

Planning & Zoning Commission Special Meeting Minutes

June 21, 2023

This is a special meeting of the Park County Planning & Zoning Commission held at 10:00am in the EOC Room of the County Courthouse at 1002 Sheridan Ave., Cody, WY.

Commission Members Present:

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

Staff Present:

Joy Hill, Planning Director
Kim Dillivan, Assistant Director
Jolene Brakke, Office Assistant III (by virtual means)

Chairman Brandon-Wintermote opened the meeting at 10:00am.

APPROVAL OF MINUTES

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

SPECIAL AGENDA

PUBLIC HEARING – 2023 Park County Land Use Plan

Chairman Brandon-Wintermote reviewed the rules of a public meeting and re-opened the public hearing at 10:01am.

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

- Chairman Brandon-Wintermote said that Maryann Alquist contacted her with concerns about her property being located in the proposed ag overlay going from GR-P to GR-20. She feels the need to subdivide, imminently, due to the proposed change. Mentioned fragmentation. Commissioner Peters had heard the same.
- Chairman Brandon-Wintermote mentioned an email that Ms. Alquist said she sent to the County.

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

- Maryann Alquist mentioned her property at 115 Lane 16 on approximately 14.57-acres. She is currently in GR-P with a one-acre minimum. They would like to cut off 8 acres and then retain the rest. Even a 10-acre minimum would not allow her to complete what she wants to do. To allow her to reduce her workload, be aging citizens, and stay in their home, their land is hardly considered productive. Joy has told them site-to-site considerations may allow subdivision, but Ms. Alquist doesn't know what that means for her land. What is considered? Fire service, etc.? If she decides to split 5 to 10 years down the road, it is concerning how the application for a subdivision would be determined. New staff? New commission? The plan needs to have some directive as to what would exempt and lead to an acreage minimum. The future Land Use Plan shows the property to be moderately suitable, as is the Colt Subdivision (4 lots) to the east. It has 3 homes on approximately

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8.5-acre parcels. She has explored many options for her property from uses under current regs in addition to financial concerns for subdivision. With the current regs, we feel that the property is more of an asset to the County than it is for her. She sees it getting worse. She feels the 20-acre minimum can impact the property in a negative way.

- Marion Morrison:

- o On page 32 there is an inset about the community wildfire protection plan. She would like to see fireworks addressed.
- o On the flip page, IP-2.3 – same thing, education on information about fireworks to help keep people in the county safe.
- o On page 39, in the inset on Wyoming Water law, at the end of the 3rd paragraph it says it is incumbent on water owners to research water rights on their land... and comply...” This is an area that comes up from time to time that when people subdivide, they don't understand return ditches to get water back to waters of the state. People need to know that they can't interrupt the flow of the water back to the state.
- o On page 50, HO 1.5 – age friendly... she would like it to say age AND disability friendly. Those with disabilities should be welcome.
- o On page 72, under ag supporting land uses, it is allowing various residences and residential businesses and she would like to see ag education added as a use.
- o On page 114, under CP-7, Land Uses, this may be premature, in there it says “smaller more affordable dwelling units... she would like to see owner-occupied inserted in front of short-term rentals.

- Commissioner Bonine asked Ms. Morrison what she meant by ag education. Marion said we need a way to educate young people about farming practices (camps, site visits, etc.).

- Commissioner Peters asked about Marion's comment on irrigation water. Marion said she is suggesting that we educate people, landowners, to understand irrigation ditches (they often aren't platted). Sometimes someone changes the flow of irrigation water, and it might be in the off season, and they may plow it over. She wants to make sure the responsibility for preserving that flow of water is communicated. There are implications to ag that need to be communicated.

