

**Planning & Zoning Commission Minutes**  
May 24, 2023

This is a special meeting of the Park County Planning & Zoning Commission held at 11:00am 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 (by virtual means)  
Jolene Brakke, Office Assistant III (by virtual means)  
Mary McKinney, Weed and Pest

Chairman Brandon-Wintermote opened the meeting at 11:00am.

**SPECIAL AGENDA**

**[PUBLIC HEARING – 2023 Park County Land Use Plan](#)**

Chairman Brandon-Wintermote, the hearing officer, reviewed the rules of a public meeting and opened the public hearing at 11:08am.

Chairman Brandon-Wintermote stated findings for the adoption of the plan are as follows: The Commission and the Board to approve a plan or plan amendment shall: 1. The plan meets the general purpose of creating coordinated and harmonious development of the area under study and of the county as a whole; 2. The plan promotes the health, safety, prosperity, and general welfare of the county's residents, as well as promotes efficiency and economy in the use of land and its natural resources; 3. The plan encourages a well-balanced, prosperous economy for Park County; 4. The plan preserves and enhances Park County's unique character and protects its natural environment; and 5. If the plan is an amendment to the existing plan, the amendment is consistent with the other provisions of the plan to which it will become a part of.

Chairman Brandon-Wintermote asked if any Commission members had questions for Staff. There were none.

The Planning Director outlined the process of creating the Land Use Plan (LUP).

- The process began back in September of 2021 when the Board decided to seek a consultant to assist in the process.
- In December 2021 Clarion Associates was chosen as the consultant.
- A Land Use Plan Advisory Committee (LUPAC) was formed comprised of 16 individuals; 12 representing each of the planning areas as well as representatives of real estate, economy, agriculture, industrial, commercial, environmental.
- A technical working group was also established comprised of representatives from state and federal agencies, local agencies, irrigation districts, conservation districts, utilities;

## Planning & Zoning Commission Minutes

May 24, 2023

- 53 dozens of people participating in periodic meetings to discuss their aspect of development  
54 would be impacted by this plan.
- 55 • Three rounds of public meetings attended by hundreds were held around the county  
56 preceded by a vision and values survey which received over 700 responses.
  - 57 • Goals were created from this large amount of feedback which varied from those who  
58 welcome changes in the county and those that want things to stay the same; from those  
59 wishing to preserve ag land to those that wish to develop as they see fit; from those that  
60 want to preserve wildlife to those that don't care about wildlife. It was an extraordinary  
61 effort to try to create goals that reflect the majority of the needs of the county. The plan  
62 will not be perfect to everyone and that is recognized.
  - 63 • A map portal was created and utilized in this process which and will continue to be utilized  
64 in the process of the regulation amendments.

65  
66 The Planning Director stressed that the Land Use Plan is a guiding document; it states what  
67 the goals are; what do people want to see, what they don't want to see. The next step will be  
68 developing the regulations to support those goals. Once this plan is adopted, nothing will  
69 have changed other than the message from the 1998 to this plan. Clarion estimates that the  
70 2023 plan is 70% of what was included in the 1998 plan. Unfortunately, after the 1998 plan  
71 was adopted, zoning was not updated according to the plan. The needs identified in the plan  
72 were not addressed and have now carried forward to become more of a pain point. This is  
73 the people's plan, and we want to do all we can to make it right. This will not be a permanent  
74 thing, it should be revisited in the next 5 to 10 years to determine if it is working and, if not,  
75 things should be changed at that time.

76  
77 It is now the Planning and Zoning Commission's responsibility to review and let the public  
78 know their thoughts on the plan and collect additional public input. Notification of 30 days was  
79 given prior to this public hearing and there was another 30 days given for public review of the  
80 draft plan prior to that. Therefore, we are at 60 days of review. Should the Commission certify  
81 the plan, there will be another 45 days given for public review prior to the Board of County  
82 Commissioners considering adoption.

83  
84 The preliminary draft of the LUP was released for public review in February 2023 and a  
85 significant amount of public comment was received. These comments led to a number of  
86 changes to the plan and a summary of changes is included with the adoption draft where it is  
87 available for public review. Following is a summary of some of the most notable changes:

- 88 • Clarification of agricultural employment data
- 89 • Expanded discussion of process
- 90 • Clarification of to acknowledge potential opportunities for smaller lot sizes through  
91 conservation subdivisions or lot size averaging
- 92 • Clarification to provide greater flexibility for near-city development
- 93 • Clarification of intended approach for short-term rentals
- 94 • Expanded discussion of energy, mining, and mineral resources
- 95 • Clarification of tiers within big game overlay

96  
97 Chairman Brandon-Wintermote asked if there were comments from any members of the public.  
98 - Harold Musser, Cody Local, lives on the Powell highway east of Cody.  
99 ○ Page 106: The land suitability for Cody Local Area – his property is where the Sage  
100 Creek Road hits the Powell highway. It is classified as moderately suitable, yet  
101 near Liberty Subdivision, it is shown as suitable. He would like his land to show as  
102 suitable.

