

## Planning & Zoning Commission Minutes

June 21, 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

Ben McDonald, Public Works

Mary McKinney, Weed and Pest

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

### MODIFICATION OF AGENDA

Commissioner Bonine made a MOTION to add an agenda item to the end of today's meeting agenda to continue discussion about the adoption draft of the 2023 Land Use Plan. SECOND by Commissioner Eastman.

### APPROVAL OF MINUTES

Chairman Brandon-Wintermote asked the Commission for comments or changes to the May 24, 2023, meeting minutes. A MOTION was made by Commissioner Mair to approve the minutes; the motion was SECONDED by Commissioner Peters to approve the minutes as corrected. All in favor. Motion carried.

### CONSENT AGENDA

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

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

Commissioner Bonine said he had a question about the Muddy Creek Simple Subdivision. He is wondering if there is potential for significant change pending the City of Powell's review, which hasn't been received. Chairman Brandon-Wintermote said she had the same question, as well as questions about water and sewer. She also would like to pull the item from consent.

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52 Commissioner Bonine made a MOTION to approve the consent agenda as modified (Muddy  
53 Creek pulled from consent). SECONDED by Commissioner Eastman. All in favor. Motion carried.  
54 See Resolutions 2023-17, 2023-18, and 2023-19 attached hereto and incorporated herein.

55

56 **Townsend SS-308 Sketch Plan:** Lydia Moore requests approval of the application and Sketch  
57 Plan for the Townsend Simple Subdivision (SS-308). The applicant is proposing a 3.95-acre, one  
58 lot simple subdivision from a 103.6-acre parcel, for residential use. The property is zoned as  
59 General Rural Powell (GR-P). This proposed subdivision is located in Tract 9, Resurvey, T54N,  
60 R98W of the 6<sup>th</sup> P.M., Park County, Wyoming with an address of 584 Lane 13, Powell. It is located  
61 approximately four miles southeast of Powell on the south side of Highway 295.

62

63 Commissioner Bonine read the conditions of approval (by Resolution 2023-17) for the Townsend  
64 SS-308 Sketch Plan:

65

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

71 2. The applicant shall provide evidence to the Planning & Zoning Department, from  
72 Willwood Irrigation District that a satisfactory Water Association has been/will be  
73 established, prior to recording of the final plat;

74 3. The applicant shall place the following note on the final plat: "Due to slow soil percolation  
75 rates, engineered small wastewater systems may be required";

76 4. The applicant shall place the following note on the final plat: "**NO WATER ANALYSIS  
77 WAS CONDUCTED AND THE AVAILABILITY AND QUALITY OF POTABLE WATER  
78 IS UNKNOWN. CISTERNS MAY BE REQUIRED**";

79 5. The applicant shall provide a response from Park County Weed & Pest, and an  
80 approved Long-Term Noxious Weed Management Plan (if applicable), to the Planning  
81 & Zoning Department prior to final plat review by the Board of County Commissioners;

82 6. The applicant shall provide a response from Park County Public Works to the Planning  
83 & Zoning Department, prior to final plat review by the Board of County Commissioners;

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

87 8. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of  
88 1991; and

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

92

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93 Greg Jones SS-309 Sketch Plan: Greg Jones requests approval of the application and Sketch  
94 Plan for the Greg Jones Simple Subdivision (SS-309). The applicant is proposing a two-lot simple  
95 subdivision comprised of one 1.52-acre lot and one 8.74-acre lot for residential use. The property  
96 is zoned General Rural Powell (GR-P) and is located in Tract 3 of Lot 38, Resurvey, T56N, R99W  
97 of the 6<sup>th</sup> P.M., Park County, Wyoming. The property has an address of 653 Road 9, Powell, and  
98 is approximately 1.3 miles north of Powell on the east side of Highway 295.  
99

100 Commissioner Peters read the conditions of approval (by Resolution 2023-18) for the Greg Jones  
101 SS-309 Sketch Plan:  
102

- 103 1. The applicant shall provide all easements as requested by applicable utilities and  
104 special districts, irrigation districts or public agencies providing services. The width of  
105 any utility easement shall be sufficient to allow adequate maintenance of the system,  
106 but in no case shall such utility easement be less than 20 feet in width. Easements must  
107 be identified on the final plat;
- 108 2. The applicant shall provide evidence that property taxes have been paid current to the  
109 Planning & Zoning Department, prior to final plat review by the Board of County  
110 Commissioners;
- 111 3. A review and recommendations from the Shoshone Irrigation District regarding the  
112 water distribution plan shall be provided to the Planning and Zoning Department prior to  
113 final plat review by the Board of County Commissioners;
- 114 4. The applicant shall provide a recorded easement as evidence of legal access to Lot 1  
115 by way of the shared highway access and driveway on lands owned by Fred & Shelly  
116 Harvey, to the Planning & Zoning Department, prior to final plat review by the Board of  
117 County Commissioners;
- 118 5. The applicant shall provide a road maintenance agreement between the users of the  
119 shared access and driveway, prior of recording of the final plat;
- 120 6. The applicant shall provide an approved WYDOT access permit to the Planning &  
121 Zoning Department for the US Highway 295 access to serve Lot 2, prior to final plat  
122 review by the Board of County Commissioners;
- 123 7. The applicant shall place the following note on the final plat: "Due to slow soil percolation  
124 rates, engineered small wastewater systems may be required";
- 125 8. The applicant shall place the following note on the final plat: "**NO WATER ANALYSIS  
126 WAS CONDUCTED AND THE AVAILABILITY AND QUALITY OF POTABLE WATER  
127 IS UNKNOWN. CISTERNS MAY BE REQUIRED**";
- 128 9. The applicant shall provide a response from Park County Weed & Pest, and an  
129 approved Long-Term Noxious Weed Management Plan (if applicable), to the Planning  
130 & Zoning Department prior to final plat review by the Board of County Commissioners;
- 131 10. The applicant shall provide a response from Park County Public Works to the Planning  
132 & Zoning Department, prior to final plat review by the Board of County Commissioners;
- 133 11. The applicant shall place the following note on the final plat: "Any proposed water wells

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134 on these subdivision lots shall be permitted by the Wyoming State Engineer's Office  
135 prior to installation”;

136 12. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of  
137 1991; and

138 13. The applicant shall otherwise comply with standards in the Park County  
139 Development Regulations and the minimum subdivision requirements as set forth in  
140 Wyoming Statute 18-5-306.

141

142 **Dixieland SS-311 Sketch Plan:** Brett & Cathy Whitlock request approval of the application and  
143 Sketch Plan for the Dixieland Simple Subdivision (SS-311). The applicants are proposing a two-  
144 lot simple subdivision comprised of two 20-acre lots for residential use. The property is zoned  
145 General Rural 200Acre (GR-20). This proposed subdivision is located in Lot 5 of Section 6 and  
146 the SE/4SE/4 of Section 1, Resurvey, T51N, R102W of the 6<sup>th</sup> P.M., Park County, Wyoming. The  
147 unaddressed parcel is located approximately six miles southwest of Cody, south of Diamond  
148 Basin Road and between Road 6RT and Road 6SR.

149

150 Commissioner Eastman read the conditions of approval (by Resolution 2023-19) for the Dixieland  
151 SS-311 Sketch Plan:

152

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

158 2. The applicants shall place the following note on the final plat: “Any proposed water wells  
159 on these subdivision lots shall be permitted by the Wyoming State Engineer’s Office  
160 prior to installation”;

161 3. The applicants shall provide a response by the Lakeview Irrigation District, prior to final  
162 plat review with the Board of County Commissioners;

163 4. The applicants shall provide an approved Long-Term Noxious Weed Management Plan,  
164 prior to final plat review with the board of County Commissioners;

165 5. The applicants shall provide a response from Park County Public Works, prior to final  
166 plat review with the Board of County Commissioners;

167 6. The applicants shall provide a response from Rocky Mountain Power, prior to Final Plat  
168 Review with the Board of County Commissioners;

169 7. The applicants shall apply for zoning permits, for all unpermitted structures, prior to final  
170 plat review with the Board of County Commissioners;

171 8. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of  
172 1991; and

173 9. The applicants shall otherwise comply with standards in the Park County  
174 Development Regulations and the minimum subdivision requirements as set forth in  
175 Wyoming Statute 18-5-306.

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## 176 REGULAR AGENDA

177

178 **Muddy Creek SS-310 Sketch Plan:** David Bugher requests approval of the application and  
179 Sketch Plan for the Muddy Creek Simple Subdivision (SS-310). The applicant is proposing a two-  
180 lot simple subdivision comprised of one 0.56-acre lot and one 0.83-acre lot, for commercial use.  
181 The property is zoned as Commercial (C). This proposed subdivision is located in Lot 63-C,  
182 Resurvey, T55N, R99W of the 6<sup>th</sup> P.M., Park County, Wyoming. It is located adjacent to the  
183 southern boundary of the city of Powell at the intersection of West Monroe Street and Highway  
184 295 (aka Road 9), with an address of 952 Road 9, Powell.

185

186 Chairman Brandon-Wintermote asked Staff to present the Staff Report.

187

188 Kim Dillivan, Assistant Director, presented the Staff Report.

189

190 Commission members had discussion.

- 191 • Chairman Brandon-Wintermote asked about the proposed new leach field on Lot 1, but  
192 there is nothing about what is planned for septic on Lot 2 – to get rid of water, since neither  
193 lot is connected to city sewer (but each shows treated water).
- 194 • Commissioner Bonine asked about site characteristics showing water to each lot. Staff  
195 noted that the sketch plan shows treated water to each lot. The disclosure statement  
196 shows the same. We are not sure if each line is active, but it sounds like the city needs to  
197 approve another tap.

198

199 Chairman asked if the applicant had information to add.

- 200 • Cody Schatz, applicant's representative, said there is a water pit from the city of Powell  
201 with two meters. One line goes to a house that burnt down. One is going to the house that  
202 is there right now. On Monday, before the City of Powell, they will ask if they will split the  
203 pit to go to each lot. At the moment, they consider it one service until they go before the  
204 Council. On septic, P&Z asked if there was room, so it is shown on the sketch plan. On  
205 Lot 2, there was a permit to do another septic there, which showed perc, but they never  
206 put it in after the house burnt down. The intent is to put another septic field in Lot 2.  
207 Otherwise, City of Powell ends their septic approximately 100 feet up the road, under  
208 highway (asphalt). Could be \$40,000-50,000 to tie in (they estimate).

209

210 Commission members had discussion.

- 211 • Chairman Brandon-Wintermote clarified that perc data will be provided for Lot 2.
- 212 • Commissioner Bonine asked if it is more appropriate to evaluate perc test data with a new  
213 use as opposed to at this time for the subdivision.
- 214 • Finding #37 – they have responded, and request best management practices be followed.
- 215 • Strike Condition #7.
- 216 • Add a condition that the applicant shall provide a drawing showing the location of proposed  
217 leach field and replacement leach field on lot 2, as there is on lot 1. This was discussed  
218 by the condition was ultimately not read into the record and it was determined that the  
219 applicant's representative plans to provide this information.

220

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221 Commissioner Bonine made a MOTION to recommend approval of the Muddy Creek SS-310  
222 Sketch Plan by Resolution 2023-20 based on the findings presented and as modified and  
223 including the following conditions:

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

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

232 3. The applicant shall provide percolation test results (from one of the proposed lots), depth  
233 to groundwater excavation cut data, an updated sketch plan showing the locations, and  
234 a letter from the Small Wastewater Administrator indicating feasibility of septic systems,  
235 to the Planning & Zoning Department, prior to final plat review with the Board of County  
236 Commissioners;

237 4. The applicant shall provide a municipal review from the City of Powell to the Planning &  
238 Zoning Department, prior to final plat review by the Board of County Commissioners;

239 5. The applicant shall provide confirmation from the City of Powell, that a second water tap  
240 will be available to serve the additional lot;

241 6. The applicant shall provide a response from Rocky Mountain Power to the Planning &  
242 Zoning Department, prior to final plat review by the Board of County Commissioners;

243 7. The applicant shall provide a formal response from Park County Public Works, prior to  
244 final plat review with the Board of County Commissioners;

245 8. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of  
246 1991; and

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

250 The motion was SECONDED by Commissioner Peters. All in favor. Motion carried. See  
251 Resolution 2023-20 attached hereto and incorporated herein.