- Greg McCue had general comments. He brought up walking trails and bike trails – Harold Musser at the last meeting brought up a concern about putting in full sidewalks and sewer systems for new subdivisions. He is wondering whether it should be included as an option or alternative for consideration of walking trails and connecting them into a master plan for trails throughout the County. That begs the question – is there a master plan for walking trails and bike trails in the County. There are numerous groups who could help (e.g., bikers). There is a group trying to put a bike trail across the Country. If we can put that in the plan, it could improve our ability in our communities. We need to look at water rights to try to keep them open. Housing is going to increase and that is the whole point of this thing [plan]. Access to public lands. At the last meeting they reiterated that any access to public lands in a new subdivision must be preserved and has to be continued on the plat. He would like to see that expanded even where there is no current access to public land. A new subdivision could offer access to public land – at least look into expanding that option. That doesn't mean saying they have to do it but involving other organizations (Nature Conservancy) with money who could make it economically advantageous.

- Colin Simpson has a concern about the Alquist concern. As he understands, the flexibility in the plan is to allow for flexibility in subdivisions and create growth closer to cities and towns and that is because you may have municipal water and/or municipal wastewater. The Alquists have a septic, but no access to NRWD. What options exist for them? The subdivision next to them is four lots – if they subdivide, it becomes a major subdivision. Under their circumstance, other than a variance, which may not be able to answer the DEQ issues, the County could allow for it to be subdivided into a 10-acre lot, but what

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106 does that do to any DEQ requirements for a major subdivision? He doesn't know if he
107 understands GR-P or the Powell Planning Area well enough to know what flexibility would
108 be built in. If it is affecting the Alquist, it surely will affect others. It needs to be clearer
109 what options will be available in a circumstance like that.

- 110 - Harold Musser, lives at 4530 Powell Hwy. He would like to reiterate his concerns of the
111 last meeting. He is on Sage Creek Road where it hits the Powell Hwy. It is zoned ag with
112 ag overlay. He does have access to NRWD on both of his farms. He would like the ag
113 overlay removed. To the west of Sage Creek, up on the hill, overlooking the CMA Church,
114 he has about 40 acres up there that is within a coordinated planning area. He wants to
115 make sure that in the future, if his heirs need or want to develop the property, within ½
116 mile of the city limits, they can.
- 117 - Marion Morrison said on page 46 under AG 3.2 – does say unimpeded return of waters of
118 the state...it's just that the inset doesn't cover it. Maybe cross-reference pages 39 and 46.
- 119 - Maryann Alquist confirmed the email she sent was on May 18th. It was just talking about
120 one parcel.

121
122 Commissioner Bonine made a MOTION to close the public hearing at 10:28am; SECONDED by
123 Commissioner Eastman. All in favor. Motion carried.

124
125 Chairman Brandon-Wintermote asked Commission members if they had any discussion.

- 126 - Commissioner Bonine said he doesn't know exactly where to start. When we've talked
127 about the Land Use Plan and how it's been used in the past. It is looked at as a
128 representation of what the citizens want or wanted at the time. When he looks at the
129 current draft, he is struggling to see continuity between the public comments and what is
130 shown in the document. Maybe he is skeptical/cynical, but his review has been from that
131 perspective. The first thing that jumped out at him with the adoption draft, which was the
132 same as the prior draft...on one hand it may be a clerical error, but it casts doubt on the
133 entire document. The timeline on Page 3 shows NRWD established in 1974. He's pretty
134 sure it was not established then. It shows a reason for it being established. That is the
135 exact mission statement from a water district in Williston, ND, which was developed in
136 1974. He is concerned. That is just one thing that jumped out at him. He doesn't have time
137 to confirm all the sources on everything in the draft. But it added to his skepticism about
138 where this is headed.
- 139 - Commissioner Bonine said when we consider this draft being adopted, it seems like it
140 could then be put in front of them as this is what the public wanted and now we have to
141 use it to drive regulation. He understands it is a guidance. It is not in and of itself regulation.
142 He also doesn't feel like what is proposed is driven by public comment and public input.
143 That concerns him.
- 144 - Commissioner Bonine said he tried to go back and see what the public actually wanted.
145 He went back to a survey and summary of information and the thing that was driving his
146 questioning is where the 20-acre minimums came from. Not one farmer that he talked to
147 said that 20-acre lot minimum is the answer to preserving agriculture. They view it as a
148 limitation on their private property rights. Going back to the questionnaire when we talk
149 about lot sizes, he jumped to policy choices summary, as an example – question 11 on
150 page 45 of key policy choices summary (Kimberly said she sent it to everyone). When we
151 look at what is presented there. The question 11 says how active Park County should be
152 in addressing housing diversity (Limited, moderate, proactive, other). Limited says require

