for commercial use;

WHEREAS, the property is zoned Commercial Retail under Land Use change/Classification 89 (LUC-89), as approved by the Park County Board of County Commissioners on July 16, 1996;

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

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

WHEREAS, the Planning & Zoning Commission held a duly noticed public hearing on May 24, 2023 to consider the sketch plan application for Riverwalk Major Subdivision, and made findings as follows:

1. A Major Subdivision Permit Application, including payment, was received from Jon Sowerwine on April 13, 2023;
2. The applicants request approval of a five-lot subdivision consisting of one 13.05-acre lot, one 2.95-acre lot, one 2.40-acre lot, one 1.96-acre lot and one 8.48-acre lot, each for commercial retail use;
3. Applicable Regulations are the *Park County, Wyoming 2015 Development Standards and Regulations*, adopted September 15, 2015;
4. This subdivision has been classified as a major subdivision by a written decision of the Planning Director on November 4, 2022, due to potential hazards on the property, which include flooding, landslides, steep slopes, rock falls and a high voltage line. The decision was appealed by the applicant and on February 7, 2023, the Board of County Commissioners upheld the Planning Director's decision and denied the appeal in Resolution 2023-06;
5. The property is zoned Commercial Retail under Land Use Change/Classification 89 (LUC-89), which was approved by the Park County Board of Commissioners (Board) on July 16, 1996 under the *Park County Emergency Development Standards and regulations of September 27, 1994*;
6. A variety of uses could be proposed for development on the subdivision lots, subject to permitting requirements;

7. Ownership is affirmed by Warranty Deed dated April 23, 2021, to Jon W. and Gina R. Sowerwine, husband and wife, as tenants by the entirety, not as joint tenants or tenants in common (Document 2021-5203);
8. The property is a 26.09-acre parcel in Lot 76-C north of the highway and south of the centerline of the river and that part of Lot 76-B lying southwest of a line from the northwest corner to the southeast corner (also known as “Parcel B” on Record of Survey in Plat Book D, Page 68) Township 52 North, Range 102 West, Park County, State of Wyoming;
9. The proposed subdivision is located approximately 700 feet west of Cody city limits on the north side of US Highway 14-16-20 (Yellowstone Ave), with an address of 4821 Yellowstone Avenue, Cody;
10. Surrounding land uses are residential vacant to the north and east. The parcel to the south of the subdivision is classified as residential, however it is zoned under LUC-89 and has an operating commercial trail riding business. Exempt Bureau of Reclamation lands border the west line of proposed Lot 1 and extend to areas north and south of the subdivision;
11. Proposed Lot 1 is developed with a residence, outbuildings, two wells, and a septic system; the topography from the developed area and south towards the highway is relatively flat;
12. The north edge of Lot 1 consists of steep slopes. Areas of rock fall and rockslides are evident on the slopes, including along an access road constructed on the property in recent years that begins at the top of the slope and extends to the river’s edge approximately 100 feet below;
13. There is mapped floodplain along the Shoshone River on Lot 1;
14. With the exception of a few storage containers, Lots 2 through 5 are vacant and each lot is relatively flat;
15. Existing transformers and buried power lines are shown throughout the lots on the Sketch Plan; treated water lines are shown in the legend on the Sketch Plan but locations of water lines in or around the proposed lots is unclear, if they exist. Proposed Lot 5 is bisected by a high voltage power line;
16. This property is within one mile of the City of Cody; therefore, a municipal review is required;
17. Public notice requirements have been met;
18. Relevant agencies were notified on April 27, 2023;
19. Cody Conservation District determined the soils are rated “not limited” to “somewhat limited” for dwellings with and without basements. Limitations are due to large stones, slope and subsidence risk. Regarding small commercial buildings, the soils are rated “very limited”, due to slope, large stones and subsidence risk. Soils are rated “somewhat limited” to “very limited” with regard to septic tank absorption fields. Limitations are due to filtering capacity, slope, large stones and slow water movement;