252  
253 **PUBLIC HEARING – Bontrager SUP-252:** Marvin Bontrager requests approval of the application  
254 and site plan for the Bontrager Special Use Permit (SUP-252). The applicant is proposing a  
255 cottage industry use to construct modular horse shelters, barns, and run-in sheds. The use is  
256 proposed within an area under five acres within a 111.23-acre parcel located approximately four  
257 miles southeast of Powell, north of County Lane 11 and east of County Road 3. The property  
258 address is 351 Lane 11. The parcel is located within Lot 51A, 51D and 52T, Resurvey, T55N,  
259 R98W of the 6<sup>th</sup> P.M., Park County, Wyoming, in a General Rural-Powell (GR-P) zoning district in  
260 the Powell Local Planning Area.  
261

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262 Chairman Brandon-Wintermote reviewed the rules of a public meeting and opened the public  
263 hearing at 1:51pm.

264  
265 There being no comments from Commission members, Kim Dillivan, Assistant Director, presented  
266 the Staff Report.

267  
268 Chairman Brandon-Wintermote asked if any Commission members had questions for Staff.

- 269 • Commissioner Bonine said there is a supplemental SUP information page – who provided  
270 it? Kim Dillivan said it was his personal notes from a pre-application meeting with the  
271 applicant. Commissioner Bonine asked about the definition of a building. He wanted to  
272 know if the open lean-to area should be included in the structure floor area. He asked how  
273 you hold up a roof without columns, which the definition reflects. The Planning Director  
274 read the definition of floor area from the Development Standards and Regulations to  
275 explain how staff came to the determination on floor area.

276  
277 Chairman Brandon-Wintermote asked if the applicant had any questions or comments.

- 278 • Marvin Bontrager, the applicant, said there will be one small change. There is a fence  
279 running east-west. He would like to make a fence and move the loading door to a different  
280 side of the building. It will not change the size of the building. They just want more room  
281 to get out. The buildings will be stored outside. The salespeople get the orders, he builds  
282 the structures, then they pick them up to deliver to other locations. They will not be setting  
283 too long. The reason for the big shop is that there may be multi-piece units at different  
284 times. He wanted a larger shop but were unable to fit it within the rules. The storage will  
285 be on the north side away from the road. He would like to do a three-walled structure to  
286 dump wood/shield it. There will be no customers coming in, just the workers.

287  
288 Chairman Brandon-Wintermote asked if any Commission members had questions for the  
289 applicant.

- 290 • Commissioner Mair asked if it will be a steel building. Marvin said it will be a 2x6 building  
291 with metal roof/siding.
- 292 • Chairman Brandon-Wintermote asked about the paint room. Will there be any hazardous  
293 materials stored there? The intent is to have a closed off room for paint as about 60% of  
294 the buildings will be painted or stained.

295  
296 Chairman Brandon-Wintermote asked if there were comments from any members of the public.

297  
298 There were no comments from those in attendance.

299  
300 Commissioner Bonine asked if it would be appropriate to add a condition that any modification of  
301 the floor area or enclosure of the outdoor space would require County review.

302  
303 Commissioner Bonine made a MOTION to close the hearing at 2:19pm; SECONDED by  
304 Commissioner Eastman. All in favor. Motion carried.

305  
306 Commissioner Mair made a MOTION to recommend approval of the Bontrager SUP-252 by  
307 Resolution 2023-21 based on the findings presented and including the following conditions:

- 308 1. Park County noise, lighting, and other nuisance regulations shall apply;
  - 309 2. The applicant shall submit a formal response from Park County Public Works, prior to  
310 review by the Board of County Commissioners;
- 311

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312 3. Any modifications of the floor area or enclosure of the outdoor space would require County  
313 review; and

314 4. The applicant shall otherwise comply with standards in the Park County Development  
315 Standards and Regulations.  
316

317 The motion was SECONDED by Commissioner Bonine. All in favor. Motion carried. See  
318 Resolution 2023-21 attached hereto and incorporated herein.  
319

320 **PUBLIC HEARING – Himes Homestead MS-75 Sketch Plan:** Ron & Penny Himes request  
321 approval of the application and Sketch Plan for the Himes Homestead Minor Subdivision (MS-  
322 75). The proposed subdivision is comprised of three lots; one 34.11-acre lot, one 2.50-acre lot  
323 and one 3.05-acre lot, each for residential and agricultural use. The proposed subdivision is within  
324 a parcel described as Lot 75-Z and Lot 75-AA, T55N, R98W of the 6<sup>th</sup> P.M., Park County, WY.  
325 The property is approximately three miles southeast of Powell, in a General Rural-Powell (GR-P)  
326 zoning district, with an address of 595 Lane 11 1/2, Powell.  
327

328 Chairman Brandon-Wintermote opened the public hearing at 2:28pm.  
329

330 There being no comments from Commission members, Kim Dillivan, Planner II, presented the  
331 Staff Report.  
332

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

- 334 • Commissioner Bonine asked about the easement for the canal being 50 feet from either  
335 side, but it is represented on the sketch plan as 50 feet from the center. Jennifer Cramer  
336 said Elk Water Users Association said 50 feet on either side of centerline.
- 337 • Commissioner Bonine asked about Lot 3. It looks like acreage got placed on top of  
338 additional information. On the MapServer it looks like there might be a drain there (SW to  
339 NE across the middle of the lot). There is an open drain along the road on the east side of  
340 the property. What is the actual buildable area on Lot 3? Jennifer Cramer said she has  
341 information on the ditch. From what she understands from the applicant and surveyor is  
342 that the drain is not in use anymore. They are filling it in – it is going away. Chairman  
343 Brandon-Wintermote asked if we have something in writing – Jennifer said we can get it.
- 344 • Commissioner Bonine said from the map overlay it appears that there are a lot of trees,  
345 south of the proposed lots, along the ditch for it to not be in use.
- 346 • Commissioner Bonine has concerns about the net buildable area on the small lots.  
347 Jennifer said we could ask them to provide evidence of adequate buildable space.  
348 Commissioner Bonine said without knowing for sure how much room is occupied by the  
349 open drain(s) and the canal easement.
- 350 • Chairman Brandon-Wintermote asked if we know for sure this is in Willwood Power area.  
351 Jennifer said she confirmed it is.  
352

353 The applicant was not present.  
354

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

- 356 • Laurel Vredenburg asked what the next step will be. She has no concerns, was just  
357 interested. She asked how long the documents will remain on the website. Staff indicated  
358 materials usually remain online for a month after the meeting.
- 359 • Larry Davis said he also lives across the river and wanted to see what is going on.  
360



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361 Commissioner Bonine made a MOTION to close the hearing at 2:55pm; SECONDED by  
362 Commissioner Peters. All in favor. Motion carried.

363

364 Chairman Brandon-Wintermote asked for a correction to Finding #22 to reflect 50 feet on each  
365 side from centerline.

366

367 Commissioner Peters asked about the potential drain. Is clarification needed. Chairman Brandon-  
368 Wintermote said she would like a condition asking the surveyor to provide information on the net  
369 buildable area and certify or provide more information on the open drains and potentially burying  
370 them from the landowner and Elk Water Users Association.

371

372 Commissioner Peters made a MOTION to recommend approval of the Himes Homestead MS-75  
373 Sketch Plan by Resolution 2023-22 based upon the findings presented and including the following  
374 conditions:

375

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

381 2. The applicants shall place the following note (and designate the subject area) on the  
382 final plat: "Pursuant to Patent No. 49-76-0072, recorded in Book 9, Pages 398-399, no  
383 land shall be cultivated, or buildings be constructed in the floodplain of the Shoshone  
384 River or on any of the land north of the Elk Canal within Lot 75-Z, Resurvey T.55N.,  
385 R.98W.";

386 3. The applicants shall provide a response from Willwood Light & Power to the Planning  
387 & Zoning Department, prior to sketch plan review by the Board of County  
388 Commissioners;

389 4. The applicants shall provide an approved Long-Term Noxious Weed Management Plan  
390 to the Planning and Zoning Department, prior to final plat review by the Board of County  
391 Commissioners;

392 5. The applicants shall provide a response from Park County Public Works to the Planning  
393 & Zoning Department, prior to sketch plan review by the Board of County  
394 Commissioners;

395 6. The applicants shall provide a soils report from the Powell Clarks Fork Conservation  
396 District to the Planning & Zoning Department prior to sketch plan review by the Board  
397 of County Commissioners;

398 7. The applicants shall place the following note on the final plat: "SELLER DOES NOT  
399 WARRANT TO THE PURCHASER THAT THERE ARE ANY RIGHTS TO THE  
400 NATURAL FLOW OF ANY STREAM WITHIN OR ADJACENT TO THE PROPOSED  
401 SUBDIVISION. WYOMING LAW DOES NOT RECOGNIZE ANY RIPARIAN RIGHTS

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402 TO THE CONTINUED NATURAL FLOW OF A STREAM OR RIVER FOR PERSONS  
403 LIVING ON THE BANKS OF THE STREAM OR RIVER.”;

404 8. Following Board approval of the sketch plan and prior to the Board’s review of the final  
405 plat, the applicants shall submit an appropriate Subdivision Improvements Agreement,  
406 if applicable, addressing all applicable required improvements (ex. utilities, etc.) for  
407 review by staff and approval of the County Attorney and the Board;

408 9. The applicants shall place the following note on the final plat: “Water quality appears  
409 to be safe for human consumption; however, well water test results from Lot 1 detected  
410 Total Dissolved Solids, Fluoride, and pH at objectionable levels. Also, individuals on  
411 low sodium diets should note elevated sodium levels were detected which can  
412 contribute to hypertension. Treatment and/or monitoring of well water is  
413 recommended.”

414 10. The applicants shall place the following note on the final plat: “Any proposed water  
415 wells on these subdivision lots shall be permitted by the Wyoming State Engineer’s  
416 Office prior to installation”;

417 11. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of  
418 1991;

419 12. The applicant shall provide evidence of net acreage available for building space on  
420 Lots 2 and 3;

421 13. The applicant shall provide a written statement addressing the intent for use or disposal  
422 of the open drains along the east edge of the subdivision lots and the ditch or drain  
423 running SW to NE within Lot 3, along with a written reponse from the Elk Water Users  
424 Association confirming no adverse impacts related to the proposed inaction or action  
425 related to the drains and the ditch; and

426 14. The applicants shall otherwise comply with standards in the Park County  
427 Development Regulations and the minimum subdivision requirements as set forth in  
428 Wyoming Statute 18-5-306.

429  
430 The motion was SECONDED by Commissioner Eastman. All in favor. Motion carried. See  
431 Resolution 2023-22 attached hereto and incorporated herein.

432  
433 Chairman Brandon-Wintermote delivered the Chair’s report. The September meeting will be on  
434 September 13<sup>th</sup>.

435  
436 The Planning Director delivered a report for the Planning and Zoning Department.