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larger lots in areas with poor suitability and/or access to services; moderate is allow for smaller lots and greater diversity of housing types in areas near cities and with good access to services. These things can coexist. Require larger lots away from services, smaller lots closer to services; kind of the same thing. Proactive is to require denser, more varied housing development near cities which is a little more restrictive. We have our public input being given options for limited, moderate or proactive, and they are not mutually exclusive. Limited and proactive can be true at the same time. What is the value in that input? When we look at the actual numbers, there is not a majority of responses County-wide. The proactive response...this has a 5-point plurality. When you look at the individual planning areas, the only areas that have a majority/plurality of asking for a larger lot size are Clark, Lower South Fork and North Fork. All the other planning areas tend to show a preference for smaller lot sizes. We also look at other options that were given to people, 0 to 3 acres and 3 to 35 acres; somehow 20 acres fell out of that. He doesn't see how that was arrived at. To go further, this goes to data gathering and interpretation and question 15 – how permissive should the County be in allowing commercial uses in rural areas. He wants to know, commercial in the presentation was not defined (on page 68). Addressed what each category says. If you think about all three options, all three could be true at the same time. We asked our citizens to select one answer when all three could be true. It is hard to gauge what the population wants when you have a question like that. When you look at the percentage of responses; limited is at 32.27%, moderate is at 34.24% and proactive is 28.33%, so there is just a few point "plurality". The problem is that all three can be combined in any combination to get any answer you want. So, again, what is the quality of the data and how is that factored into the plan we have in front of us? There was an actual example from the plan, there was a statement made for certain planning areas wanting certain things (He was unable to locate the specific example). It only listed the limited answers, which was not the highest numbers returned in the data. He is questioning how we can look at data, which is probably going to go away. We end up with statements for the different planning areas that don't reflect the actual responses (in his opinion). He is struggling to find that this plan represents in any way actual public input.

- Chairman Brandon-Wintermote said when she was digging through (she mentioned sharing a spreadsheet that she shared with the commission), if this information is not accurate and this moves forward, how do we go back and clarify, how is this done.
- Brian Peters said you can manipulate this data and make it say just about anything you want. What does the public want? When you drill down and find a comment and have no way to trace back. His decision was to go back through the last comments and rank them. What is more regulation or leave it the same? Then try to cross-reference that to find what matched and didn't match. His thought processes come from that. The original data that was gathered, he couldn't line up behind it.
- Guy Eastman said we have a lot of public input to try and digest and build the plan. The part he has trouble with is the public vs. the landowners. If he puts a stake on the ground and ask people driving by what they want, they may say someone shouldn't be able to split his land, but how does that impact that landowner's rights. Where did the 20 acres come from? Can an exception be made? Will this just become regulation? What does the

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197 regulation mean and what does that look like? For now, it is just ink on paper, but when it
198 becomes regulation, it becomes real. There are a lot of landowners concerned about their
199 property rights – the boundaries on that. His assessment is about the same as that of the
200 other commissioners. There is a lot of work to make sure this is what the people want but
201 also protects property rights.

