

Planning & Zoning Commission Minutes
July 19, 2023

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

Commission Members Present:

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

Staff Present:

Joy Hill, Planning Director
Kim Dillivan, Assistant Director
Jenny Cramer, Planner I
Jolene Brakke, Office Assistant III (by virtual means)
Brian Edwards, County Engineer (by virtual means, arrived at 2:09pm)
Ben McDonald, Public Works (by virtual means, arrived at 2:09pm)

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

APPROVAL OF MINUTES

Chairman Brandon-Wintermote asked the Commission for comments or changes to the May 24, 2023, special meeting minutes. Chairman Brandon-Wintermote asked for Line 212, "reflect language from the resolution". A MOTION was made by Commissioner Bonine to approve the minutes as corrected; the motion was SECONDED by Commissioner Peters to approve the minutes as corrected. All in favor. Motion carried.

Chairman Brandon-Wintermote asked the Commission for comments or changes to the June 21, 2023, special meeting minutes. Chairman Brandon-Wintermote mentioned page 8 of the minutes and that it needs to reflect what is in the resolution. Chairman Brandon-Wintermote asked that those meeting minutes not be approved at this time.

Chairman Brandon-Wintermote asked the Commission for comments or changes to the June 21, 2023, meeting minutes. Chairman Brandon-Wintermote said line 211 is incomplete. Correct the information on Line 292. The applicant answered the question of hazardous materials. On page 12, Line 529 should say "subject to the abovementioned conditions." A MOTION was made by Commissioner Bonine to approve the minutes as corrected; the motion was SECONDED by Commissioner Eastman to approve the minutes as corrected. All in favor. Motion carried.

CONSENT AGENDA

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

Chairman Brandon-Wintermote asked if any member of the Commission wished to remove any of the items or wished to make a statement. Chairman Brandon-Wintermote asked if all the

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51 commission members received the staff reports and had time to review the materials as well as
52 having all concerns addressed by the staff. They indicated that they did.

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54 Commissioner Mair made a MOTION to approve the consent agenda. SECONDED by
55 Commissioner Peters. All in favor. Motion carried. See Resolution 2023-24, attached hereto and
56 incorporated herein.

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58 **ALEEBIL RANCH SS-312:** Scott and Allison Forke request approval of the application and
59 sketch plan for the Aleebil Ranch SS-312. The applicants propose a one-lot simple subdivision
60 comprised of one 9.82-acre lot from an existing 90.77-acre parcel for residential and agricultural
61 use. The subdivision will result in a 50.95-acre remainder parcel. The property is zoned as
62 General Rural 5-Acre (GR-5). This proposed subdivision is located in Tract 89-4, Section 1,
63 Resurvey, T53N R101W of the 6th PM, Park County, Wyoming. It is located approximately four
64 miles northeast of Cody, on Road 20, with an address of 11 Aleebil Lane.

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66 Commissioner Bonine read the conditions of approval (by Resolution 2023-24) for the Aleebil
67 Ranch SS-312:

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69 1. The applicants shall provide all easements as requested by applicable utilities and
70 special districts, irrigation districts or public agencies providing services. The width of
71 any utility easement shall be sufficient to allow adequate maintenance of the system,
72 but in no case shall such utility easement be less than 20 feet in width. Easements must
73 be identified on the final plat;
- 74 2. The applicants shall place a condition on the final plat that any access approach that is
75 intended to serve the lots of this subdivision shall meet Park County Road & Bridge
76 Standards and will require a Right-of-Way Permit from Park County Public Works
77 Department;
- 78 3. The applicants shall provide a response from Park County Weed and Pest and, if
79 required, an approved Long-Term Noxious Weed Management Plan to the Park County
80 Planning and Zoning Department, prior to final plat review by the Board of County
81 Commissioners;
- 82 4. The applicants shall provide a response from Park County Public Works to the Park
83 County Planning and Zoning Department, prior to final plat review by the Board of
84 County Commissioners;
- 85 5. The applicants shall provide correspondence from NRWD, approving their plans to
86 separate water service so that each tap serves only one property. If plans involve
87 running a service line across proposed Lot 1 or obtaining a new tap to serve proposed
88 Lot 1, a Subdivision Improvements Agreement will be required;
- 89 6. The applicants shall provide an approved water distribution plan to the Park County
90 Planning and Zoning Department, prior to final plat review by the Board of County
91 Commissioners;
- 92 7. The applicants shall place the following note on the final plat: "Any proposed water wells
93 on these subdivision lots shall be permitted by the Wyoming State Engineer's Office