437  
438  
439 **CONSIDERATION OF THE ADOPTION DRAFT OF THE 2023 PARK COUNTY LAND USE**  
440 **PLAN:** The Commission held a special meeting at 10:00am, to continue the public hearing that  
441 was opened on May 24, 2023. The Commission closed the public hearing and commenced  
442 discussion among the members for the remainder of the special meeting. Prior to adjourning the  
443 special meeting, the Commission announced that they would continue their discussion on this

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444 matter as an added agenda item at the end of their 1:00pm regular meeting. The following shall  
445 be added to the discussion from earlier today.

446

447 • Clarification for the public on acreages, softening the language to allow for clear  
448 messaging about flexibility on zoning districts and lot sizes;

449 • Page 52 – OR 1.2 – fix the language to make clear it is not required to create a public land  
450 access easement. It is just to maintain current easements/access.

451 • Page 57 – in the introduction last paragraph, please change “how growth will occur” to  
452 “how growth may occur”.

453 • Page 61 – under Lovell Irrigation district, Elk Water Users...after south side of the  
454 Shoshone River add “in the east Willwood area and near the towns of Byron and Lovell.”

455 • Page 63 – adding links to the city documents or add the city documents to the appendix.  
456 The Planning Director asked for clarification of whether to link to the specific plan that is  
457 in effect at this time or link to the city page where the plan may be updated as it changes.  
458 The links may not stay the same and could become broken. It was clarified to link to the  
459 specific document or add the document to the appendix.

460 • Coordinated planning areas – we say we want to encourage growth next to cities, yet we  
461 are limiting development in those areas. This seems to be contradictory. The Planning  
462 Director clarified that the dense development should be within the cities. Therefore, we  
463 do not want to encourage smaller lots next to the city due to the possibility of septic  
464 systems or other infrastructure being in the way of annexation. This is a way to encourage  
465 annexation into the city.

466 • Page 68 – first paragraph, check comma placement (some missing); the last section,  
467 purpose of Future Land Use Map...delete last sentence in inset “Park County may bring  
468 forward zone changes for certain properties to align zoning with the adopted future Land  
469 Use Map”

470 • Page 80 (should be page 111) – add the industrial zone based upon recent court decision

471 • Page 81 – under land use guidelines – consider rural development “may be” (as opposed  
472 to is) discouraged in coordinated planning areas.

473 • Page 90 – How to refer to Southfork; one word or two. The Planning Director indicated  
474 that the Board determined to utilize the designations of the river course to provide  
475 consistency within this document. It will not change the road names or anything that has  
476 been named, but for this document is will consistently be two words; South Fork.

477 • Chapter 4 – is it possible to take all the land use guidelines within each area and  
478 standardize them; put them in the same order? Also, address short-term rentals in every  
479 planning area section since we have information on them for each planning area?

480 • The word “incentivize” in several locations in the document – consider using the word  
481 “encourage” instead so a developer doesn’t expect a kick-back or tax incentive.

482 • Page 102 – “expansion areas” in the city – there being two, yet we have one coordinated  
483 planning area. Unclear wording. Are we sure that it matches up? The Planning Director  
484 explained that the cities have short-term and long-term expansion areas within their  
485 annexation plans and both were included within the coordinated planning areas. The  
486 wording can be clarified.

487 • Page 105 – under CL-8. Recreation and public lands access, the last sentence. Support  
488 efforts to locate recreation attractions and businesses on or adjacent to public lands. Does  
489 the Board want to support actions to place recreation on public lands? Recommend  
490 elimination of the sentence because it is not appropriate for the Board to support  
491 businesses on public lands. See also page 114 – now discouraging. What is the message?  
492 Encourage that guideline to be reviewed 105, 114, 121, 129, 136, 145, 154, 162, 169,  
493 176, and 183. Either have a consistent message or remove the message.

## Planning & Zoning Commission Minutes

June 21, 2023

- 494 • Page 112 through 114 – look at the consistency throughout this section as it compares to  
495 the other planning area sections. The land uses are a separate guideline in most planning  
496 areas, but then in this section it is done differently.  
497 • Check for 2020 Census references vs. 2021 Census references.  
498 • Page 121 – there is a 10-acre reference, but we don't have a GR-10. Does it need fixed?  
499 • The document talks about large-format retail – what is the definition of that? Region-  
500 serving business is also not defined – what does that mean for the land use section?  
501 • Page 128 – attach the master plan or a link to it.  
502 • Page 144 – remove the specific acre language – soften the words to more general (larger  
503 lot/smaller lot).  
504 • Page 152-153 – north of Powell talks about Lane 8; what about east and west – what are  
505 these areas actually defining? West of Powell, how far does that go? South of  
506 Powell...what about the rest of that area? Can the areas be more defined? PO-1. Same  
507 is true of area west of Cody but didn't give much definition. Calling out one specific area  
508 and doesn't address others.  
509 • Page 176 – continue to allow complimentary commercial activities...what does that mean?  
510 • Page 183 – what does it mean to maintain the self-sufficiency of residents and ag  
511 producers? Is that mom and pop grocery? Gas station?  
512 • General - make sure viewshed sections are sufficient based on recent public concerns.  
513 (See pg. 41 and 95) The Planning Director anticipates viewshed to be brought up during  
514 the regulation process, however it is very subjective and will be extremely complicated  
515 and difficult to establish overlays and/or easements. Identify and map them? Are we  
516 planning to do that? If we are not going there, caution using this language.  
517 • Chairman Brandon-Wintermote expressed concerns with some of the language from the  
518 previous Land Use Plan not carrying forward to this plan regarding the types of uses  
519 allowed in each planning area. The Planning Director indicated that this is something that  
520 they have been advised is not typically included in a land use plan. Therefore, this  
521 language was intentionally not carried forward. This will be determined in the regulation  
522 amendment process.  
523 • Pages 189-190 – Big Game Use Overlay – last sentence "requiring" puts Game and Fish  
524 in control. Consider rewording under medium- and high-use areas. It sounds heavy-  
525 handed. Could possibly say "higher level standard could be requested...get rid of required  
526 and incentivize, restrict, etc. The hot-button words can be removed to help.  
527 • Are we trying to preserve open space in our minimal private land areas when we already  
528 have guaranteed open space in the vast public lands we already have?  
529

530 Commissioner Bonine made a MOTION to certify and recommend approval of the adoption draft  
531 2023 Park County Land Use Plan, subject to the above-mentioned conditions as discussed.  
532

533 SECONDED by Commissioner Eastman. All in favor. Motion passed. See Resolution 2023-23  
534 attached hereto and incorporated herein.  
535

536  
537 There being no other business, a MOTION was made by Commissioner Bonine to adjourn the  
538 meeting at 4:46pm. The motion was seconded by Commissioner Mair. All in favor. Motion carried.  
539

540 Respectfully submitted,  
541

542   
543 Jolene Brakke, Secretary

**RESOLUTION 2023 - 17  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE  
TOWNSEND SIMPLE SUBDIVISION SS-308 (SS-308) SKETCH PLAN**

**WHEREAS**, Lydia Moore proposes to create one 3.95-acre lot for residential and agricultural use, from an existing 97.8-acre parcel. The creation of this subdivision will result in a remainder parcel of 93.85 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 June 21, 2023 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision Permit Application including payment, was received from Lydia Moore on May 11, 2023;
2. A revised sketch plan was received on May 31, 2023;
3. The applicant requests approval of the sketch plan for a subdivision to create one 3.95-acre lot for residential and agricultural use, from an existing 97.8-acre parcel;
4. The creation of this subdivision will result in a remainder parcel of 93.85 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 Quitclaim Deed dated August 4, 2015 (Document 2015-4223), to Lydia Moore, Trustee under the Lydia Moore Revocable Living Trust Dated September 22, 2000;
8. The proposed lot is in a portion of Tract 9, Township 54 North, Range 98 West, 6<sup>th</sup> P.M., Park County, Wyoming;
9. The property is located approximately four miles southeast of Powell, on the

south side of US Highway 295 (aka Lane 13) with an address of 584 Lane 13, Powell;

10. Neighboring land uses are agricultural to the north (remainder parcel), east, and south boundaries of the proposed subdivision. Exempt Bureau of Reclamation lands are on the west boundary;
11. Residential and residential vacant lands consisting of the Gillette SS-173, Harold SS-221, Tophoj MS-36, and Moore SS-150 subdivisions are located nearby to the north and northwest of proposed Lot 1;
12. Proposed Lot 1 is developed with a residence, outbuildings, septic system and a cistern. The buildings and septic system are not permitted; they are considered pre-existing and unpermitted (they existed prior to county regulation permit requirements). The topography has little change in elevation;
13. The Willwood Canal is just south of the proposed lot;
14. The proposed subdivision is not within a mile of any municipality; therefore, municipal review is not required;
15. The subdivision is in the General Rural Powell (GR-P) zoning district;
16. The lot size proposed is consistent with the GR-P zoning district;
17. A Notice of Intent to Subdivide was published in the Powell Tribune on May 11, 2023 and May 18, 2023;
18. Agency referral requirements have been met;
19. Montana-Dakota Utilities Co. currently serves proposed Lot 1;
20. Park County Fire District #1 can provide fire protection to the proposed subdivision providing all accesses are constructed to accommodate their fire equipment;
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. Powell-Clarks Fork Conservation District soils report found two soil types on the property; Greybull clay loam and Persayo-Greybull complex. Persayo-Greybull complex is the primary soil type (83% of the area) and is rated "very Limited" for dwellings with or without basements and small commercial buildings due to shrink-swell and depth to soft bedrock. Both soil types are rated "very limited" for septic tank absorption fields due to slow water movement and depth to bedrock.

- Neither soil type is considered prime farmland;
23. Willwood Irrigation District will not need an updated Water Distribution Plan for the proposed subdivision; however, they would like the applicant to form a Water Association for the shared head gate;
  24. Wyoming DEQ provided agency contacts and information for permitting associated with various construction activities;
  25. WYDOT stated the existing access to the house is permitted as a residential access under permit no. PA-10A-33991. No additional permits will be granted for the proposed lot;
  26. The Wyoming Game & Fish Department stated they have no terrestrial wildlife concerns, but offered their standard subdivision recommendations;
  27. The Park County Treasurer stated taxes are paid in full;
  28. USPS can provide mail service to the proposed subdivision;
  29. Park County School District #1 can provide school bus pick up and drop off service at all exit points on Lane 13/Hwy 295;
  30. Willwood Light & Power is currently serving the proposed lot;
  31. Park County Weed & Pest District has not provided a response;
  32. Park County Public Works has not provided a response;
  33. No public comments have been received;
  34. A pre-application meeting was held on April 14, 2023;
  35. A title report dated May 11, 2023 has been provided by the applicant;
  36. No new roads are proposed as part of this subdivision;
  37. Solid waste disposal service can be provided by private service providers;
  38. Simple subdivisions are not required to install utilities; however, the proposed lot has natural gas provided by MDU;
  39. No hazardous features are known to exist on the property;
  40. Access to Lot 1 is proposed by an existing, permitted residential access directly from Highway 295 (aka Lane 13);
  41. Application submission requirements for sketch plan review have been met;
  42. A percolation test was completed on proposed Lot 1 on May 4, 2023. The