- 202 - Chairman Brandon-Wintermote compared the old land use plan to the new draft. There
203 are some things in the land use plan that made sense – that we don't have in the current
204 plan. We don't have that same level of public questioning and detail. Maybe this is time to
205 open this to the consultant to see how they put this information together.
- 206 - Darcie White, Clarion Associates, said the comment about the typo in the timeline – the
207 timeline was in the current plan. As far as the public process – a lot of questions on that –
208 it is a very complex process. It is a long process. We have been going for about a year-
209 and-a-half now. We built it in parts for that reason. She summarized the outreach. What
210 we heard is that people felt, for the most part, about the same way they did in 1998. It is
211 really difficult to look at all the public comments. The end result is not a scientific
212 representation of everything heard. The key choices piece – there is a lot of information
213 there. Each time we go through, we are building on what we already heard. She
214 appreciates wanting to land on a certain number. They took their best interpretation of
215 what they heard and put it down on the page. What you are looking at now is their best
216 interpretation of what they heard. When we put those early thoughts out in December, we
217 wanted to know at that time if we were on the right track. We have been asking along the
218 way. What is before you now, is their professional representation of what they heard
219 collectively. This is a complex plan, looking at both countywide and planning area specific
220 issues. It is more productive to have the comments in the plan directly so we can respond
221 more specifically. This is a policy document. It is a guide. It is a place to start. It is not a
222 regulation. With the regulation updates, that is where the rubber meets the road. We are
223 not determining zoning right now, we are providing guidance for zoning decisions. She
224 understands that it is a lot and appreciates the feedback and opinions. This is your plan,
225 this is not about the consultant having an agenda. If we heard you wrong, we need to
226 know. But we need to know the specific concerns. As for the 20-acre question, where did
227 we come up with that number. We heard early in the process from ag folks and other folks
228 what the right number was. Most of the County was zoned for one-acre lots. We heard
229 that was not the direction folks wanted to go in the future. If 20 is not the number, we need
230 to know what it is. It is a place to start, knowing that there is sensitivity about any increase,
231 we landed on 20. Following the first draft in February, we didn't have the degree in
232 flexibility in the first draft that we have in the current draft. We added a menu of options to
233 allow for flexibility. She understands the desire to pin things down now, but that is really
234 what needs to happen during the zoning and reg amendments. What we have heard
235 throughout is that we don't want to see the one-acre lot size minimums.
- 236 - Commissioner Bonine said he is looking at the 1998 plan and there is no mention of
237 NRWD, so he doesn't see how it was carried forward. So, his skepticism is reinforced.
- 238 - Chairman Brandon-Wintermote said she understands this is a conceptual plan and we will
239 go through a lengthy process during reg amendment and zoning. Were the landowners
240 aware, in GR-P, that the ag overlay was going to become new zoning?