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- 94 prior to installation”;
- 95 8. The applicants shall either provide a shared maintenance agreement between the
96 parcel owners who will use the shared private road, to be recorded with the final plat, or
97 the applicants shall place a note on the Final Plat and state in the Notarized Disclosure
98 Statement how maintenance of the shared road will be achieved by the property owners
99 who use it;
- 100 9. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of
101 1991; and
- 102 10. The applicants shall otherwise comply with standards in the Park County
103 Development Regulations and the minimum subdivision requirements as set forth in
104 Wyoming Statute 18-5-306.

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REGULAR AGENDA

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PUBLIC HEARING CONTINUED – RIVER RIDGE MS-74 SKETCH PLAN: Karen Crowell, Cynthia Hermans and Edward Harvey request approval of the application and Sketch Plan for the River Ridge Minor Subdivision (MS-74). The proposed subdivision is comprised of three lots: one 1.90-acre lot, one 4.78-acre lot, and one 22.33-acre lot, each for residential use. The proposed subdivision is located within two existing properties: Lot 18, Section 6, Resurvey, and Lot 2 of HVBII SS-243, all within T53N, R100W of the 6th P.M., Park County, Wyoming. The properties are located approximately five miles northeast of Cody, east of Highway 14A and Corbett Road, with addresses of 28 and 32 River's Ridge Road in a General Rural 5-Acre (GR-5) zoning district. Chairman Brandon-Wintermote reviewed the rules of a public meeting and reopened the public hearing at 1:15pm.

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There being no comments from Commission members, Kim Dillivan, Assistant Director, presented information received since the last meeting. Kim Dillivan provided a summary as follows:

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- Public comments:
 - o Received comments from McMahon and Olenik with and concerns about additional housing units.
 - o Comments from Causey addressed concerns with lot size averaging being used.
 - o Spanogle commented opposing one of the lots being 1.57 acres in size and providing three options for the 12-acre lot (in HVBII).
 - o Comments were received from Roop who is opposed to smaller lot sizes.
 - o Youngbauer provided comments that addressed not only the administrative relief, but also the subdivision generally.
- A letter has been received from NRWD stating water is available to serve Lots 1-3
- WYDOT addressed the Corbett Road access being commercial.
- Heart Mountain Irrigation District has not provided new information since April 11.
- There is now an approved Long-Term Noxious Weed Management Plan.
- The County Engineer's decision to grant administrative relief on road standards was upheld by the Board of County Commissioners.

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

- Chairman Brandon-Wintermote asked if anyone had questions about the dimension of the proposed Lot 1. Kim Dillivan addressed the depth to width ratio requirements for lots smaller than three acres. His calculations lead him to believe that the lot ratio is less than

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141 3:1 in conformance with the regulations. Chairman Brandon-Wintermote said the majority
142 of the lot seems to be okay, it's just the smaller western portion that appears to throw it
143 off.

- 144 • Chairman Brandon-Wintermote asked if NRWD can serve all lots. Staff confirmed they
145 serve Lots 1 and 3.
- 146 • Chairman Brandon-Wintermote asked about the sprinkler-only requirement being met.
147 Staff indicated there may be several issues outstanding relating to irrigation.
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149 Chairman Brandon-Wintermote asked if the applicant had any questions or comments.

- 150 • Rusty Blough of Morrison-Maierle, applicant's representative, said the irrigation district
151 approved the water distribution plan and the conditions were met. They did not do a
152 variance on the sprinkler requirement – it will need to be sprinkler irrigated. As far as depth
153 to width, he has emails from a while ago where multiple methods were used to come to
154 the less-than-3:1-ratio determination. Lot 1 used to extend to the south to where the road
155 easements are, but due to the ratio problem they modified it to its current configuration to
156 conform with the rule. The unusual shape is there because of existing solar panels that
157 serve the house on the property. Rather than using an easement, they extended the lot to
158 include it.
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160 Chairman Brandon-Wintermote asked if any Commission members had questions for the
161 applicant.