- percolation rate was determined to be 80 mpi;
43. A depth to groundwater cut was excavated on Lot 1 to a depth of 8 feet on May 3, 2023. No groundwater or impermeable layers were found;
  44. Due to slow percolation rates, nonconventional septic systems may be required and a note will be required on the final plat;
  45. Wastewater requirements pertaining to sketch plan review have been met;
  46. NRWD is not available in the area and wells may not be feasible;
  47. A water well sample from within ½ mile of the proposed subdivision is not available;
  48. Domestic water will be provided by an existing cistern;
  49. A note will be required on the final plat regarding the use of cisterns;
  50. Domestic water requirements pertaining to sketch plan review have been met;
  51. The applicant has not proposed any changes that would be expected to impact neighboring agricultural activities or related uses. The subdivision is not expected to cause further disturbances of weed development, pests, litter, or domestic pets. The applicant is expected to comply with any requirements from the Irrigation District and Weed & Pest;
  52. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act;
  53. Proposed Lot 1 is in an Agricultural Overlay District;
  54. Agricultural impacts have been addressed;
  55. Willwood Irrigation District approved a Water Distribution Plan for proposed Lot 1 and the remainder parcel on May 13, 2022. The District confirmed the plan is adequate for the proposed subdivision and a separate plan is not required;
  56. No portion of the proposed subdivision lies within or is adjacent to any stream or river;
  57. Water rights requirements pertaining to sketch plan have been met;
  58. Lot standards have been met;
  59. No sidewalks, street lighting, alleys, or open spaces are proposed;
  60. No common maintenance of facilities is proposed; therefore a Homeowners Association will not be required;



61. The subdivision is not within a Flood Overlay District or an Airport Overlay District; and
62. 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 Townsend SS-308, subject to the following conditions:

1. The applicant shall provide all easements as requested by applicable utilities and special districts, irrigation districts or public agencies providing services. The width of any utility easement shall be sufficient to allow adequate maintenance of the system, but in no case shall such utility easement be less than 20 feet in width. Easements must be identified on the final plat;
2. The applicant shall provide evidence to the Planning & Zoning Department, from Willwood Irrigation District that a satisfactory Water Association has been/will be established, prior to recording of the final plat;
3. The applicant shall place the following note on the final plat: "Due to slow soil percolation rates, engineered small wastewater systems may be required";
4. The applicant shall place the following note on the final plat: "**NO WATER ANALYSIS WAS CONDUCTED AND THE AVAILABILITY AND QUALITY OF POTABLE WATER IS UNKNOWN. CISTERNS MAY BE REQUIRED**";
5. The applicant shall provide a response from Park County Weed & Pest, and an approved Long-Term Noxious Weed Management Plan (if applicable), to the Planning & Zoning Department prior to final plat review by the Board of County Commissioners;
6. The applicant shall provide a response from Park County Public Works to the Planning & Zoning Department, prior to final plat review by the

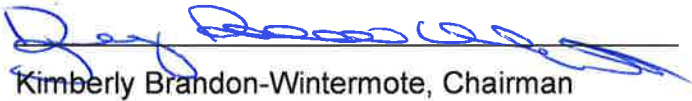
Board of County Commissioners;


7. 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";
8. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991; and
9. The applicant shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306.

**ADOPTED** by the Park County Planning & Zoning Commission this 21<sup>st</sup> day of June, 2023.

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

**ATTEST:**

  
Kimberly Brandon-Wintermote, Chairman

  
Jolene Brakke, Secretary

**RESOLUTION 2023 - 18  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE  
GREG JONES SIMPLE SUBDIVISION SS-309 (SS-309) SKETCH PLAN**

**WHEREAS**, Greg Jones proposes to create a two-lot subdivision consisting of one 1.52-acre lot and one 9.13-acre lot for residential use, from an existing 10.65-acre parcel;

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

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

**WHEREAS**, the Planning & Zoning Commission held a duly noticed meeting on June 21, 2023 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision Permit Application including payment, was received from Greg Jones on May 11, 2023;
2. A revised sketch plan was received on June 5, 2023;
3. The applicant requests approval of the sketch plan for a subdivision to create a two-lot subdivision consisting of one 1.52-acre lot and one 9.13-acre lot for residential use, from an existing 10.65-acre parcel;
4. Applicable regulations are the *Park County, Wyoming, 2015 Development Standards and Regulations*, adopted September 15, 2015;
5. The subdivision is classified as a simple subdivision;
6. Ownership is affirmed by a Warranty Deed dated May 23, 2019 (Document 2019-3628), to Greg Jones;
7. The proposed lot is in a portion of Tract 3 of Lot 38, Township 56 North, Range 99 West, 6<sup>th</sup> P.M., Park County, Wyoming;
8. The property is located approximately 1.3 miles north of Powell, on the east side of US Highway 295 (aka Road 9) with an address of 653 Road 9, Powell;
9. Neighboring land uses are agricultural to the east and west, and residential on the north and south boundaries.

10. Cramer MS-44 subdivision lies north of the property, and Engeberg and Lone Pheasant subdivisions are situated south of the parcel along Lane 7;
11. Proposed Lot 1 is developed with a residence, outbuildings, and a septic system. The septic system is not permitted and is considered pre-existing. Both lots are irrigated and historically, until approximately 5-years ago, the property was operated as a tree nursery. The topography has little change in elevation;
12. The proposed subdivision is not within a mile of any municipality; therefore, municipal review is not required;
13. The subdivision is in the General Rural Powell (GR-P) zoning district;
14. The lot sizes as proposed are consistent with the GR-P zoning district;
15. A Notice of Intent to Subdivide was published in the Powell Tribune on May 4, 2023 and May 11, 2023;
16. Agency referral requirements have been met;
17. Park County Fire District #1 can provide fire protection to the proposed subdivision providing all accesses are constructed to accommodate their fire equipment;
18. Montana-Dakota Utilities Co. currently provides natural gas service to proposed Lot 1 and has the capacity to serve proposed Lot 2;
19. TCT can serve the subdivision with internet and VOIP phone service, dependent on clear line of site. All install and equipment fees are the responsibility of the customer;
20. Garland Light & Power has the capacity to serve electricity to the proposed subdivision;
21. Park County School District #1 can provide school bus pick up and drop off service at all exit points on Road 9/Hwy 295;
22. WYDOT stated the minimum separation distance between two residential approaches on this section of highway is 440 feet. They will likely permit a residential access, but not a commercial access. One access will be permitted for the subdivision;
23. The proposed access to Lot 1 is permitted through WYDOT as a residential access and is shared by two other residences;
24. Northwest Rural Water District currently does not have capacity in this service area to serve the proposed subdivision;

25. Powell-Clarks Fork Conservation District soils report found one soil type on the property: Youngston-like-Lostwells-like complex. Regarding dwellings with or without basements and small commercial buildings, the soil is rated "somewhat limited" due to shrink-swell. The soil type is rated "somewhat limited" for septic tank absorption fields due to slow water movement and seepage. The soil is considered prime farmland if irrigated;
26. USPS can provide mail service to the proposed subdivision;
27. Wyoming DEQ provided agency contacts and information for permitting associated with various construction activities;
28. The Park County Treasurer stated the 2<sup>nd</sup> half of 2022 property taxes are delinquent;
29. Shoshone Irrigation District is requiring a Water Distribution Plan for the proposed subdivision. Proposed Lot 2 can be flood irrigated, however proposed Lot 1 will be sprinkler only;
30. The Wyoming Game & Fish Department stated they have no terrestrial wildlife concerns, but offered their standard subdivision recommendations;
31. Park County Weed & Pest District has not provided a response;
32. Park County Public Works has not provided a response;
33. No public comments have been received;
34. A pre-application meeting was held on April 14, 2023;
35. A title report dated April 12, 2023 has been provided by the applicant;
36. Access to Lot 1 is proposed over a neighboring parcel to the north by an existing access and driveway that is shared by two other residences outside of the proposed subdivision. It is unclear how maintenance responsibility of the access and driveway is/will be shared;
37. Solid waste disposal service can be provided by private service providers;
38. Simple subdivisions are not required to install utilities. MDU and Garland Light & Power have confirmed they have the capacity to serve the proposed subdivision;
39. No hazardous features are known to exist on the property;
40. A recorded easement from the Harvey parcel benefiting Lot 1 will be required to evidence legal access to proposed Lot 1;
41. An approved WYDOT access permit will be required for the separate access

- from US Hwy 295 to serve proposed Lot 2;
42. Application submission requirements for sketch plan review have been met, except proof of legal access;
  43. Wastewater requirements pertaining to sketch plan review have been met;
  44. The percolation rate on proposed Lot 1 was determined to be 80 mpi;
  45. An excavation cut on proposed Lot 1 found no groundwater or impervious layers down to 10 feet;
  46. Due to slow percolation rates, nonconventional septic systems may be required and a note will be required on the final plat;
  47. Wastewater requirements pertaining to sketch plan review have been met;
  48. Domestic water is currently provided by NRWD to proposed Lot 1;
  49. NRWD is not currently available for proposed Lot 2, and wells may not be feasible in this area;
  50. A well water sample was not available from within ½ mile of the proposed subdivision;
  51. A note will be required on the final plat regarding the use of cisterns;
  52. Domestic water requirements pertaining to sketch plan review have been met;
  53. The proposed subdivision is in an Agricultural Overlay District;
  54. Agricultural impacts have been addressed;
  55. The subdivision is within the Shoshone Irrigation District;
  56. No stream or river is within or adjacent to the proposed subdivision;
  57. A review and recommendations from Shoshone Irrigation District will be required;
  58. Water rights requirements pertaining to sketch plan review have been met;
  59. Lot standard requirements have been met;
  60. No common maintenance of facilities is proposed; therefore, a Homeowners Association will not be required;
  61. The subdivision is not within a Flood Overlay District or an Airport Overlay District;
  62. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act; and

63. 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 Greg Jones SS-309, subject to the following conditions:

1. The applicant shall provide all easements as requested by applicable utilities and special districts, irrigation districts or public agencies providing services. The width of any utility easement shall be sufficient to allow adequate maintenance of the system, but in no case shall such utility easement be less than 20 feet in width. Easements must be identified on the final plat;
2. The applicant shall provide evidence that property taxes have been paid current to the Planning & Zoning Department, prior to final plat review by the Board of County Commissioners;
3. A review and recommendations from the Shoshone Irrigation District regarding the water distribution plan shall be provided to the Planning and Zoning Department prior to final plat review by the Board of County Commissioners;
4. The applicant shall provide a recorded easement as evidence of legal access to Lot 1 by way of the shared highway access and driveway on lands owned by Fred & Shelly Harvey, to the Planning & Zoning Department, prior to final plat review by the Board of County Commissioners;
5. The applicant shall provide a road maintenance agreement between the users of the shared access and driveway, prior of recording of the final plat;
6. The applicant shall provide an approved WYDOT access permit to the Planning & Zoning Department for the US Highway 295 access to serve Lot 2, prior to final plat review by the Board of County Commissioners;
7. The applicant shall place the following note on the final plat: "Due to slow soil percolation rates, engineered small wastewater systems may be required";
8. The applicant shall place the following note on the final plat: "**NO WATER ANALYSIS WAS CONDUCTED AND THE AVAILABILITY AND QUALITY OF POTABLE WATER IS UNKNOWN. CISTERNS MAY BE REQUIRED**";

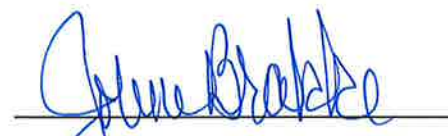
9. The applicant shall provide a response from Park County Weed & Pest, and an approved Long-Term Noxious Weed Management Plan (if applicable), to the Planning & Zoning Department prior to final plat review by the Board of County Commissioners;
10. The applicant shall provide a response from Park County Public Works to the Planning & Zoning Department, prior to final plat review by the Board of County Commissioners;
11. 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";
12. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991; and
13. 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 21<sup>st</sup> day of June, 2023.