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- Darcie White said that we discussed from the beginning that the County does have an ag overlay now and it was not comprehensive. It was agreed that we would assemble new data and make it more true to actual ag lands. There are going to be some areas where the land may not have ag soils or irrigation currently. It is a much more comprehensive layer. The intent has always been to update the ag overlay and provide guidance.
- Chairman Brandon-Wintermote asked if we have a copy of the existing ag overlay vs. the new overlay. Darcie said we do.
- Chairman Brandon-Wintermote said the wildlife overlay is a big change too. Darcie said we provided clarification on the levels of use in the wildlife overlay. There are broad areas and smaller ones where more concentrated use occurs. Chairman Brandon-Wintermote said we don't have any hard, quantifiable numbers on how many people's zone may change. Darcie said at this stage, we only look broadly. We don't know what the specific zoning districts will be.
- Commissioner Mair asked what the process for amending the Land Use Plan would be. Chairman Brandon-Wintermote said it will be just like what we are going through now. And it is likely to happen anyway, more frequently than it had been previously. Randy said it is advantageous to get it as close as we can now.
- Chairman Brandon-Wintermote said the commission's biggest concern is that some of the information in the plan is not lining up with the public comments and we are concerned about the zoning of the different areas. For us to move forward, what do we need to do.
- Commissioner Peters said he is hung up on those. He knows this is being communicated as guidance, but he doesn't see how that goes to regulation. If you just look at basic recommendations, he questions that it is just guidance coming out of it when there is such drilled-down suggestions, and he can't find the public comments to back up the specific things.
- Chairman Brandon-Wintermote said if she had questions, she went page by page through the document and wrote her comments down. Commissioner Peters said we almost have to go point by point to see how we address the concerns.
- Chairman Brandon-Wintermote said the biggest concerns are changes in GR-P, Meeteetse, unsure of the other area. Commissioner Bonine said Clark is largely now GR-35 and it is being suggested to drop to GR-20. Chairman Brandon-Wintermote said there are different areas now. Chairman Brandon-Wintermote asked if we got any input from Meeteetse. They are going to see a significant change in Meeteetse.
- Darcie White asked if the Coordinated Planning Areas was what she was referring to. Chairman Brandon-Wintermote said yes. Darcie said there was an individual representing Meeteetse on the LUPAC and the mayor was on the Technical Advisory Committee. They also met with the mayor a couple of times specifically, as well. Meeteetse adopted a new Land Use Plan in 2014 and their plan is reflected in their area in this plan. We also had separate meetings in Meeteetse. Chairman Brandon-Wintermote said it would be nice to have information that shows what the people want. She was only able to locate 15 comments from Meeteetse residents and has concerns that this is truly what is wanted. Darcie said they are listening to the entire body of comments. There was a lot of outreach to the separate groups in the area to ascertain they are aligned with their thinking.

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- Commissioner Bonine asked about the future land use map. He thinks he understands the intent of it, to provide guidance based upon land classification. There are a lot of areas where there is duplication between the ag overlay and the future land use map and he is curious if they can understand the intent behind the multiple layers of suggested policy. Ultimately it should be zoning that should determine all that. How many people really understand the layering and what is anticipated for zoning in those different overlays? Is it really necessary to have all those layers?
- The Planning Director said it was by direction of the Board (of County Commissioners) that the consultant work on updating and correcting the ag overlay as well as initiating the wildlife overlay. The Board has determined that they do want to address wildlife issues and they have had multiple sessions regarding it. The intent of the ag overlay was to address the concern from the public that ag is endangered. The plan identifies areas that are ag and is more current than the previous layer, however no layer will be exact as change occurs constantly. This is for guidance and to assist with planning but does not restrict development within the layer. The specificity comes at the next stage. The Land Use Plan is a place to start the conversation. Different zoning districts are mentioned and suggested but are just guidance at this level. The plan is an average of the responses received from the public. It is designed to allow flexibility. The 1998 plan was quite specific and that is not typical of a Land Use Plan. The specifics should be determined at the regulatory level.
- Commissioner Bonine said he appreciated the response. His questions are in no way intended to make it look like the consultant made up the ag overlay or the wildlife overlay, but the thing that hasn't been talked about much is the future land use map and the suggested zoning designations. He is just trying to understand, maybe what the intent is is to have a layer that includes suggestions for lot sizes based on categories, and then on top of that is suggestions with the ag overlay. He doesn't see more flexibility with the multiple layers. What is the intent of that and how should it be viewed?
- Darcie said the future land use map is a new layer. They are not duplicated. The purpose is to provide a picture of how the County is going to grow. We didn't really have that in the 1998 plan. We proposed to the Board and to groups we met with last fall that adding this clarity would be helpful. This is something that is typical – having a general representation of what could be. Before, the plan had everything looking “rural.” It was important to us to distinguish the differences that already exist and will exist. One of the things that we heard from early on is rapid subdivision in areas around the cities and why don't we have a plan for more coordinated growth in those areas. We looked at where we could expect growth and be transparent. The areas were identified by the cities and County as areas where we need to work together. The other thing we wanted to do is give room for different types of uses in the rural areas. We said things that we thought would be prominent, but they won't be all – it's not a broad brush. The broad brush that currently applies, is probably not the appropriate approach for Park County where you do have nuances. We can tailor the rules to the individual areas. It gives a general idea on where to focus things. In an answer to the question about being nonspecific or more specific in certain areas. We tried to honor what we heard from the different areas as more important to them.