## Planning & Zoning Commission Minutes

May 24, 2023

- 103           ○ Page 107: The ag overlay goes into his two farms (he is on east and west side of  
104 Sage Creek Road as it meets the Powell highway). He is part of the Northwest  
105 Rural Water District. In the long-term, the land will have water, power, natural gas  
106 available, and is close to Cody, it will be developed. Also, the Coordinated Planning  
107 Area, there is a triangular piece of property that sets right on top of the hill looking  
108 over all of Cooper Lane. It should be the same color as all of Cooper Lane because  
109 that is what it is going to be – it is urban residential. Everything on top of the hill in  
110 that triangular piece should be urban residential. He would like to get rid of the ag  
111 overlay on his property on both sides of Sage Creek Road. He would like the  
112 change to urban residential on the hill and he would like the land to be classified  
113 as suitable, not moderately suitable.
- 114           ○ The plan is very extensive. He is all for planning and he wants Cody to look good  
115 forever. His grandparents moved here in 1932.
- 116 - Greg McCue, Middle Southfork, foremost should be access to public lands. It is important  
117 to consider the wildlife overlay and their economic impact and migration routes. He  
118 advocates for bike trails throughout the County.
- 119 - Colin Simpson, attorney representing Trail Creek Ranch and he also owns 48 acres in  
120 Cody Local Planning Area. He appreciates the efforts of Clarion and the Planning  
121 Department in hearing their concerns and recommendations. He understands the process  
122 since he personally went through it in 1998. He thanked everyone for their hard work on  
123 it. He asked for clarification regarding the minimums in the Coordinated Planning Areas  
124 (CPA) north of town (Cody). GM-1, (pg. 28) encourages higher-density development in  
125 developed/developing areas where public infrastructure and services already exist or are  
126 planned. Also, on page 81, about the CPAs it refers back to p. 28. However, the future  
127 land use map for Cody Local shows everything north of Cody on the Belfry Highway as  
128 rural residential, which is defined as 2-acre minimums. Is the directive of the plan that the  
129 CPA north of town will be 5-acre minimums, then if you can meet the exceptions/conditions  
130 for smaller lot sizes on page 77? He is concerned that he doesn't understand where the  
131 county should maintain larger lot sizes to prevent fragmentation in the near term. (see  
132 preliminary draft).
- 133 - Chairman Brandon-Wintermote also expressed confusion regarding the CPA's and cross-  
134 references regarding lot size minimums
- 135 - The Planning Director explained that many believe that as you get closer to the city you  
136 should be able to have lots of lots and lots of houses. However, you will also have lots of  
137 wells and lots of septic systems. So, the County does not want to encourage high densities  
138 where lots will need wells and septic systems. The thought process is to require larger lot  
139 sizes in those areas to encourage people to work with the city to annex and bring municipal  
140 services to those areas.
- 141 - Paul Donegan, Clarion Associates, added that based on the characteristics of the area,  
142 should municipal water be available, lot sizes may be allowed to be smaller.
- 143 - Kimberly – p. 78 under urban subdivision (Picture of Kobbe Subdivision) – talks about the  
144 creation of new lots over one acre being discouraged to avoid precluding the planned  
145 future expansion of the city. She felt this was contradictory to what development has  
146 already occurred.
- 147 - The Planning Director responded that the Coordinated Planning Areas are a rather large  
148 buffer area to allow for growth around the cities. In discussion with the cities, when dense  
149 development is allowed near city limits, people tend to build in the way of planned  
150 infrastructure, and this can then preclude the planned future expansion of the city. The  
151 CPAs are designed to help plan ahead and avoid this type of conflict.
- 152 - Colin Simpson said on page 103 under North of River/Belfry Hwy, it states the County  
153 should maintain larger lot sizes (5-acre minimum) in this area to limit fragmentation in the