- 162 • Chairman Brandon-Wintermote asked if a note will be added about the tunnel. Rusty said
163 it is on the water distribution plan and will be on the plat.
- 164 • Chairman Brandon-Wintermote asked if a road maintenance agreement will be done. The
165 applicant plans to take care of that.
- 166 • Ted Harvey, the applicant, said there are two parts to the road maintenance question.
167 There is an agreement between the three landowners that, if there is ever an agreement
168 for River Ridge Road, they will join in on it. He doesn't see how that will change whether
169 this is approved or not. There has not been an agreement for maintenance of Corbett
170 Road in his time there. There have been landowners, including him, who have participated
171 in some improvements over the years. There have not been meetings by landowners to
172 discuss maintenance of Corbett, but they have signed a letter saying they would
173 participate if that were ever to happen.
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175 Chairman Brandon-Wintermote asked if there were comments from any members of the public.

- 176 • Jim Dougherty, 51 Corbett Road, said the application is incomplete. The plat is incomplete.
177 It is missing an easement along Rivers Ridge Road. That was part of the warranty deed.
178 It is the deed that was the sale of the property that services 32 Rivers Ridge Road.
179 However, that document does not include anything about the easement being
180 transferrable. He has a letter from an attorney in town that says, "If you attempt to sell your
181 property (referencing that easement), a question could certainly arise about legally
182 enforceable access." More importantly, the letter from 2017 was to the applicants. The
183 question was, before they purchased Lots 1 and 2, could they expand that easement or
184 would they need a new one. The lawyer said you cannot increase the burden of the
185 easement. On the question of whether it can be transferred, he said the owner should
186 contact title to make sure it is newly written (new easement/newly insured). We are moving
187 that property line adjustment, not referencing the easement, and increasing the burden of
188 the easement to cover Lot 3. Is that an oversight or was it swept under the rug? The
189 application cannot proceed until it is addressed.

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- Cynthia Hermans, property owner within proposed subdivision, said she bought the property six years ago. At that time, she was not concerned about subdivision. The reason the lot was even available was that Ham Bryan subdivided his property creating the 11 acres she and Karen Crowell bought together. She built her house and recently Karen started to build her house. She can't get a construction loan until the property is subdivided. Originally, they decided on three lots so Ted can graze his horses. She has no intention of further houses or subdivision. She might possibly add accessory buildings, but that's it.
 - Shelly Causey said we have her statement, but she would like to say it out loud. Lives at 36 Corbett Road. She likes that it is a quiet neighborhood, ag and cattle. They met Ted when they first moved in. Ted has a business in vacation consulting. Our neighborhood has changed. Friendships have changed but are tenuous. Statements have been made contradictory to friendly conversations of times passed. In her opinion, the intent of GR-5 zoning should be upheld. The concept of lot size averaging is problematic and open to interpretation. There is no way of going back and no oversight.
 - Jim Causey, lives at 36 Corbett Road and is the watermaster for the water association that serves the property. The easement has been a big problem getting in. The zoning of GR-5 was that way when everyone bought their properties. Breaking this down below five acre lots, violates the regulations. As an owner of Corbett Road that this subdivision coming in is only going to take his property and cost him money. This is at the taxpayer's and property owner's expense. He doesn't understand why the 5-acre zoning would be thrown out when everyone knew from the beginning that the zoning was in effect.
 - Chairman Brandon-Wintermote asked the Planning Director to address the lot size averaging concept. The Planning Director explained that lot size averaging is exactly what it says, an average. GR-5 zoning discusses an average of 5 acre lots. It doesn't say they have to be 5 acres or larger, it says they have to be an average of 5 acres. If someone is willing to preserve a larger tract of land, then they are allowed to have some smaller ones in exchange for that. It is allowed by the current regulations.
 - Commissioner Bonine asked about the Tract of Record – is there any research done on prior subdivision? Jennifer Cramer shared information about the past subdivision and research done to address lands involved in the subdivision. Chairman Brandon-Wintermote asked if Lot 2 of HVBII will be vacated. It will. The Planning Director explained the concept of vacation. The lot design is what is being vacated. Once a boundary is changed, the description changes. So, you have vacated a lot and are creating a new configuration. Any time you vacate or partially vacate, you have to get Board approval by State Statute.
 - Ted Harvey said his understanding is that there would be no further subdivision possible. He would be happy to have a deed restriction on his deed that prevents future subdivision. He is willing to do that to satisfy this issue. Chairman Brandon-Wintermote said they could also put a condition on the plat to restrict further subdivision.
 - Shelly Causey said she is concerned about the subdivision that already occurred. Staff indicated that the regulations define a tract of record from a date in 2001. Staff is able to provide the Commission with the tract of record research.
 - Ted Harvey said the subdivisions occurred before the Norleens came along.
 - Ham Bryan did a lot of business with Colin Simpson.
 - Chairman Brandon-Wintermote asked if Rusty Blough can address the easement concerns. Rusty said the easement was provided by Sovereign Title. Staff has a copy of the easement, and it will be noted on the plat. It is not shown on the sketch plan but will be on the final plat. As far as the other questions, those are legal questions. Is it perpetual, etc. From his perspective it is a valid easement.