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

**ATTEST:**

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

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



**RESOLUTION 2023 - 19  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE  
DIXIE LAND SIMPLE SUBDIVISION SS-311 (SS-311) SKETCH PLAN**

**WHEREAS**, Brett & Cathy Whitlock propose to create two, 20.00-acre lots for residential use in the Lower Southfork Planning Area, in a General Rural 20-Acre Zoning District;

**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 June 21, 2023 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision Permit Application, including payment, a copy of the Notice of Intent to Subdivide, a copy of the sketch plan and other supporting documentation, was received from Brett C. Whitlock on May 11, 2023;
2. A revised sketch plan was received on May 25, 2023;
3. The applicants request approval of the sketch plan to divide a 40-acre parcel into two, 20.00-acre lots. The lots are designated for residential use in the Lower Southfork Planning Area;
4. Ownership of the property is affirmed by Warranty Deed to Brett C. Whitlock and Cathy K. Whitlock, husband and wife, from Dixie L. Frazier, dated May 19, 2022, (Document #2022-2883);
5. Applicable regulations are the *Park County, Wyoming, 2015 Development Standards and Regulations*, adopted September 15, 2015;
6. The proposed subdivision is in a General Rural 20-Acre (GR-20) zoning district;
7. The lot sizes proposed are consistent with the GR-20 zoning district;
8. The proposed subdivision is classified as a simple subdivision;
9. The property is described as a tract of land located in the SW1/4NW1/4 of Section 6, T.51N., R.102W., and the SE1/4NE1/4 of Section 1, T.51N., R.103W.,

P.M., Park County, Wyoming;

10. The parcel is located approximately 6.3 miles southwest of the City of Cody, and 1,600 feet south of Diamond Basin Road (County Road 6UU);
11. The property address is 532 Road 6UU, Cody WY 82414;
12. A residence is being constructed on proposed Lot 2. There is also an accessory structure (photos suggest a shop or garage) under construction just north of the residence, and an existing horse shelter and greenhouse on the proposed lot. Apart from the residence, these structures are unpermitted.;
13. The property is mainly pastureland that is partially flood irrigated;
14. The property slopes slightly up in elevation from northwest to southeast;
15. The east and majority of the southern boundary of the property borders Bureau of Land Management land;
16. Agricultural land is to the west and residential land is to the north;
17. The closest subdivision is the Dunkerley Subdivision, which is approximately 1,300 feet east of property;
18. The property is not located within one mile of any municipality; therefore, municipal review is not required;
19. Notice of Intent to Subdivide was published May 9, 2023 and May 16, 2023 in the *Cody Enterprise*;
20. Simple subdivisions are exempt from public hearing requirements and may be eligible for approval under the Consent Agenda;
21. Agency referral requirements have been met;
22. The property is within the boundaries of Park County Fire District #2;
23. The PCFD#2 Administrator requested that all roads and crossings be constructed to County Road and Bridge weight specifications;
24. TCT may have the availability and capacity to provide terrestrial wireless internet and VOIP phone service to the simple subdivision;
25. USPS can deliver mail to the new addresses and the placement of mailboxes will be determined when the new residents are ready for mail delivery;
26. Cody Conservation District identified three soil types on the property. Yamac loams, found on the steeper portions of Lots 1 and 2, are suitable for residential development. The Yamo-Blazon-Delphill-like complex is also found on Lots 1 and 2 and is very limited in development suitability due to steep slopes. The southwestern corner of Lot 1 is also comprised of soils with high clay content.

With the exception of these areas, soil types are favorable for dwellings with or without basements for each individual lot;

27. Soil features moderately support shallow excavation for utility lines and open ditches for both lots, with the exception of the southwestern corner of Lot 1 and the northeastern and southeastern corners of Lot 2. Limitations are due to the shallow depth of soft bedrock in areas with increasing slope, and more generally, the dust generated by shallow excavation;
28. Overall, soil features are moderate to very favorable for local roads and streets for both lots where steeper slopes and soils high in clay content are not present;
29. Careful consideration should be given to locating septic tank absorption fields for the lots. Soil properties for much of Lot 1 and 2 are moderately favorable for septic installation. More considerable site limitations are present where clayey soils and steeper slopes are present; additional planning and design are likely necessary if septic systems are located in those areas;
30. Park County School District #6 stated they will work to ensure that students will be provided transportation to and from school, though it will not necessarily be a specific address door pick up and drop off;
31. Park County Weed and Pest stated an initial inspection discovered two noxious weed species: Canada thistle and a significant Russian knapweed infestation. Russian knapweed is toxic to horses and can be fatal if consumed in large quantities or over a long period of time. Mitigation of these or any noxious weed species should begin before any further disturbance commences.
32. A Long-Term Noxious Weed Management Plan will be required;
33. The Wyoming Department of Environmental Quality provided a general list of activities and named associated permits required to conduct the stated activities for subdivisions in Wyoming;
34. The Park County Treasurer stated that taxes are paid in full for this parcel;
35. Northwest Rural Water District (NRWD) stated service is available; however, a new line, meeting NRWS requirements, would need to be extended to serve the new parcel. The existing parcel has an existing NRWD Tap approximately 3,500 feet from the recently constructed residence.
36. Black Hills Energy stated their closest facility is 8,000 feet away from this location;
37. The Wyoming Game and Fish Department stated concerns about the cumulative number of subdivisions in the area. There is a large and dense non-migratory deer population within the area composed of both mule and white-tailed deer

- that may be impacted by this subdivision;
38. No response has been received from Lake View Irrigation District;
  39. No response has been received from Rocky Mountain Power;
  40. No response has been received from Park County Public Works;
  41. No public comments have been received;
  42. A pre-application meeting occurred on April 14, 2023, and was attended by the, the applicants' surveyor (the applicants' representative), and the Planning Department staff;
  43. A title report dated January 2, 2021, has been provided by the applicants;
  44. There are no new roads proposed as a part of this subdivision. Access to both lots is proposed by way of a 30.00' wide access and utility easement (DOC. # 2021-1312) originating from County Road 6UU;
  45. Solid waste disposal service can be provided by private service providers;
  46. Simple subdivisions are not required to install utilities; however, according to the applicant, electricity and natural gas are available;
  47. No known landslides, rockfalls, high danger from fire or explosion or other hazardous features exist on the property;
  48. A sketch plan was provided with the application;
  49. Application submission requirements for sketch plan review have been met;
  50. A SWW permit application that was approved in 2022 (SWWP20220831-1) was the source of subsurface evaluation data for this proposed subdivision;
  51. A percolation test was conducted on proposed Lot 2 on June 24, 2022 revealing a percolation rate of 16 mpi;
  52. A groundwater cut was excavated on proposed Lot 2 to a depth of 10' 10", on June 24, 2022. A rock layer was identified at approximately six feet of depth; there was no evidence of groundwater;
  53. Wastewater requirements pertaining to sketch plan review have been met;
  54. Domestic water will be provided by NRWD;
  55. On-site wells must comply with the requirements of the Wyoming State Engineer's Office;
  56. Domestic water requirements pertaining to sketch plan review have been met;
  57. The applicants have not proposed any changes that would be expected to impact

- neighboring agricultural activities or related uses;
58. The subdivision is not expected to cause further disturbances of weed development, pests, litter, or domestic pets;
  59. The applicants are expected to comply with any requirements from the Irrigation District and Weed & Pest;
  60. There is an existing irrigation canal and irrigation diversion point as seen on the sketch plan;
  61. This parcel is within an Agricultural Overlay District;
  62. Existing irrigation facilities have been identified on the property;
  63. The property is in the Lake View Irrigation District;
  64. Agricultural impacts have been addressed;
  65. The Irrigation District has been notified of this proposed subdivision;
  66. No stream/river passes within or adjacent to the proposed subdivision lots;
  67. Water rights requirements pertaining to sketch plan review have been met;
  68. Lot standard requirements have been met;
  69. Common maintenance of facilities is proposed; therefore, an HOA is required;
  70. All easement standards apply;
  71. No roads, drainage, sidewalks, street lighting, alleys or open spaces are proposed or required;
  72. The proposed subdivision is not located within a Flood Overlay District or an Airport Overlay District;
  73. The applicants are aware of the existing surrounding agricultural practices. A note will be placed on the plat regarding the Wyoming Right to Farm & Ranch Act of 1991;
  74. According to the Cody Conservation District, this subdivision is on prime farmland if properly irrigated and drained;
  75. The proposed subdivision will have access off County Road 6UU by way of a 30-foot-wide access and utility easement;
  76. This subdivision is not expected to significantly impact neighboring agricultural operations;
  77. No landslides, rockfalls, danger from fire or explosion or other hazardous features are known to exist on the property,

78. No portion of the proposed subdivision falls within a mapped special flood hazard area (Flood Overlay District); and
79. 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 Dixie Land SS-311, subject to the following conditions:

1. 1. The applicants shall provide all easements as requested by applicable utilities and special districts, irrigation districts or public agencies providing services. The width of any utility easement shall be sufficient to allow adequate maintenance of the system, but in no case shall such utility easement be less than 20 feet in width. Easements must be identified on the final plat;
2. The applicants shall place the following note on the final plat: "Any proposed water wells on these subdivision lots shall be permitted by the Wyoming State Engineer's Office prior to installation";
3. The applicants shall provide a response by the Lakeview Irrigation District, prior to final plat review with the Board of County Commissioners;
4. The applicants shall provide an approved Long-Term Noxious Weed Management Plan, prior to final plat review with the board of County Commissioners;
5. The applicants shall provide a response from Park County Public Works, prior to final plat review with the Board of County Commissioners;
6. The applicants shall provide a response from Rocky Mountain Power, prior to Final Plat Review with the Board of County Commissioners;
7. The applicants shall apply for zoning permits, for all unpermitted structures, prior to final plat review with the Board of County Commissioners;
8. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991; and
9. The applicants shall otherwise comply with standards in the Park County

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

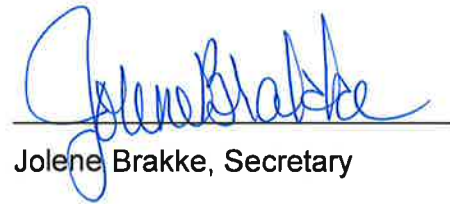
**ADOPTED** by the Park County Planning & Zoning Commission this 21<sup>st</sup> day of June, 2023.

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

**ATTEST:**



Kimberly Brandon-Wintermote, Chairman



Jolene Brakke, Secretary

**RESOLUTION 2023 - 20  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE  
MUDDY CREEK SIMPLE SUBDIVISION SS-310 (SS-310) SKETCH PLAN**

**WHEREAS**, David Bugher proposes to create a two-lot subdivision resulting in one 0.56-acre lot and one 0.83-acre lot, for commercial use in the Commercial zoning district in the Powell Planning Area;

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

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

**WHEREAS**, the Planning & Zoning Commission held a duly noticed meeting on June 21, 2023 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision Permit Application, including payment, was received from David Bugher on May 11, 2023;
2. A revised sketch plan was received on June 5, 2023;
3. The applicant requests approval of the sketch plan for a two-lot subdivision resulting in one 0.56-acre lot and one 0.83-acre lot. The lots are designated for commercial use in the Commercial zoning district in the Powell Planning Area;
4. Applicable regulations are the *Park County, Wyoming, 2015 Development Standards and Regulations*, adopted September 15, 2015;
5. Ownership is affirmed by Warranty Deed dated February 14, 2023 to David Bugher, a single person, as sole owner;
6. The subdivision is classified as a simple subdivision;
7. The property is within Farm Unit "F", according to the Farm Unit Plat, or Lot 63-C, Township 55 North, Range 99 West, 6<sup>th</sup> P.M., Park County, Wyoming, more particularly described in Warranty Deed, document # 2023-617;
8. The parcel is located along the south boundary of Powell city limits, on the southwest corner of the intersection of US Highway 295 (aka Road 9) and West Monroe Street (aka Lane 9H), with an address of 952 Road 9, Powell, Wyoming;