20. Park County Weed and Pest conducted an initial inspection and a Long-Term Noxious Weed Management Plan is required;
21. Park County Public Works stated the proposed access easement and road benefiting all lots will be required to be 60' in width and built to Road and Bridge standards. The proposed access easement along the east boundary of Lot 4, benefiting Lot 1 will be adequate at 40' in width;
22. Park County Fire District #2 confirmed they can serve the subdivision. They stated future development will need to be approved by the Fire Marshal in accordance with the LUC prior to issuance of a county building permit. All roads and crossings are requested to be constructed to County Road and Bridge weight specifications. Fire code enforcement including any commercial plans reviewed will be submitted to the Wyoming State Fire Marshal's Office;
23. Park County School District #6 was notified and responded that school bus service is available;
24. The United States Postal Service is able to provide mail service. The five mailboxes will need to be placed on a post. The largest mailbox, 11" x 15", will be required for each address, along with a pullout at the entrance of the subdivision;
25. TCT has terrestrial wireless available in this area and can possibly provide internet and VOIP phone service to this location, depending upon line of site to tower;
26. Black Hills Energy has the capacity to serve the subdivision by an existing 2" PE located approximately one-mile east of the proposed subdivision;
27. WYDOT stated two existing accesses are currently permitted by WYDOT as commercial. However, any new business built on the lots would be considered a change in use and WYDOT would require a new access application to review the impacts to the state highway. WYDOT may require the developer or purchaser of the lots to submit a Traffic Impact Study depending on the type of business proposed to be built on the commercial lots. The accesses are commercial and will remain commercial but traffic impact mitigation, such as turn lanes may be required;
28. Park County Treasurer states property taxes are paid in full;
29. Wyoming Department of Environmental Quality provided agency contacts and information for permitting associated with various construction activities;
30. Wyoming Department of Environmental Quality will conduct a Chapter 23 Study;
31. The Park County Treasurer's Office stated property taxes are fully paid;
32. Wyoming Game & Fish stated they have no terrestrial wildlife comments and offered their standard recommendations for subdivisions;
33. Wyoming State Engineer's Office had comments regarding the applicant's Application for a Permit to Appropriate Surface Water. A comment stated water rights for the property must be addressed in a water distribution plan. Comments also addressed the potential use of a water pump and whether appropriated water will be put to permitted uses.

34. Rocky Mountain Power has not provided comment;
35. The City of Cody has not provided comment;
36. US Army Corp of Engineers has not provided comment;
37. No public comments have been received;
38. Application submission requirements have been met, with the exception of a response from Rocky Mountain Power to confirm that power is adjacent to each proposed lot;
39. A pre-application meeting occurred on March 10, 2023;
40. A notice of intent was published on April 4, 2023 and April 11, 2023 in the Cody Enterprise;
41. A title report dated September 6, 2022 was provided by the applicant;
42. A Homeowners Association will be required to address maintenance responsibility for the shared subdivision road;
43. Solid waste disposal services are available through private providers;
44. Natural gas service is available; however, it is not available within 400 feet of the property;
45. The property is not within the bounds of an irrigation district, however irrigation is proposed to serve the lots via a pipeline from the Shoshone River and the State Engineer's Office has been contacted;
46. A Sketch Plan was provided with the application;
47. Small wastewater requirements pertaining to sketch plan have been met, however the applicant will need to submit review materials to the DEQ;
48. A report must be submitted to the DEQ evaluating the adequacy and safety of the proposed wastewater system;
49. Domestic water requirements have been met, with the exception of submitting review materials to the DEQ and amending an SEO permit, if applicable;
50. Two wells exist on the proposed subdivision; one is situated on proposed Lot 1 and the other is on proposed Lot 5. The well on Lot 1 is permitted by the State Engineers Office under permit no. U.W.207794, dated 8/4/2017. The permit status is "complete" and the stated use is to serve one house. The status of the well on Lot 5 is "incomplete" with the State Engineers Office under permit no. U.W.215171, dated 7/21/21. The application states the "applicant plans to pump ground water to treatment facility to provide domestic use up to 6 houses and or 24 people."
51. The land is not currently used for agricultural purposes and is not expected to impact neighboring agricultural operations;
52. The developer proposes to appropriate surface water from the Shoshone River, via a pipeline, and wishes to allocate water to all lots for irrigation. The developer has submitted an application for a Permit to Appropriate Surface Water, which has been approved by the State Engineer's Office. However, the permit is currently and will