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- 240 • Jim Dougherty said Colin Simpson, attorney, said they could not increase the burden on
241 the easement. So, when you add to the property, you can't increase the easement without
242 redrawing the easement. He provided a copy of the letter. His advice is to get a new
243 easement. You can't do a corrective easement to expand. Adding an additional four acres
244 would not be allowable.
- 245 • Commissioner Bonine asked staff about the legal access for the third lot. The Planning
246 Director indicated that the understanding was that there was legal access to each lot. The
247 question of whether the easement can be extended is a legal question and staff cannot
248 answer to that. If a title company indicates there is insurable access, we accept that
249 conclusion.
- 250 • Jim Dougherty said the County Engineer asserted there is direct access to Corbett Road.
251 He is incorrect.
- 252 • Staff indicated some form of a letter from title would be helpful to show that insurable title
253 would be available for each proposed lot.
- 254 • Chairman Brandon-Wintermote asked Public Works for their thoughts on legal access to
255 the proposed lots.
- 256 • Ben McDonald said they felt the access was suitable, but as for the legality of it, they
257 cannot speak to that.
- 258 • Brian Edwards, County Engineer, said there were two easements that overlap each other.
259 There is an earlier one that serves Mr. Harvey's land then the more recent one addresses
260 Lot 2 of the HVBII subdivision. His understanding is that with the two easements both of
261 the properties were covered.
- 262 • The Planning Director indicated that easement issues are becoming more and more of an
263 issue and staff has been asking for more specificity to be included in new easements to
264 help alleviate this issue.
- 265 • Commissioner Bonine mentioned the letter provided by Mr. Dougherty from Colin Simpson
266 was an interpretation. Ted Harvey said his recollection at the time was that they needed
267 additional easement and that was why they got it in 2017 from Fales. There are two
268 easements, not just one. Chairman Brandon-Wintermote asked if one is for road and
269 snow? Jennifer Cramer said one is for road and snow and the other is by a warranty deed.
- 270 • Brian Edwards said the one easement covered just Mr. Harvey's property, but Lot 2 didn't
271 have legal access, so they granted additional easement to Lot 2. So as long as Harvey's
272 property is combined with Lot 2, it is the same property, they should all have legal access
273 through those two easements.
- 274 • Chairman Brandon-Wintermote said there is not enough information on the access to
275 make a decision so a condition would be needed.

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277 Commissioner Peters made a MOTION to close the hearing at 2:20pm; SECONDED by
278 Commissioner Eastman. All in favor. Motion carried.

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

- 281 • In looking at finding #40, Chairman Brandon-Wintermote asked if a traffic impact analysis
282 was completed. Replace with administrative relief decision was appealed to and upheld
283 by the Board of County Commissioners;
- 284 • #46 – several written public comments have been received;
- 285 • Add a condition requiring clarification of legal access/easement; The applicant shall
286 provide a legal opinion or title opinion regarding legal access;
- 287 • Add a condition clarifying the requirement for an HOA to address shared improvements.
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289 Commissioner Peters made a MOTION to approve the River Ridge MS-74 Sketch Plan by
290 Resolution 2023-25 based on the findings presented and including the following conditions:

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

297 2. The applicant shall place the following note on the final plat "The eastern boundary
298 of PLSS Lot 18, being dependent upon the position of the Shoshone River, is a
299 perceived boundary which varies over time as the position of the river shifts.
300 Meandering is the method used to determine upland acreage, and historically, only
301 useable land is included, which is reflected by the eastern boundary of Lot 18 as
302 shown hereon. For the purposes of this subdivision, land lying east of the eastern
303 boundary of Lot 18 as shown shall be designated as "Unusable Land or "No Build
304 Area";