9. This property is within one mile of the City of Powell; therefore, municipal review is required;
10. The City of Powell was notified of the proposed subdivision by Planning Department staff on May 18, 2023 and June 6, 2023;
11. The property is surrounded primarily by land classified as agricultural to the west and south and commercial to the east and northeast. Exempt land owned by the Veterans of Foreign Wars (Post #5054) is directly north of the property and City of Powell owned exempt lands are northwest of the parcel. There are some residential properties located nearby;
12. Proposed Lot 1 is developed with a pre-existing, unpermitted residence and shed, and a permitted septic system (#1071). A permitted shop building (#1994-091) exists on proposed Lot 2. A permit to construct a small wastewater system was issued in 2013 (#4319) on proposed Lot 2; however, it has expired;
13. At this time, there are no permitted commercial uses on the property. Any future uses, commercial or otherwise, shall require County review and permitting;
14. The property is relatively flat;
15. According to the draft disclosure statement and the sketch plan, domestic water is provided to both proposed lots by the City of Powell;
16. The property is in a commercial (C) zoning district;
17. The lot sizes as proposed are consistent with the C zoning district;
18. Notice of Intent to Subdivide requirements have been met;
19. Simple subdivisions are exempt from public hearing requirements and may be eligible for approval under the Consent Agenda;
20. Agency referral requirements have been met;
21. Park County Fire District #1 can provide fire protection to the proposed subdivision, provided the entrance to the property is sufficient for their equipment and any applicable fire hydrants are unobstructed and accessible to responding emergency vehicles;
22. MDU currently provides natural gas service to proposed Lot 1 and has the capacity to serve Lot 2. The applicant plans to abandon the current gas line serving Lot 1 and install a new line within a 15' easement. A 15' easement will be adequate and since the gas main and service line were installed prior to 1970, the new service line will be at no cost to the customer;
23. TCT may have the ability to provide terrestrial wireless internet and VOIP phone service to the proposed subdivision, providing there is line of sight to one of their

- towers;
24. The proposed subdivision is within a PCSD#1 designated walk zone. Park County School District #1 can provide shuttle bus service at Southside Elementary School to and from schools on the north side of the railroad tracks. Southside Elementary School is approximately 650' due east, and across Highway 295 from the proposed subdivision, on the south side of East Monroe Street;
  25. A WYDOT permitted residential access exists to proposed Lot 2, however if a commercial use is proposed on the Lot, this will require an access application for a change in use. Depending on the use proposed, a traffic impact study may be required;
  26. USPS can provide mail delivery and the placement of mailboxes will be determined when service is requested;
  27. Powell-Clarks Fork Conservation District reported one soil type on the property (Garland loam, 0 to 3 percent slopes.) It is rated "not limited" for dwellings with or without basements and small commercial buildings. The soil is considered prime farmland if irrigated. It is rated "somewhat limited" for septic tank absorption fields, due to slow water movement;
  28. Wyoming DEQ provided a list of development activities that would require permitting;
  29. Park County Treasurer stated property taxes are paid in full;
  30. Shoshone Irrigation District confirmed no water rights exist on the property. Any waste ditches on or bordering the property must remain unencumbered;
  31. The Wyoming Game & Fish Department has no terrestrial wildlife comments and submitted their standard subdivision recommendations;
  32. Approval is required from the Powell City Council for a second tap to serve domestic water to the additional lot created as part of this subdivision;
  33. City of Powell Planning & Zoning will review the subdivision application and provide a formal response to Park County after June 26, 2023;
  34. Park County Public Works confirmed the proposed access from West Monroe St. (aka Lane 9H) to Lot 1 is an existing, historic access that is acceptable to Park County;
  35. Park County Public Works has not submitted a formal response;
  36. Rocky Mountain Power has not submitted a response;

37. 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*;
38. No public comments have been received;
39. A pre-application meeting was held on May 2, 2023;
40. The Notice of Intent to Subdivide was published on May 4, 2023, and May 11, 2023, in the Powell Tribune;
41. A title report dated January 31, 2023, has been provided by the applicant;
42. No new roads or shared accesses are proposed for this subdivision;
43. Solid waste disposal service is available from private companies;
44. Simple subdivisions are not required to install utilities;
45. Rocky Mountain Power has not confirmed existing service or availability of service;
46. No confirmed hazardous features are known to exist on the property;
47. Application submission requirements for sketch plan review have been met, with the exception of a response from Rocky Mountain Power to confirm their capacity to serve the subdivision;
48. A recent percolation test has not been performed and will be required;
49. A recent depth-to-groundwater excavation cut has not been taken and will be required;
50. Wastewater requirements pertaining to sketch plan review have not been met;
51. Domestic water is proposed from the City of Powell;
52. The City of Powell currently provides domestic water to the property, however a separate tap will be required for each lot and will require approval from the City of Powell;
53. Domestic water requirements pertaining to sketch plan review have been met, with the exception of approval from the City of Powell to provide a second tap to serve the additional lot;
54. The applicant has not proposed any changes that would be expected to impact neighboring agricultural activities or related uses. The subdivision is not expected to cause further disturbances of weed development, pests, litter, or

domestic pets. The applicant is expected to comply with any requirements from the Irrigation District and Weed & Pest. There are existing irrigation ditches shown on the sketch plan;

55. Agricultural impacts have been addressed;
56. The property is not in an Agricultural Overlay District;
57. This subdivision is located within the Shoshone Irrigation District;
58. There are no water rights on the property;
59. No stream/river passes within or adjacent to the proposed subdivision lots;
60. Water rights requirements pertaining to sketch plan have been met;
61. Lot standard requirements have been met;
62. No common maintenance of facilities is proposed;
63. Easement standards apply;
64. No roads, drainage, sidewalks, street lighting or alleys are proposed;
65. The proposed subdivision is not located within any Overlay District; and
66. 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 Muddy Creek SS-310, subject to the following conditions:

1. The applicant shall provide all easements as requested by applicable utilities and special districts, irrigation districts or public agencies providing services. The width of any utility easement shall be sufficient to allow adequate maintenance of the system, but in no case shall such utility easement be less than 20 feet in width. Easements must be identified on the final plat;
2. The applicant shall place the following note on the final plat: "Any proposed water wells on these subdivision lots shall be permitted by the Wyoming State Engineer's Office prior to installation";
3. The applicant shall provide percolation test results (from one of the proposed

- lots), depth to groundwater excavation cut data, an updated sketch plan showing the locations, and a letter from the Small Wastewater Administrator indicating feasibility of septic systems, to the Planning & Zoning Department, prior to final plat review with the Board of County Commissioners;
4. The applicant shall provide a municipal review from the City of Powell to the Planning & Zoning Department, prior to final plat review by the Board of County Commissioners;
  5. The applicant shall provide confirmation from the City of Powell, that a second water tap will be available to serve the additional lot;
  6. The applicant shall provide a response from Rocky Mountain Power to the Planning & Zoning Department, prior to final plat review by the Board of County Commissioners;
  7. The applicant shall provide a formal response from Park County Public Works, prior to final plat review with the Board of County Commissioners;
  8. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991; and
  9. The applicant shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306.

**ADOPTED** by the Park County Planning & Zoning Commission this 21<sup>st</sup> day of June, 2023.

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

**ATTEST:**

  
Kimberly Brandon-Wintermote, Chairman

  
Jolene Brakke, Secretary

**RESOLUTION 2023 - 21  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE BONTRAGER COTTAGE INDUSTRY  
SPECIAL USE PERMIT-252 (SUP-252)**

**WHEREAS**, Marvin Bontrager has submitted a Special Use Permit Application requesting review and approval of a Special Use Permit to operate a business that will entail the construction of equine shelters, small barns, and livestock sheds;

**WHEREAS**, The property is located approximately five miles southeast of Powell, directly north of County Lane 11 approximately 0.5 miles west of the intersection of Lane 11 and Road 3. The property has an address of 351 Lane 11;

**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 June 21, 2023, to consider the Special Use Permit application and made findings as follows:

1. A Special Use Permit Application, including payment, a Site Map, a Vicinity Map, a Site Plan and Floor Plan document, and Supplemental Application Information, was received from Marvin Bontrager (applicant), on April 26, 2023;
2. The applicant requests approval of a Special Use Permit to operate a business that will entail the construction of equine shelters, small barns, and livestock sheds;
3. The construction activities will occur in a future shop building with no more than 5,000 sq. ft. of floor area. Most construction materials will be stored under cover, outside the building. The use will occur on an area of the property that is less than five (5) acres in size. All the construction work will occur inside the shop building;
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 April 21, 2021 to Marvin Bontrager and Anita Bontrager, a married couple as joint tenants, from Powell Land Group LLC, a Wyoming limited liability company (Document #2021-2719);
7. The property is a 111.23-acre parcel located within Lot 51A, Lot 51B, Lot 51C, Lot 51D, Lot 52G, Lot 52J, Lot 52K and Lot 52T, RS, T55N, R98W, 6th P.M., Park County, Wyoming;
8. The property is approximately five miles southeast of Powell, directly north of County Lane 11 approximately 0.5 miles west of the intersection of Lane 11 and Road 3;
9. The property has an address of 351 Lane 11;
10. The property is in a General Rural Powell (GR-P) zoning district;
11. Cottage industry uses are permitted in the General Rural Powell (GR-P) zoning district provided a Special Use Permit is approved;
12. Neighboring land uses are primarily agricultural; however, there are properties in the immediate vicinity classified as residential vacant land. The State of Wyoming owns several parcels in the area; these are located northwest, northeast, and southwest of the proposed use location;
13. The applicant resides on the northern portion of the property in a three-bedroom, single-family residence (BZP20210525-5). The residence is served by a permitted small wastewater system (SWWP20210525-2), and there are also several permitted accessory use structures located in the same area of the property as the residence;
14. The topography of the property and the surrounding area has little change in elevation. The Shoshone River borders the north end of the parcel;
15. Legal notice requirements have been met, including notice to property owners within 660 ft. of the property boundary;
16. The application was forwarded to relevant agencies as required;
17. Wyoming DEQ summarized the notifications, permits, and certificates required for various activities that may impact surface or groundwater;
18. Wyoming Game & Fish has no terrestrial wildlife concerns with the project;
19. The Park County Treasurer stated that property taxes are paid in full;
20. The Willwood Irrigation District stated the proposed use is located by the Elk Lovell Canal and they have no issue with the proposed use;
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 Public Works;
23. No public comments have been received;
24. The applicant made a statement of how compatibility will be achieved;

25. Construction activities will occur inside a 5,000 sq. ft. shop building;
26. Solar panels will power indoor lights. Tools will be battery-operated and/or connected to an air compressor powered by a gasoline or diesel fueled generator;
27. No outdoor lighting is proposed;
28. The applicant plans for two resident employees and possibly two non-resident employees. The applicant will also be an employee/manager;
29. The coordination of shed sales and deliveries, and delivery of materials, will be facilitated by an agent located out-of-state;
30. Work hours will be Monday - Saturday, 7:00 am to 3:30 pm;
31. Customers will not frequent the property;
32. An outdoor boiler, burning scrap wood, will heat the building floor;
33. The applicant anticipates that delivery of materials (via truck) will occur once every six to eight weeks;
34. The applicant anticipates that few, if any, completed structures will be staged outside. Most sheds will be transported immediately following construction;
35. On average, a structure will be completed very three weeks;
36. Materials will be unloaded, and sheds loaded, in an area directly south of the proposed shop;
37. Materials will be stored north of the structure, under a covered area, with a depth of 12 to 15 feet, and a length of 100 feet;
38. Building plans include a bathroom, a breakroom/office, and a storage room;
39. A cistern will store water for washing and for bathrooms. The applicant is planning to install an in-ground septic system;
40. Bottled water will be used for drinking;
41. The future building will not be within 20 feet of a County road right-of-way;
42. No covenants are proposed or existing;
43. No outdoor lighting is proposed;
44. There are no known nonconformities on the property;
45. No nuisances have been reported at this location;
46. Given the nature and circumstances of the use, no soils review is warranted;
47. All factors relating to compatibility and impacts of the use have been sufficiently addressed and suggest that the proposed use will be in harmony and compatible with surrounding land uses and with the neighborhood and will not create a substantial adverse impact on adjacent properties;
48. Access is proposed from County Lane 11;
49. The shop is 5,000 square feet, requiring 13 parking stalls;