## Planning & Zoning Commission Minutes

May 24, 2023

- 154 near term. Then on page 81, under the general heading of Coordinated Planning Area it  
155 refers to page 28 and GM-1 – may need to look at each of the CPAs; it should refer back,  
156 just as it does on page 81. All planning areas could benefit from the same cross-reference.
- 157 - Mary McKinney, Park County Weed and Pest, thanked the Commission for their efforts as  
158 it has been quite the endeavor. She appreciates the inclusion of language including  
159 noxious and nuisance weed problems. That language included limiting disturbances and  
160 planting native species to benefit all of our neighbors, not just the weed and pest district.  
161 Moving forward, should there be regulation of those things, we will deal with that within  
162 the parameters of state statute. As a resident of the North Fork Planning Area, she  
163 recognizes the plan is a working document. She urges (the County) to be proactive rather  
164 than reactive. We just need to be proactive in the preservation of our communities and the  
165 unique resources that they provide. In particular, our rural areas, whether it be ag  
166 industries, sage brush steppe, riparian areas, mountain areas – each is a unique  
167 ecosystem of flora and fauna, which once disturbed are sometimes impacted (sometimes  
168 negatively) forever. We want to preserve our viewshed. Cell towers, wind turbines and  
169 large solar arrays can have negative impacts on our viewshed and natural resources.  
170 There is plenty of scientific studies to support that. She appreciates all the technical  
171 committees that provide for protection of special areas. She sees the wildlife overlay as a  
172 tool, not a hindrance. It can protect our important big game species, which are some of  
173 the State's most imperiled species. We protect their wintering grounds that are critical to  
174 their survival. Animals need to be able to get to their main use areas. The historic patterns,  
175 we can just reason with animals. Once the animals get to the areas, they need to be able  
176 to move within those habitats. They have to have access to their resources (food, water,  
177 shelter); structures and fences limit their ability to move. Mule deer will even walk the exact  
178 same path over time. Things that prevent their ability to move, a lot of those factors can  
179 be addressed. We can do that in this document and upcoming regulations and  
180 amendments. We realize this is not a legal document, but the importance cannot be  
181 understated. She would have liked to see more references to previous efforts (like  
182 Wyoming wildlife and roadways initiatives). Shows animal/human encounters/incidents.  
183 We need to be proactive and moving forward.
- 184 - Harold Musser added a comment that each person in the room is aware of affordable  
185 housing. He hears every day that people can't afford to live in Cody, they are driving from  
186 everywhere else to get to Cody. The reason being that there are a lot of restrictions in  
187 Cody. When you develop a plan, and Joy mentioned that the city can go out and annex  
188 certain areas, he has been in a lot of cities, and not all cities have to have sidewalks. There  
189 are places where the grass comes right up to the road. These are very nice areas.  
190 Somebody got stuck in their heads years ago that every city street needs sidewalks. That  
191 is not the national trend. It raises up the price of development which raises the price of  
192 housing. We are blessed to have NRWD, which is city water. Because of the topography,  
193 a lot of areas that may have availability to NRWD, may be way downstream of the city  
194 sewer and may not be able to connect to city sewer. In the US, there are a lot of places  
195 that do not connect to a city sewer. They have evaporative tanks. He wants us to be careful  
196 because we all have kids and grandkids, and we want to make sure they can afford to live  
197 here. We don't want to exclude people living in Cody just because we have thrown out  
198 onerous regulations that may or may not make sense. Leave some flexibility in there if  
199 topography makes it possible to have more.
- 200 - Kevin French, Powell/Ralston landowner, agrees that smaller lot sizes equal more  
201 affordability. Should not just be isolated to areas around the city. We live in a beautiful  
202 area and that is why we have the regulations for water/sewer. He thinks we are doing a  
203 disservice to farmers to say that they can only do 20-acre minimums. They didn't come

## Planning & Zoning Commission Minutes

May 24, 2023

204 out to farm in order to provide the viewshed. He feels the farmers private property rights  
205 should be prioritized.