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- Commissioner Peters said he still wants to see all the data and why is it taking so much effort to find what people are saying. If you are going to drill something down in this plan, you should be able to point to where people said what they said. He said we interpreted this from somewhere. Darcie said the planning area-specific information came from meetings last fall and information captured online. We then put the information out for internal review to make sure we got the messaging right. A lot of information was combined. Also, there was a comment that once the plan goes in to place, all the information goes away. That information is part of the plan, and it is not intended for that information to go away.
- Chairman Brandon-Wintermote asked if the key policy statements and comments will be available still. Darcie said yes. She said we could hold a different public meeting every week and hear different things. It is point-in-time information. There is always a need to go back to the public.
- Chairman Brandon-Wintermote said she has her comments broken out by page number and led discussion.

Comments:

- Page 3 – correct year and info on Northwest Rural Water District timeline entry;
- Page 41 – EN1.4 – 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 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. She would like to see it in here and then cross-referenced.
- Page 50 – Building codes – we are going to try to encourage developers and building contractors. She would like to add homeowners to the list. Building codes actually talk about more than snow and wind. She would like to add, "UBC's cover the fire, life and structural safety aspects of all buildings and related structures". And add homeowners to that section.
- Page 50 –Yellowstone Assistance Network should be Yellowstone Country Assistance Network.
- 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.
- Page 60 – says the county may need to require engineered plans for spaces that are challenged. The Planning Director explained the reasoning related to small-acreage parcels that already exist. This has not been determined at this time but is a consideration for small-acreage parcels that already exist that have challenges related to meeting required set-backs for septic systems and wells and how it could potentially affect neighboring parcels.
- Page 46 – Conservation subdivisions – are in our regs as lot group bonusing right now. Commissioner Bonine is concerned, the inset, where it says conservation subdivisions are encouraged, alongside lot size averaging. He is concerned that with 20-acre minimums, there become a lot less options for people to split their land. He doesn't think we want to

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371 be funneling people to conservation options as their only options. Reduction in minimum
372 lot sizes would be a better option. He doesn't like the word "encouraged." Grouped-lot
373 subdivisions – he hasn't seen them in his time here. He would like to see it reworded.
374 Chairman Brandon-Wintermote said most of the time we see lot size averaging.
375 Commissioner Bonine said there are not many situations with existing properties where
376 you would already achieve the same with the 35-acre exemption. The Planning Director
377 explained that the plan is not stating that all areas will likely be a 20-acre minimum. The
378 idea is that the more rural areas that do not have access to water and sewer, should retain
379 larger lot sizes, however there will likely be areas that may be zoned much smaller
380 because they do have access to services. The zoning will be tailored to each area based
381 on what is actually out there. The intent is to have more customized zoning, not blanket
382 zoning. Replace "encouraged" with "an option".