50. The use will not require any parking for customers; should employee parking be necessary, sufficient space exists in the loading and unloading area;
51. The future shop will have a permitted septic system. The applicant and employees will be the only people using the shop restroom;
52. Energy will be provided by solar panels, batteries, and a generator powering air compressors. No utilities (electricity or natural gas) will serve the use;
53. No signs are proposed or necessary for this use;
54. Solid waste disposal services are available through private companies;
55. Adequate utilities, public services and infrastructure exist for the proposed use or the applicant will provide services to serve the proposed use;
56. No specific criteria are identified for this use;
57. The proposed use is in an Agricultural Overlay District;
58. No aspects of the proposed use are expected to impact surrounding agricultural uses;
59. The proposed use should not be negatively impacted by agricultural practices in the vicinity;
60. There will be a small decrease in marginally-productive agricultural land should this use be approved; and
61. 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 Bontrager Cottage Industry Special Use Permit-252 subject to the following conditions:

1. Park County noise, lighting, and other nuisance regulations shall apply;

2. The applicant shall submit a formal response from Park County Public Works, prior to review by the Board of County Commissioners;
3. Any modifications of the floor area or enclosure of the outdoor space would require County review; and
4. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

**ADOPTED** by the Planning & Zoning Commission this 21<sup>st</sup> day of June, 2023.

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

**ATTEST:**

  
Kimberly Brandon-Wintermote, Chairman

  
Jolene Brakke, Secretary

**RESOLUTION 2023 - 22  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE  
HIMES HOMESTEAD MINOR SUBDIVISION-75 (MS-75) SKETCH PLAN**

**WHEREAS**, Ron & Penny Himes propose to create a three-lot subdivision consisting of one 34.11-acre lot, one 2.50-acre lot, and one 3.05-acre lot, each for agricultural and residential use. The subdivision is located in a General Rural Powell (GR-P) zoning district;

**WHEREAS**, the proposed subdivision is classified as a minor subdivision which must comply with the Minor Subdivision Review Process;

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

**WHEREAS**, the Planning & Zoning Commission held a duly noticed public hearing on June 21, 2023 to consider the sketch plan application and made findings as follows:

1. A Minor Subdivision Application, including payment, was received on May 10, 2023;
2. A revised sketch plan was received on June 5, 2023;
3. The applicants request approval of a three-lot subdivision consisting of one 34.11-acre lot, one 2.50-acre lot, and one 3.05-acre lot, each for agricultural and residential use;
4. Ownership is affirmed by Warranty Deed (dated July 2, 2020, Doc. #2020-3944) to Ronald E. Himes and Penelope A. Himes, husband and wife;
5. Applicable Regulations for this development are the *Park County, Wyoming, 2015 Development Standards and Regulations* adopted September 15, 2015 ("Regulations");
6. This subdivision is classified as a Minor Subdivision;
7. The property is in a GR-P zoning district;
8. The lot sizes as proposed are consistent with the GR-P zoning district;
9. The parcel is located within Lot 75-AA and Lot 75-Z, Township 55 North, Range 98 West of the Sixth Principal Meridian, Park County, Wyoming according to the Government Resurvey, and being graphically illustrated as "Parcel A" on the record of survey recorded in plat cabinet "H", at page 154;
10. The proposed subdivision is located approximately three miles southeast of

Powell, on the west side of County Road 6 and northwest of County Lane 11 ½, with an address of 595 Lane 11 ½, Powell;

11. Proposed Lot 1 is developed with a permitted residence, septic system, well, and an outbuilding;
12. The property on the south and east side of the Elk Lovell Canal is relatively flat and then slopes moderately from the east bank of the Canal, and down to the Shoshone River. No irrigation water rights exist on the property. Floodplain exists on the west edge of the parcel along the river;
13. The U.S. Patent of Lot 75-Z, recorded in Book 9, Page 398-399, placed a permanent restriction, constituting a covenant running with the land that no land be cultivated or buildings be constructed in the floodplain of the Shoshone River or on any of the land north of the Elk Canal;
14. Neighboring land uses are a combination of agricultural, residential, and residential vacant. A small, exempt, federally-managed Bureau of Reclamation parcel lies to the southwest of the subdivision. The Flores SS-236 is southeast of the property and the Easum SS-67 borders the east line of proposed Lot 1;
15. This property is not located within one mile of any municipality; therefore, municipal review is not required;
16. Public notice requirements have been met;
17. Relevant agencies were notified as required;
18. Park County Fire Protection District #1 stated they can provide fire protection, provided accesses are constructed to accommodate fire equipment;
19. TCT stated they have terrestrial wireless service available in this area and may be able to provide internet and VOIP phone to his location, depending on line-of-site to one of their towers;
20. USPS stated they are able to deliver mail for the new addresses;
21. Montana-Dakota Utilities Company stated they have capacity to serve the proposed subdivision. Extension of a gas main would be necessary, from approximately 1,500 feet south of the proposed subdivision on the east side of Road 6;
22. Elk Water Users Association stated the property is intersected by the Elk Canal and the Elk Canal retains an easement of 50 feet on each side of the centerline of the Canal, for access and maintenance;
23. Park County School District #1 stated they will have bus stops at all exit points onto Lane 11 1/2;
24. The Park County Treasurer stated property taxes are current on this parcel;
25. Wyoming DEQ provided agency contacts and information for permitting associated with various construction activities;
26. Wyoming Game & Fish stated they have no major concerns with this

- subdivision, but provided their standard subdivision considerations;
27. Park County Weed & Pest found noxious weed species in their initial inspection and a Long-Term Noxious Weed Management Plan will be required;
  28. Willwood Light & Power has not provided a response;
  29. Park County Public Works has not provided a response;
  30. Powell Clarks Fork Conservation District has not provided a response;
  31. No public comments have been received;
  32. A pre-application meeting was held on March 28, 2023;
  33. A title report dated April 5, 2023 has been submitted;
  34. Solid waste disposal services are available through private companies;
  35. Moderately steep slopes exist from the east bank of the Elk Canal, and down to the Shoshone River (primarily within the canal easement and not on buildable lands.) A portion of Lot 1 is within SFHA. No known landslides, rockfalls or other hazardous features are known to exist on the property;
  36. Access to each lot will be directly from County Road 6 (Lots 2 and 3), and County Lane 11 ½ (Lot 1 and a section of Lot 2);
  37. Application submission requirements for sketch plan have been met;
  38. Percolation test data was collected on proposed Lot 3 on April 14, 2023. Percolation rates ranged from 13 mpi to 40 mpi. An existing, permitted septic system exists on proposed Lot 1, under permit no. 3457 approved on July 31, 2007. The percolation rates ranged from 10 mpi to 20 mpi;
  39. An excavation cut was made on proposed Lot 3 on April 12, 2023 to a depth of 10' feet. No groundwater or impermeable layers were discovered. Permit no. 3457 reported groundwater at greater than 20 feet;
  40. Conventional septic systems will likely be sufficient should this subdivision be approved and development occur;
  41. Wastewater requirements pertaining to sketch plan review have been met;
  42. Domestic water will be provided by individual on-site wells to be permitted and approved by the Wyoming State Engineer's Office;
  43. A well water sample was collected from a well located at 595 Lane 11½, on February 15, 2021. The analysis indicates the water sample does meet the Safe Drinking Water Act (SDWA) requirement for bacteria because no E-coli or total coliform was detected;
  44. The well water sample detected Lead and Arsenic at low levels, considered to be satisfactory. Total Dissolved Solids, Fluoride, and pH results were detected at elevated levels, which are considered objectionable;
  45. Sodium levels in the well water were elevated and can contribute to hypertension and should be noted by people on low sodium diets;

46. Domestic water requirements pertaining to sketch plan review have been met;
47. The applicant has not proposed any changes expected to impact neighboring agricultural activities. The applicant will be required to comply with the recommendations of County Weed and Pest regarding the control of weeds. The subdivision, with existing and future residential uses, is not expected to cause further disturbances of weed development, pests and litter or domestic pets;
48. This parcel is located in an Agricultural Overlay District;
49. Agricultural impacts have been addressed;
50. Elk Canal crosses through the proposed subdivision, however no water rights exist on the property;
51. The Shoshone River lies within the bounds of the proposed subdivision, therefore a note will be required on the final plat regarding riparian rights;
52. This parcel does not have any associated irrigation water rights;
53. All water rights requirements pertaining to sketch plan have been met;
54. It is unknown whether electricity is adjacent to each lot;
55. Natural gas is available, however it is not available within 400' of the proposed subdivision and therefore it will not be required;
56. Utility requirements pertaining to sketch plan have been met, with the exception of a response from Willwood Light & Power;
57. Lot standards have been met;
58. Common maintenance of facilities is not proposed;
59. No sidewalks, street lighting, alleys, or open spaces are proposed;
60. An HOA will not be required unless common facilities maintained by lot owners are proposed;
61. The subdivision is within an Agricultural Overlay District and a Flood Overlay District;
62. No productive agricultural land will be converted to non-agricultural lands as a result of the proposed subdivision;
63. Any future development in the floodplain will require compliance with current floodplain development regulations;
64. The portion of the proposed subdivision lying in the floodplain within Lot 75-Z is restricted from building by the original U.S. Patent;
65. The proposed subdivision has been designed to retain riparian areas and a majority of the natural terrain;
66. No open spaces, natural areas, schools, or parks are proposed or required; and

67. All approval standards requirements pertaining to sketch plan review have been met.

**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 Himes Homestead Minor Subdivision-75 (MS-75), subject to the following conditions:

1. The applicants shall provide all easements as requested by applicable utilities and special districts, irrigation districts or public agencies providing services. The width of any utility easement shall be sufficient to allow adequate maintenance of the system, but in no case shall such utility easement be less than 20 feet in width. Easements must be identified on the final plat;
2. The applicants shall place the following note (and designate the subject area) on the final plat: "Pursuant to Patent No. 49-76-0072, recorded in Book 9, Pages 398-399, no land shall be cultivated, or buildings be constructed in the floodplain of the Shoshone River or on any of the land north of the Elk Canal within Lot 75-Z, Resurvey T.55N., R.98W.";
3. The applicants shall provide a response from Willwood Light & Power to the Planning & Zoning Department, prior to sketch plan review by the Board of County Commissioners;
4. The applicants shall provide an approved Long-Term Noxious Weed Management Plan to the Planning and Zoning Department, prior to final plat review by the Board of County Commissioners;
5. The applicants shall provide a response from Park County Public Works to the Planning & Zoning Department, prior to sketch plan review by the Board of County Commissioners;
6. The applicants shall provide a soils report from the Powell Clarks Fork Conservation District to the Planning & Zoning Department prior to sketch plan review by the Board of County Commissioners;
7. The applicants shall place the following 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.";
8. Following Board approval of the sketch plan and prior to the Board's review of

the final plat, the applicants shall submit an appropriate Subdivision Improvements Agreement, if applicable, addressing all applicable required improvements (ex. utilities, etc.) for review by staff and approval of the County Attorney and the Board;

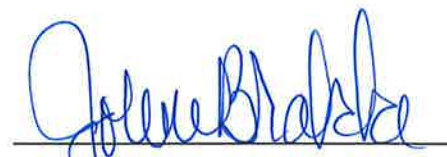
9. The applicants shall place the following note on the final plat: "Water quality appears to be safe for human consumption; however, well water test results from Lot 1 detected Total Dissolved Solids, Fluoride and pH at objectionable levels. Also, individuals on low sodium diets should note elevated sodium levels were detected which can contribute to hypertension. Treatment and/or monitoring of well water is recommended."
10. The applicants shall place the following note on the final plat: "Any proposed water wells on these subdivision lots shall be permitted by the Wyoming State Engineer's Office prior to installation";
11. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991;
12. The applicant shall provided evidence of net acreage available for building space on Lots 2 and 3;
13. The applicant shall provide a written statement addressing the intent for use or disposal of the open drains along the east edge of the subdivision lots and the ditch or drain running SW to NE within Lot 3, along with a written reponse from the Elk Water Users Association confirming no adverse impacts related to the proposed inaction or action related to the drains and the ditch; and
14. The applicants shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306.