206

207 Chairman Brandon-Wintermote asked for comments from the Commission. Commissioner Peters  
208 asked for discussion.

- 209 - Chairman Brandon-Wintermote asked if links to the city plans could be added to the  
210 appendix. The Planning Director stated that those plans, and the links to them, are subject  
211 to change at any time; however, links to the city webpages could be added to guarantee  
212 more longevity to access. The Chairman preferred links to the actual plans themselves.
- 213 - Commissioner Peters said it's a lot of information and a lot of comments. He would like to  
214 ensure that we cover some of the topics. He does have concerns with some of the  
215 language in the documents. He is curious what the hell the commissioners thought on  
216 some of them.
- 217 o Page 52: Outdoor Recreation, OR 1.2 (clean up language, simplify)
  - 218 o Harold Musser said how that reads, it sounds like you are forcing someone to  
219 record an easement. It is unclear.
  - 220 o Colin Simpson said the wording that follows is also problematic.
- 221 - Commissioner Peters mentioned the 20-acre minimum recommendation in Cody/Powell  
222 Rural – why was 20 acres decided to be the number. He understands this is guidance for  
223 what is to come.
- 224 - The Planning Director said a lot of people were upset about 35 acres being proposed, and  
225 maybe 20 acres was proposed as middle ground.
- 226 - Paul Donegan said it reflects existing zoning districts that could be applied without having  
227 to create new zoning districts.
- 228 - Commissioner Peters said he just wants to understand where the numbers are coming  
229 from.
- 230 - The Planning Director indicated that it is a struggle to set a particular number that will  
231 satisfy everyone. This is a starting point and will most likely need to be revisited in 5 – 10  
232 years and possibly be adjusted.
- 233 - Paul Donegan said that the ag community also referenced 20 acres as land sizes that  
234 would be the smallest, they could use to be productive, though larger would be preferred.
- 235 - Colin Simpson mentioned referring back to those conditions that can allow for smaller lot  
236 sizes, doesn't that apply to all planning areas? If the Cody Local has that ability to step  
237 down if there is rural water... doesn't see it on page 112. Cross references would help.
- 238 - Commissioner Bonine commented that everywhere he has encountered the 20-acres it  
239 references a minimum average; not a 20-acre hard minimum. He gave an example where  
240 averages can allow for the smaller acreages. This is really a planning guide, and it is  
241 referencing an average.
- 242 - Commissioner Peters said no one would like to see a large farm chopped up. He'd rather  
243 see a few small parcels. He mentioned dogs as a nuisance. He understands it is written  
244 there to provide for conservation subdivisions.
- 245 - The Planning Director stated people would like to have lots in the rural areas however, it  
246 is important to consider future ramifications, such as availability of groundwater. There is  
247 concern that too much rural development could tax the groundwater resources we have.
- 248 - Kevin French asked if they have done any significant studies on the water. There is a  
249 move from flood irrigation to sprinkler irrigation. There are many ways to get water –  
250 including cisterns, which are a valid option. Are there studies on development causing a  
251 depletion in groundwater?
- 252 - The Planning Director responded that there are entities that could potentially partner to do  
253 a study. Some studies have been done; however, none have been specific to Park

## Planning & Zoning Commission Minutes

May 24, 2023

- 254 County. The State Engineers Office that permits wells has a wealth of information, but it  
255 is not in a digestible format.
- 256 - Mary McKinney said USGS has done some studies on groundwater impacts.
  - 257 - Commissioner Peters added that Park County is 80% public lands. A lot of this needs to  
258 focus on maintaining the public lands and less on controlling the private lands. The fence  
259 regulation from Game and Fish, he does not like it. He knows the state statute is more of  
260 a border fence. He doesn't feel the County should dictate the type of fence.
  - 261 - The Planning Director addressed fencing statute; this is a statute that has existed but not  
262 been included under subdivision rule. As of July 1<sup>st</sup>, it will be under subdivision law and  
263 the county will be required to follow it. There are still some questions regarding  
264 interpretation of whether it is required only for major subdivisions or also for simple and  
265 minor subdivisions. As far as wildlife fencing, the big game use overlay suggests some  
266 options but does not impose requirements. This is more of an educational tool.
  - 267 - Commissioner Peters said that fence designs have been found faulty. He may have  
268 misunderstood, but the question is with the county getting involved with the state thing, to  
269 not dictate fencing requirements with something that has been outdated.
  - 270 - Commissioner Bonine said regarding the style and presentation of the plan, he  
271 understands the intent was to make something readable that is easily understood, but the  
272 presentation of information is challenging for him when we talk about what is existing in a  
273 certain planning area, zoning as it currently exists and then we come around with a zoning  
274 map amendment and regulations which may make the Land Use Plan inaccurate or  
275 outdated. There is a lot of information that is subject to change, and he is not sure if there  
276 is an answer. It is disheartening to know all the time and energy that has been put into  
277 this, the data that is in here will be outdated. Anytime you say "current zoning is x" we  
278 know we are going to change the zoning map. Then everything in here says that current  
279 zoning is x is no longer current. That is one thing that has really struck him about this.
  - 280 - Chairman Brandon-Wintermote asked how to manage this concern.
  - 281 - The Planning Director said the goal of a plan is to look to the past, present and future. It  
282 will always be out of date because it is prescribing change.
  - 283 - Paul said it is a reasonable concern. Since it has been so long since the plan was updated,  
284 this is more of a concern. On page 2 it talks about how to update the plan, which doesn't  
285 need to be as large of an effort as the current one. It is something that staff can work on  
286 annually or every other year to review the plan to see what needs to be updated. Updating  
287 with more regularity will help with that.
  - 288 - Commissioner Bonine said his other concern is with the planning areas and possibly  
289 changing them. He doesn't understand all the ramifications of when to do or not do that.  
290 It doesn't necessarily make sense to adopt a plan knowing that we are going to change  
291 planning areas in the near future. What is the process moving forward for changes to the  
292 planning areas? It seems like that should involve a similar number of public comments.
  - 293 - The Planning Director said it is expected that some of the planning area boundaries will  
294 naturally be shifted due to growth near the cities. There are already existing inaccuracies  
295 that it will make sense to rectify. This process will happen when zoning is changed and  
296 will involve input from those within the planning areas. Geography may also play a role in  
297 this process. More information will be sought from the public before making these  
298 changes. The intent is to revisit these processes much more frequently and in smaller  
299 increments moving forward so that the process will not be as difficult.
  - 300 - Chairman Brandon-Wintermote asked the Commission members if they are interested in  
301 moving forward with the plan or if they want more time to discuss.
  - 302 - Commissioner Bonine said he, in a way, is surprised by the lack of public input and public  
303 attendance at the hearing. For a once in 25-year process, he would have liked to see