- continue to be considered “incomplete” until the applicant installs the pump and pipeline, puts water to its permitted use, and then files a statement of completion and beneficial use. This is a proposed improvement by the Developer, for the subdivision. Therefore, it will be an improvement addressed in the Subdivision Improvements Agreement (and cannot be installed until such time as the Board of County Commissioners has approved the final plat and the developer has entered into a Subdivision Improvements Agreement with Park County);
53. A water distribution plan, as reviewed and approved by the State Engineer’s Office/Board of Control, will be required. Due to differing rules of the SEO and Park County, the approved Water Distribution Plan will be required prior to recording of the final plat;
 54. A note regarding riparian rights will be required on the final plat;
 55. The proposed subdivision is not within the boundaries of an irrigation district;
 56. Utility requirements pertaining to sketch plan have been met, with the exception that it is unknown if power service is adjacent to each lot;
 57. Natural gas service is not available within 400’ of the subdivision and therefore the applicant will not be required to stub gas service to each proposed lot;
 58. A Subdivision Improvements Agreement will be required to address the proposed improvements including, but not limited to construction of a shared road, utility installation if required, and irrigation improvements. A Homeowners Association will be required to address shared facilities (i.e. subdivision road and irrigation infrastructure);
 59. A portion of proposed Lot 1 is within the Flood Overlay District;
 60. Installation of the proposed irrigation pump and pipeline within floodplain will require a Floodplain Development Permit;
 61. The subdivision is not within either an Agricultural Overlay District or Airport Overlay District;
 62. Means of access to each lot is by a shared access from the highway and a subdivision road that will be built to county standards;
 63. Unstable, steep, and vertical slope exists on Lot 1 and the northern edge of Lots 3, 4 and 5 are in close proximity to slope. A development setback from the edge of the slope is advised due to soil instability, and the potential commercial uses of the lots;
 64. It is unknown, without a geotechnical review, how irrigation will impact the potentially rocky, unstable ground in proximity to the edge of slope along the lots;
 65. An unstable road with steep grade and high risk of rock falls exists from the top of the slope, down to the river. It was constructed, partially in the floodplain, without required floodplain review and permitting;
 66. An irrigation pipeline is proposed along this existing road and will be a shared facility by all of the lots;

67. A high voltage power line exists on proposed Lot 5 and across a portion of Lot 1. It has been identified on the sketch plan and the easement will be identified on the final plat. A note should be placed on the final plat stating the hazards that have been identified; and
68. No sidewalks, street lighting, alleys or open spaces are proposed.
69. There will be no shared water systems for irrigation or domestic water.

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 the Riverwalk Major Subdivision, 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. With the Preliminary Plat Application, the applicant shall provide a geotechnical report, prepared by a Wyoming-licensed professional engineer, addressing the following at a minimum: location and surface conditions (including indications of hazards on or near the site); the geologic setting; subsurface soil conditions and adequacy of soils to accommodate on-site small wastewater systems and irrigation water; groundwater conditions; recommended building setbacks; slope stability and adequacy of the access road from the top of the slope on the property to the edge of the Shoshone River, etc.
3. The applicant shall provide comment from the City of Cody, and responses from Western Area Power Association and Rocky Mountain Power, prior to Preliminary Plat Review by the Planning & Zoning Commission;
4. An approved Long-Term Noxious Weed Management Plan must be submitted to the Planning and Zoning Department prior to final plat review;
5. The applicant shall show a mailbox pullout at the entrance of the subdivision on construction drawings for the subdivision, according to US Postal Service requirements. If the pullout is proposed within the WYDOT right-of-way, the

applicant shall provide evidence of WYDOT's approval for the design and placement of the pullout;