305 3. The applicant shall place the following note on the final plat "Lot size averaging was
306 used to create subdivision lots smaller than 5 acres in the GR-5 Zoning District. In
307 considering future division of Lots 1, 2 and 3, none may be further divided unless
308 authorized by County Regulations or State Statute in place at the time further
309 division is proposed.";

310 4. The applicant shall provide a Water Distribution Plan that has been approved by
311 Heart Mountain Irrigation District to Planning & Zoning Department, prior to final
312 plat review by the Board of County Commissioners;

313 5. The applicant shall identify the Corbett Tunnel on the final plat and place a note on
314 the final plat that no building may be built within 150' of it's centerline;

315 6. The applicant shall identify the wetlands on proposed Lot 3 and place the following
316 note on the final plat: "Any proposed development within potential waters of the
317 U.S. (including wetlands) shall be reviewed and/or permitted by the United States
318 Army Corps of Engineers Regulatory Program. It should be noted that it is unlawful
319 to begin work without a Clean Water Act, Section 404, Department of the Army
320 permit when one is required.";

321 7. The applicant shall place a condition on the final plat that any access approach that
322 is intended to serve the lots of this subdivision shall meet Park County Road &
323 Bridge Standards and will require a Right-of-Way Permit from Park County Public
324 Works Department;

325 8. Following Board approval of the sketch plan and prior to the Board's review of the
326 final plat, the applicant shall submit an appropriate Subdivision Improvements
327 Agreement addressing all applicable required improvements (ex. utilities, cul-de-
328 sac, etc.) for review by staff and approval of the County Attorney and the Board;

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- 329 9. The applicant shall place a note on the final plat: "Due to restrictive layers and high
330 groundwater, nonconventional septic systems may be required.";
- 331 10. The applicant shall place a note on the final plat: "Water quality appears to be safe
332 for human consumption; however, treatment such as reverse osmosis is
333 recommended for more palatable water.";
- 334 11. The applicant shall place the following note on the final plat: "Any proposed water
335 wells on these subdivision lots shall be permitted by the Wyoming State Engineer's
336 Office prior to installation";
- 337 12. The applicant shall place a note on the final plat: "SELLER DOES NOT WARRANT
338 TO THE PURCHASER THAT THERE ARE ANY RIGHTS TO THE NATURAL
339 FLOW OF ANY STREAM WITHIN OR ADJACENT TO THE PROPOSED
340 SUBDIVISION. WYOMING LAW DOES NOT RECOGNIZE ANY RIPARIAN
341 RIGHTS TO THE CONTINUED NATURAL FLOW OF A STREAM OR RIVER FOR
342 PERSONS LIVING ON THE BANKS OF THE STREAM OR RIVER.";
- 343 13. The applicant shall provide a site plan drawn to scale of proposed Lot 1 to show
344 the location of the existing septic system and a designated replacement leach field
345 area, while also illustrating the systems can meet the required setbacks;
- 346 14. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act
347 of 1991;
- 348 15. The applicant shall provide a legal opinion or letter of insurability from a title
349 company indicating there is legal access to each of the proposed lots;
- 350 16. The applicant shall provide a road maintenance agreement for the shared driveway
351 to serve the lots; and
- 352 17. The applicant shall otherwise comply with standards in the Park County
353 Development Regulations and the minimum subdivision requirements as set forth
354 in Wyoming Statute 18-5-306.

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356 The motion was SECONDED by Commissioner Eastman. Commissioner Bonine said he
357 struggles that this is what responsible development looks like. Commissioners Peters and
358 Eastman said aye. Commissioners Mair and Bonine opposed. Chairman Brandon-Wintermote
359 voted aye. Motion carried. See Resolution 2023-25 attached hereto and incorporated herein.

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361 **PUBLIC HEARING – SOUTHFORK CAVVY SUP-251:** Leslie Rose requests approval of the
362 application and site plan for the Southfork Cavvy SUP-251. The applicant is proposing a
363 major recreation facility use to operate an equine riding and training facility. The use is
364 proposed on two acres within a 24.29-acre parcel located approximately six miles
365 southwest of Cody with an address of 19 Road 6RT. The parcel is described as Lot 2 of
366 Oliver SS-102, Resurvey T52N, R103W of the 6th P.M., Park County, WY and is located
367 in a General Rural 5-acre (GR-5) zoning district and the Lower Southfork Planning Area.

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369 Chairman Brandon-Wintermote opened the public hearing at 2:48pm.