## Planning & Zoning Commission Minutes

May 24, 2023

- 304 standing room only to hear what people have to say. He's not sure if there is value to  
305 continuing the public hearing if people are not showing up.  
306 - Chairman Brandon-Wintermote asked if the Commission would like to close the public  
307 hearing and make a decision or defer.  
308 - Commissioner Peters said he would like to take more time to consider the plan. It is a lot  
309 to get through every aspect. He supports closing the public meeting and having more  
310 discussion.  
311 - Chairman Brandon-Wintermote asked if there is a time restriction/deadline in terms of how  
312 soon the Commission needs to make a decision. She feels there are some items that need  
313 to be cleaned up and she would like to see some changes. She would like the opportunity  
314 to talk about those things.  
315 - Commissioner Bonine said he is in favor of a 10:00am meeting in June, before the regular  
316 meeting, to allow time and not feel rushed.  
317

318 At 12:44pm, Commissioner Bonine made a MOTION to CONTINUE the public hearing to 10:00am  
319 on June 21, 2023; SECONDED by Commissioner Peters. All in favor. Motion carried. The meeting  
320 adjourned.

321  
322 Respectfully submitted,

323  
324  
325



---

Jolene Brakke, Secretary



**Park County Planning & Zoning Department**

1002 Sheridan Avenue, Suite #109

Cody, Wyoming

(307) 527-8540

---

**PARK COUNTY PLANNING & ZONING COMMISSION**

Meeting **11:00 A.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 special 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.

**AGENDA**

**[PUBLIC HEARING – 2023 Park County Land Use Plan](#)**

**ADJOURN**



# PLEASE SIGN IN

## PLANNING and ZONING COMMISSION SPECIAL MEETING May 24, 2023

		Park County Land Use Plan	
	Please <b>PRINT</b> your name	Name of the <b>HEARING OF INTEREST</b>	DO YOU WISH TO SPEAK
1	Harold Masser		Yes
2	Greg McCall		Probably
3	Rebekah Burns		
4	<i>[Signature]</i>		No
5			
6			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			

# PLEASE SIGN IN

## PLANNING and ZONING COMMISSION SPECIAL MEETING May 24, 2023

		Park County Land Use Plan	
	Please <b>PRINT</b> your name	Name of the <b>HEARING OF INTEREST</b>	DO YOU WISH TO SPEAK
1	MARYANN ALQUIST	PLU	No
2	DENNIS ALQUIST	PLU	No
3	Marion Morrison	LUP	?
4	<del>Colter Thompson</del>	LOA	?
5	<del>ALVIN WATSON</del>	LOA	?
6	Mary McKinney	LUP	yes
8	Doree Shultz	LUP	No
9	Alex Few	LUP	No
10	KEVIN FRENCH	LUP	yes
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			