6. The applicant shall place the following note on the final plat: "WYDOT-permitted commercial accesses currently exist to serve the subdivision; however, any new business proposed on the lots will be considered a change of use and will require a new access application to be submitted to WYDOT to review impacts to the state highway. Further requirements, such as a traffic impact study or the addition of turn lanes, may be imposed by WYDOT.";
7. Prior to Preliminary Plat Application, the applicant shall submit a report to the DEQ evaluating the adequacy and safety of the proposed wastewater system(s). The report shall at a minimum comply with W.S. §18-5-306(a) (iv) and any requirements of the DEQ;
8. With the Preliminary Plat Application, the applicant shall provide a response from the DEQ regarding the adequacy and safety of the proposed wastewater system for the subdivision;
9. Prior to Preliminary Plat Application, the applicant shall submit a report to the DEQ evaluating the safety and adequacy of the proposed domestic water source. The report shall at a minimum comply with W.S. §18-5-306(a) and any requirements of the DEQ;
10. With the Preliminary Plat Application, the applicant shall provide a written letter of "no adverse recommendation" from the DEQ regarding domestic water to serve the subdivision, including a complete copy of the application submitted to the DEQ that resulted in the approval letter and/or recommendations;
11. The applicant shall place a note on the final plat: "SELLER DOES NOT WARRANT TO THE PURCHASER THAT THERE ARE ANY RIGHTS TO THE NATURAL FLOW OF ANY STREAM WITHIN OR ADJACENT TO THE PROPOSED SUBDIVISION. WYOMING LAW DOES NOT RECOGNIZE ANY RIPARIAN RIGHTS TO THE CONTINUED NATURAL FLOW OF A STREAM OR RIVER FOR PERSONS LIVING ON THE BANKS OF THE STREAM OR RIVER.";
12. With the Final Plat Application, the applicant shall submit a draft Subdivision Improvements Agreement addressing all applicable required improvements (e.g., subdivision road, mailboxes and pullout, irrigation infrastructure and permit completion, etc.) for review by staff and approval of the County Attorney and the Board;

13. The applicant shall obtain a Floodplain Development Permit prior to installing any infrastructure within the mapped floodplain;
14. The applicant shall place the following condition on the final plat: “Any development within a Special Flood Hazard Area (SFHA) requires a Floodplain Development Permit to be issued by the Board of County Commissioners prior to commencement of development.”;
15. The applicant shall submit a draft Homeowners Association Agreement that addresses all applicable shared improvements (e.g., road, irrigation pump and pipeline) to the Planning & Zoning Department prior to Preliminary Plat review by the Board of County Commissioners;
16. The applicant shall place the following note on the final plat: “Hazards: Lot 1 is subject to steep slopes, flooding, landslides and rockfall. Lots 1 and 5 are crossed by a high voltage power line.”
17. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991;
18. The applicant shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306.


ADOPTED by the Park County Planning & Zoning Commission this 24th day of May, 2023.

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

ATTEST:



Kimberly Brandon-Wintermote, Chair



Jolene Brakke, Secretary



Park County Planning & Zoning Department

1002 Sheridan Avenue, Suite #109

Cody, Wyoming

(307) 527-8540

PARK COUNTY PLANNING & ZONING COMMISSION

Meeting 1:00 P.M., **Wednesday, May 24, 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 April 19, 2023, meeting.

CONSENT AGENDA

[Bott SS-306 Sketch Plan](#)

[Cross Ranch SS-307 Sketch Plan](#)

REGULAR AGENDA

[River Ridge MS-74 Sketch Plan Continued](#)

[Hawkins Heart Mountain Collision & Repair SUP-249](#)

[Bridger Tower Corp SUP-250 \(Belfry Highway Tower\)](#)

[Riverwalk Subdivision Sketch Plan](#)

OTHER BUSINESS

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

ADJOURN

PLEASE SIGN IN

PLANNING and ZONING COMMISSION REGULAR MEETING May 24, 2023

		Bott SS-306 Sketch Plan	
		Cross Ranch SS-307 Sketch Plan	
		River Ridge MS-74 Sketch Plan	
		Hawkins Heart Mountain Collision & Repair SUP-249	
		Bridger Tower Corp SUP-250	
		Riverwalk Subdivision Sketch Plan	
	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	Hawkins	Hawkins Heart mt n	
2	Chad Krabel	Bridger Tower Site	
3	Baltazar Rodriguez	Cross Ranch	
4	Bob Desroche	River walk	NO
5			
6			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			

PLEASE SIGN IN

PLANNING and ZONING COMMISSION REGULAR MEETING May 24, 2023

		Bott SS-306 Sketch Plan	
		Cross Ranch SS-307 Sketch Plan	
		River Ridge MS-74 Sketch Plan	
		Hawkins Heart Mountain Collision & Repair SUP-249	
		Bridger Tower Corp SUP-250	
		Riverwalk Subdivision Sketch Plan	
	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	JON W. SOWERWINE	RIVERWALK	
2	K.P. JACKOWSKI	LUPAC	
3	NICHOLAS HUMMEL	RIVERWALK	IF NEEDED
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			