- 383 - Chairman Brandon-Wintermote indicated that she feels the misunderstanding comes from
384 the language in the plan. See page 121, under L5-2: by continuing to limit the minimum
385 average lot size to no less than 20 acres...maybe this needs to be reworded. The Planning
386 Director suggested adding some language explaining that there could be pockets of
387 smaller lot size averages. Clarifying language could be added to assist in explaining that
388 a larger average lot size is recommended but smaller lots may be able to be achieved
389 under certain circumstances.
- 390 - Darcie mentioned the land use map helping to provide guidance that addresses smaller
391 lot sizes in rural residential areas. The intent is not to be broad brush, but in order to
392 achieve what people are communicating about maintaining contiguous tracts of ag and
393 open space, we wrote in the larger averages. Commissioner Eastman said any time you
394 use "no" or "require" it puts peoples' hackles up. People are afraid they will have rules that
395 they won't be able to get out from under.
- 396 - Commissioner Eastman asked when people come in to discuss a subdivision, does staff
397 talk to them about their options? The Planning Director explained that some people come
398 in with their plans already set in stone and others come in conceptually to see what they
399 may be able to do.
- 400 - Darcie provided language from page 121...how would the commission like to see that
401 changed. Commissioner Bonine said when he reads it, it sounds like the only way to go
402 smaller is to use lot size averaging or conservation subdivision. It doesn't read that you
403 might be in something other than a GR-20 zone. Having to set aside an area of land for
404 65 years. For some that would be attractive, for others it will not. It feels like the way it's
405 written, it's 20 acres or your only options are conservation subdivision or lot size averaging.
- 406 - Darcie said we can take a look at clarifying the categories in the descriptions.
- 407 - Commissioner Bonine said you are referring to land use designations and you have to go
408 elsewhere in the document to find those designations. If you are just reading it, it is pretty
409 innocuous. There is no way of understanding the implications of a ranch/rangeland
410 designation or agricultural designation. He wonders if there is a way to refer to larger or
411 smaller lots sizes with either no numbers or a range of numbers instead of a single
412 number. Chairman Brandon-Wintermote suggested language such as "we are proposing
413 to establish these areas to protect agriculture, knowing that there are areas within that
414 may be zoned smaller." The language just seems too specific.

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- Darcie used an example in the Lower South Fork planning area of language that provides variability. The intent is to go to a larger lot size, we recognize there are a lot of on-the-ground conditions that need to be taken into consideration. Commissioner Bonine said to say "consider increasing", if saying 20-acre minimum to help imply flexibility.
- Commissioner Peters said keep it general and say larger lots are suggested. Then let the zoning regulation come forward from the landowners. Let the people put a number on it.
- Chairman Brandon-Wintermote said maybe leave it more open-ended. Saying larger lot sizes are favored to help protect ag and open spaces. Darcie said we have tried to weave in the protection of large tracts, so they remain viable for [the purpose of ag, open space, wildlife, etc.]. Commissioner Bonine said a lot of those things sound fine, but we have a lot of generational farmers who don't have family interested in farming. There are a lot of people whose retirement plan is to subdivide their land so they can retire. While he understands the intent of maintaining the large contiguous tracts, there comes a point when it becomes an infringement/stressor on private property rights to use that desire for large areas of contiguous production ground. Against someone's personal property right to do what they need to do for their own life and situation.
- Darcie said we heard from both sides. We are trying to balance the needs with the goals.
- Chairman Brandon-Wintermote asked if they should come back with language, though it would vary by planning area.
- Darcie said where we do have variety in the planning areas it is primarily where the overlays exist. There is some variation built in there.
- Page 121 – looking at the LS2 vs LS3 – the priority conservation areas speak to the intent of everything we have been talking about – maintain ag, larger areas of farm ground. I guess it does talk to a minimum lot size of 10 acres or more, but to preserve large tracts. Why can't we use similar language where we are talking about smaller or larger lot sizes in place of the specific minimum averages (LS2, for instance).
- Chairman Brandon-Wintermote maybe maintain larger average lot sizes that conserve large, contiguous tracts of land. Indicating intent but not putting in a definite number.
- Commissioner Peters said the whole goal is to try and get rid of a specific number but keeping the intent. The Planning Director stated that the Board did ask for some specificity regarding some of these numbers and that is why the numbers are in there. It is explained within the plan that there are options shown through graphic and explanations that there are options to achieve smaller lots. It is not the intent of the plan to put a specific number on a large area of the County. She does understand the concern of how the public may interpret the numbers. She asked if it would be possible to bring it forward to the Board that the Commission recommends that the Board generalizes the language as opposed to providing specific lot size average numbers?
- Commissioner Bonine doesn't want to see what we have now – the land use plan not matching the zoning. But if we look down the road five years and we are looking at this land use plan and there are smaller lots allowed in an area such as the Southfork where it states larger lot sizes, then the zoning doesn't match.
- The Planning Director said she feels there should be a simple way to put a statement within each planning area indicating that there is not the intention of a specific zoning in each area that could clarify the possibility of flexibility.