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371 There being no comments from Commission members, Kim Dillivan, Planner II, presented the
372 Staff Report. Wyoming Game and Fish has provided a response that they have no terrestrial
373 wildlife comments. County Weed and Pest has provided a response that a Long-Term Noxious
374 Weed Management Plan is not required. Jennifer Cramer added that a site-specific drainage plan
375 is not required. Per Public Works, the applicant will be required to manage drainage in a way that
376 will not impact neighboring properties or the roadway.

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

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- Chairman Brandon-Wintermote asked about parking. Finding #36 mentions that there could be therapy sessions with up to 10 participants. Should we base parking on worst-case scenario. Kim said his understanding is that participants will arrive in a van or bus (single vehicle).

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

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- Leslie Rose said most times people with truck and trailer know to pull over and open the green gates. The green gates are for people using the arena. The black gates are for her personal use. She can make sure to open the gates to alleviate any concerns.
- Commissioner Mair asked where the horses will be boarded. Leslie said in the diamond shaped arena by the house. The person who owns those is an equine therapist. They bring a shuttle van with all participants; they are not individually transported.
- Chairman Brandon-Wintermote said there is a standard for site plans – should be to scale and include several features. She would like to see Ms. Rose provide a more adequate site plan.
- Chairman Brandon-Wintermote mentioned a complaint about toilet paper and trash. Can Ms. Rose confine the trash. Ms. Rose has put bungee cords over the dumpster for the past two years. The photos were old. There is a jam on the door so wind can't cause a problem. Chairman Brandon-Wintermote asked about hay and manure and wind concerns. Ms. Rose said sometimes the neighbor's material blows onto her land. She has gone to ground feeders, hay in nets, relocated hay.

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- 419 • Chairman Brandon-Wintermote asked about weed-free forage. Ms. Rose said she is
420 mostly using weed-free forage (due to price). She needs to take down a few Russian olive
421 trees.
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423 Chairman Brandon-Wintermote asked if there were comments from any members of the public.

- 424 • Jay Linderman, 5 Panorama Lane, has lived in rural ag communities for 70 years. He's
425 seen properties in all types of condition – pig pens and impeccably kept. Ms. Rose has
426 addressed several problems over the years. In an ag community there will be problems.
427 If you don't like ag impacts, maybe you need to move away. Southfork Cavy is
428 impeccably kept. Ms. Rose is upgrading the use and will likely upgrade the condition of
429 the property as a result. In his 16 years living there he has not had a problem. Her property
430 increases his property value.
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432 Commissioner Peters asked if clinics were to be added, would it change the use? Staff indicated
433 clinics would likely be considered a significant change due to more people on the property.
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435 Commissioner Eastman made a MOTION to close the hearing at 3:26pm; SECONDED by
436 Commissioner Mair. All in favor. Motion carried.
437

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

- 439 • Finding #26 shall reflect Game and Fish responded.
440 • Finding #29 remove "not" and add that weed-free forage is to be used.
441 • Finding #31 received five public comments.
442 • Finding #32 should be Deborah Simpson.
443 • Finding #32 show Karen Bates supports the use without equine shows, clinics or
444 competitions.
445 • Finding #65 Public Works will not require a runoff and erosion control plan.
446

447 Commissioner Eastman made a MOTION to approve the Southfork Cavy SUP-251 by
448 Resolution 2023-26 based upon the findings presented and including the following conditions:
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- 450 1. Park County noise, lighting, and other nuisance regulations shall apply;
451 2. The use shall not involve any equine shows, clinics, or competitions;
452 3. The applicant shall submit evidence of approval to commence the use from the
453 Wyoming Department of Fire Prevention/Electrical Safety, prior to commencing the
454 use;
455 4. The applicant shall submit a formal response from the Lakeview Irrigation District, prior
456 to review by the Board of County Commissioners;
457 5. The applicant shall use weed-free forage or use forage grown on site;
458 6. One chemical toilet is allowed to serve the use, and it must be anchored to resist the
459 effects of wind and the tank must be emptied on a regular basis;
460 7. The applicant shall ensure that traffic does not stack on the roadway;
461 8. There shall be no parking in the County Road 6RT right-of-way at any time;