**ADOPTED** by the Park County Planning & Zoning Commission this 21<sup>st</sup> day of June, 2023.

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

**ATTEST:**

  
Kimberly Brandon-Wintermote, Chairman

  
Jolene Brakke, Secretary



**RESOLUTION 2023-23**  
**PARK COUNTY PLANNING AND ZONING COMMISSION**

**TITLE: CERTIFICATION OF THE**  
**2023 PARK COUNTY LAND USE PLAN**

**WHEREAS**, the Park County (“County”) Board of Commissioners (“Board”) initiated the process to update the 1998 Park County Land Use Plan (“1998 Plan”) in fall of 2021 by seeking and selecting a professional consultant team, Clarion Associates along with T-O Engineers and EPS, (“Consultant”) to facilitate development of a new Park County Land Use Plan (“2023 Plan”) and established a project team consisting of members of the Board, Planning and Zoning Department Staff and the Consultant;

**WHEREAS**, in March and April of 2022, to facilitate data and information sharing and garner a clear understanding of existing conditions in the County, the project team hosted 17 focus groups with over 75 participants representing a wide range of interests including: agriculture; arts, history and culture; conservation districts; development community; economic development and tourism; education/youth; environment and conservation; irrigation districts; municipalities; public land agencies; real estate representatives; utilities and infrastructure; Yellowstone Regional Airport; high school students from each school district; and students from Northwest College;

**WHEREAS**, the Board established a Land Use Plan Advisory Committee (“LUPAC”), consisting of 16 individuals from around Park County who represented different communities (the 12 planning areas in particular), geographies, and interests (e.g., agriculture, real estate, commercial/industrial, environmental and economics), to gather and share citizen perspectives and input at various stages during the 2023 Plan development process;

**WHEREAS**, the project team established a Technical Working Group (“TWG”), comprised of dozens of representatives from Park County departments, districts and service providers, municipal, state and federal agency partners, and special interest groups, and convened the TWG at key points during the 2023 Plan development process;

**WHEREAS**, the project team conducted a Vision and Values Survey in April of 2022, and over 700 respondents weighed in on what is working well in Park County today, what could be improved with respect to housing and development, economy, recreation, natural environment, and quality of life in the future, and what their vision is for the future of the County and the twelve individual planning areas in the County;

**WHEREAS**, the project team held three rounds of public engagement (a total of 11 in-person meetings, two virtual meetings, and two additional online surveys) to solicit input from the general public regarding work products produced at various stages during the 2023 Plan development process (June-July 2022, October 2022 and February-March 2022);

**WHEREAS**, one or more members of the Planning and Zoning Commission were present at each round of public meetings, participated in/attended other meetings offered throughout

the 2023 Plan development process, and were provided the opportunity to review and comment on various work products and drafts of the Plan;

**WHEREAS**, the Planning and Zoning Commission held a duly noticed public hearing to hear public comment and consider certification of the 2023 Plan at a special meeting on May 24, 2023, which was continued to June 21, 2023, and made findings as follows:

- Several landowners have requested changes to land suitability categories for individual parcels, though it is not the intent of the Plan to capture detail at the parcel level – that type of detail is intended to be addressed throughout the regulation amendments process;
- The Plan is intended to provide broad, generalized guidance to assist with making decisions during the regulatory process. Specific uses in specific areas, along with specific zoning designations for properties, will be evaluated during the regulation amendments process to follow;
- Several landowners are concerned about limiting subdivision development for small parcels in the rural areas, despite the flexibility that the Plan has provided to allow different options for small parcel development in those areas (e.g., lot size averaging/conservation subdivision, density increase allowances where central water and/or sewer service are available and subdivision exemptions);
- The County discourages intensive development adjacent to the cities unless suitable utilities and infrastructure are in place or can be placed to support such densities. oftentimes annexation is the only way to extend services to near-city locations;
- Near-city development requirements should be carefully evaluated during the regulation amendments process to not only align with city standards but also not create overreach of city-type regulation in the near-city areas;
- Public access, open space/viewsheds and wildlife protection are important to the general public, though the County should proceed with caution when regulating these areas due to coveted property rights and the presence of extensive public lands which already preserve large tracts of land for open space, recreation, views and wildlife;
- Certain information in the Plan will be outdated as the Plan is adopted and thereafter. As such, it is important to revisit the plan more frequently than was done in the past;
- Planning area boundaries may be adjusted during the regulation amendment process;
- There are important differences between owner-occupied short-term rental uses/properties and non-owner-occupied short-term rental uses/properties which should be deliberated;
- The use of fireworks should be considered as it pertains to wildfire risk;
- Agriculture education should be considered as a potential use;
- There is an opportunity to educate people that they cannot interrupt the flow of irrigation water back to the State;
- Consider adding “disability-friendly” where “age-friendly” is mentioned;

**NOW, THEREFORE, BE IT RESOLVED** based on the foregoing, the Park County Planning and Zoning Commission hereby certifies and recommends approval of the 2023 Park County Land Use Plan subject to the following recommendations/changes:

- Clarification for the public on acreages, softening the language to allow for clear messaging about flexibility on zoning districts and lot sizes. For instance, there is confusion about 20-acre lot size minimums;
- Cross-references from individual planning area pages back to the Coordinated Planning Area language on Page 28 of the Plan would be helpful to communicate consistent messaging;
- Chapter 4 – consider standardizing the land use guidelines within each planning area section (e.g., put in same order, address short-term rentals in every area);
- Consider using the word “encourage” instead of “incentivize” throughout the document so a developer doesn’t expect a kick-back or tax incentive;
- The document talks about large-format retail – what is the definition of that? Region-serving business is also not defined – what does that mean for the land use section?
- Page 3 – correct year and info on Northwest Rural Water District timeline entry;
- Page 41 – EN-1.4 – address the Natural Resource Management Plan (if appropriate) within that section. Priority viewsheds are important in Cody right now. It would be nice to reference another resource;
- Page 46 – Conservation subdivisions – replace “encouraged” with “an option”;
- Page 48 – Agritourism and value-added ag – we don’t have a clear definition – do we put it in the land use plan or regulation amendments? Cross-reference;
- Page 50 – Building codes – add “homeowners” to the list of people to encourage. Also add, “UBC’s cover the fire, life and structural safety aspects of all buildings and related structures”;
- Page 50 – Yellowstone Assistance Network should be Yellowstone Country Assistance Network;
- Page 52 – Reword OR-1.2 to decrease confusion. As it is worded, it sounds like a subdivider is required to create easements to allow public access through their land;
- Page 57 – in the introduction last paragraph, change “how growth will occur” to “how growth may occur”;
- Page 59 – While BNSF does not have the authority to approve new at-grade crossings for public roads, by W.S. 37-10-102, the highway commission has the authority. That could be referenced. Consider adding a link;

## Certification of the 2023 Park County Land Use Plan

- Page 61 – under Lovell Irrigation district, Elk Water Users...after south side of the Shoshone River add “in the east Willwood area and near the towns of Byron and Lovell”;
- Page 63 – add links to the city documents or add the city documents to the appendix;
- Page 68 – first paragraph, check comma placement (some missing); the last section, purpose of Future Land Use Map...delete last sentence in inset “Park County may bring forward zone changes for certain properties to align zoning with the adopted future Land Use Map”;
- Page 81 – under land use guidelines – consider rural development “may be” (as opposed to is) discouraged in coordinated planning areas;
- Page 102 – clarify “expansion areas” in the city of Cody – there are two types, but they are not depicted as such in the Plan;
- Page 105 – under CL-8. Recreation and public lands access, recommend elimination of the last sentence because it is not appropriate for the Board to support businesses on public lands;
- Page 111 – add the industrial zone based upon recent court decision;
- Page 114 –under CP-9, now discouraging. What is the message? Encourage that guideline to be reviewed 105, 114, 121, 129, 136, 145, 154, 162, 169, 176, and 183. Either have a consistent message or remove the message;
- Pages 112 through 114 – look at the consistency throughout this section as it compares to the other planning area sections. The land uses are a separate guideline in most planning areas, but then in this section it is done differently;
- Check for 2020 Census references vs. 2021 Census references;
- Page 121 – consider rewording the language and clarifying categories to show that, while the intent is to maintain larger, contiguous tracts of land, there could be pockets of smaller lots;
- Page 121 – under LS-3, there is a 10-acre reference, but we don’t have a GR-10. Consider fixing, if needed;
- Page 128 – consider attaching the master plan to the appendix or provide a link to it;
- Page 152-153 – north of Powell talks about Lane 8; what about east and west – what are these areas actually defining? West of Powell, how far does that go? South of Powell...what about the rest of that area? Can the areas be more defined? PO-1. Same is true of area west of Cody but didn’t give much definition. Calling out one specific area and doesn’t address others;
- Page 176 – define “complimentary commercial activities”;
- Page 183 – under US-3, clarify what it means to maintain the self-sufficiency of residents and ag producers;

Certification of the 2023 Park County Land Use Plan

- General - make sure viewshed sections are sufficient based on recent public concerns (see pg. 41 and 95); use caution with this language;
- Pages 189-190 – Big Game Use Overlay – last sentence says “requiring” - consider rewording under medium- and high-use areas. It sounds heavy-handed. Could possibly say “higher level standard could be requested...eliminate terms such as required, incentivize, restrict, etc.

By the Park County Planning and Zoning Commission this 19<sup>th</sup> day of July, 2023.

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

**ATTEST:**

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

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

\_\_\_\_\_  
Date



**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, June 21, 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 May 24, 2023, meeting.

**CONSENT AGENDA**

[Townsend SS-308 Sketch Plan](#)

[Greg Jones SS-309 Sketch Plan](#)

[Muddy Creek SS-310 Sketch Plan](#)

[Dixie Land SS-311 Sketch Plan](#)

**REGULAR AGENDA**

[Bontrager SUP-252](#)

[Himes Homestead MS-75 Sketch Plan](#)

**OTHER BUSINESS**

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

**ADJOURN**

**PLEASE SIGN IN**

**PLANNING and ZONING COMMISSION  
REGULAR MEETING  
June 21, 2023**

		Townsend SS-308 Sketch Plan	
		Greg Jones SS-309 Sketch Plan	
		Muddy Creek SS-310 Sketch Plan	
		Dixieland SS-311 Sketch Plan	
		Bontrager SUP-252	
		Himes Homestead MS-75 Sketch Plan	
	<b>Please PRINT your name</b>	<b>Name of the HEARING OF INTEREST</b>	<b>DO YOU WISH TO SPEAK</b>
1	MARUSA BONTRAGER	SPC: USE PERMIT	
2	Leah Schatz	Townsend/Jones/Muddy Creek/Dixieland	Maybe
3	Laurel Vredenburg	Himes	-
4	Fred Watkins	"	
5	Harry Davis	Himes	?
6	Dave Reetz	Townsend -	no
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