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- Darcie said it was a specific ask from the Board to provide some numbers to help communicate that change is coming and there will be more discussions. If we didn't have a number in there it leaves us vulnerable. We heard clearly that one-acre everywhere is not okay. Having a statement that a mix of lot sizes exist and will in the future, but we want to achieve preservation.
- Commissioner Bonine said if the Board wants a number, 20 acres is not the number. If we can't generalize, then we need to figure out what the number is/are. He knows that some areas want bigger number than others.
- Chairman Brandon-Wintermote wants to know where 20 acres came from. Darcie said we started with one acre as the current broad brush, we felt 20 acres was the middle ground. Is there a spot that says exactly where we landed on 20? There is not. It is based on knowledge of what is happening on the ground and public input. If we have the additional language about possible lot size ranges, will you be comfortable maintaining those lot sizes moving forward to the zoning process? The Planning Director mentioned that there is the possibility of creating new zoning districts; ie: GR-10. It is a balance of looking at what is currently in place and what would be more suitable and finding an average.
- Commissioner Bonine says if we put a statement in that there is going to be a range of minimum lot sizes allowed, do we need the specific number? If we are talking what is currently in Cody/Powell Rural (which is currently 1 acre) is not it but he doesn't feel 20 is it either. He would rather see it be in the 5 to 10-acre range. He doesn't see 20 acres as splitting the difference between 1 and 35.
- Commissioner Eastman asked about the next level in the process. It goes down to individual zones and making changes at a more refined level. So, it is possible for us to go through the process and have nothing change. We suggest you soften the language and the numbers, but understand, Board, that you may not agree.
- The Planning Director reminded the Commission that this document is not unchangeable. This is a moveable, changeable document. It is not the intent for this document to remain unchanged for the next 20 years. It should be updated on a regular basis.
- Commissioner Bonine said his perspective is that it is really easy to get wrapped up in this being the first step in the current process that we are going through. We're going to roll into the regs and drill down. The other part of the land use plan is that in 5 years and 10 years when this commission has completely changed and staff has changed and there are new people, they are going to say this is what people wanted in 2023. His issue is more with Cody/Powell Rural than other areas. He doesn't think the message is what those people want. We owe it to future commissions to make sure this document reflects what the people want.

Chairman Brandon-Wintermote asked, can we continue the discussion at the end of the regular meeting today? Since the commission closed the public hearing, they are fine to continue this discussion as an added item at the end of their regular meeting.


Commissioner Bonine made a MOTION to adjourn the special meeting at 12:58pm. SECONDED by Commissioner Mair.

Respectfully submitted,

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Jolene Brakke, Secretary

PLEASE SIGN IN

PLANNING and ZONING COMMISSION SPECIAL MEETING June 21, 2023

		Park County Land Use Plan	
	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	MARYANN Alquist	LUP	probably
2	Marion Morrison	LUP	✓
3	Gus McCall	LUP	probably
4	Joe Harper	Land use Plan	no
5	Jana Thompson	LUP	no
6	Colin Thompson	Land	?
8	Dave Shultz	LUP	No
9	Harold Musser	LUP	Maybe
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Park County Planning & Zoning Department

1002 Sheridan Avenue, Suite #109

Cody, Wyoming

(307) 527-8540

PARK COUNTY PLANNING & ZONING COMMISSION

Meeting 10:00 A.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 special meeting of the Park County Planning & Zoning Commission open to the public. For more information please contact the Park County Planning & Zoning Department at 527-8540, 754-8540, or 1-800-786-2844.

AGENDA

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

ADJOURN