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- 462 9. The applicant shall maintain all site drainage in a way that will not have an impact on
463 adjoining parcels or the County roadway;
- 464 10. The applicant shall provide an updated site plan that meets the regulatory
465 requirements prior to review by the Board of County Commissioners; and
- 466 11. The applicant shall otherwise comply with standards in the Park County Development
467 Standards and Regulations.
468

469 The motion was SECONDED by Commissioner Peters. All in favor. Motion carried. See
470 Resolution 2023-26 attached hereto and incorporated herein.
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472 [2023 Park County Land Use Plan – Clarifying Resolution for Certification of the Land Use](#)
473 [Plan](#)
474

475 The Planning and Zoning Commission resolved to certify the 2023 Park County Land Use Plan,
476 subject to changes, by Resolution 2023-23 on June 21, 2023. The Board of County
477 Commissioners held a workshop with the Planning and Zoning Commission on July 11, 2023, to
478 seek clarification of the proposed changes and the contents of the resolution. The Planning and
479 Zoning Commission adjusted the proposed changes at the workshop and agreed to prepare a
480 clarifying resolution to supersede Resolution 2023-23.
481

482 Commissioner Peters called for discussion on the first two changes in the draft resolution that
483 was presented for the Commission's consideration. Commissioner Peters said the proposed
484 acreages sound like a regulatory taking. The Planning Director indicated that the County Attorney
485 will need to conduct a takings review of the regulations prior to adoption. Commissioner Peters
486 asked why one was completed for this plan? The Planning Director stated that it was done as a
487 precaution even though it is not required by statute, just as it was for the Natural Resources
488 Management Plan (NRMP). Commissioner Peters is not comfortable with the numbers proposed.
489 He feels it would devalue people's property.
490

491 Chairman Brandon-Wintermote referenced the takings review letter and checklist that Bryan
492 Skoric had provided with the Land Use Plan draft. Commissioner Peters said he would still not
493 want to see numbers assigned until the regulations are considered. He would prefer just stating
494 consider larger lots. If the plan is guiding regulations, it needs to be left to people in the districts
495 to come up with the numbers on their own. Chairman Brandon-Wintermote indicated it should
496 come back to what was decided when speaking with the County Commissioners. Did they want
497 the 20 acres left in there or did they just want to say that we were going to prioritize ag
498 conservation with larger lot sizes? The Planning Director indicated the decision was to follow the
499 recommendation of Clarion to leave the lot sizes. Commissioner Peters feels there should be
500 clarification among the commission members about what the number should be rather than
501 Clarion issuing a number. Commissioner Eastman felt the number was left in but only as an
502 example. The Planning Director clarified that the word average should be noted. There will not a
503 20-acre minimum on the whole rural Powell area. There will be places with one-acre, five-acre,
504 20-acre, 35-acre; but generally speaking, the average for the area is proposed to stay in the higher
505 acreages, average. Knowing that there are some significantly large tracts of land out there that
506 are going to make it easy to achieve. Where people have central water and all of those things,
507 there would be able to come down to smaller lot sizes. Flexibility is built in to allow for a large
508 range of lots sizes. Commissioner Peters thinks the ag overlay and big game overlay are sending
509 a message to landowners that it's a liability. People are going to see a large decrease in their
510 investment.

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511

512 Commissioner Eastman asked for clarification on the next step of the process. The Planning
513 Director explained that the regulation amendments process will include several rounds of public
514 input, seeking information at a more granular level than occurred during the Land Use Plan
515 development process. We will have to look at existing infrastructure, at existing subdivisions,
516 roads and all of the different factors that make one place more suitable for development than
517 another. We will want the people to weigh in with their thoughts regarding what they want to see
518 in their area, but suitability will still need to be considered. It is more expensive to provide services
519 in some areas of the county than in others. This will all have to be considered. Commissioner
520 Eastman understands the plan is a guiding document, but he feels that once a number is put into
521 it, it becomes regulation. And no one can answer where the 20 came from. The Planning Director
522 indicated that 20 acres came from the 1998 Land Use Plan and that it exists now as GR-20. She
523 reiterated that the land use plan can and is intended to be changed as things progress. The intent
524 is to revisit it every 5 years, but it can be updated with Board approval at any time.

525

526 Chairman Brandon-Wintermote asked to add "Priority Viewsheds" after the heading number for
527 Page 41.

528

529 Chairman Brandon-Wintermote asked for maps from the city plans that were used to help
530 determine the Coordinated Planning Areas, if available, to be added to the appendices. The
531 Planning Director clarified that the entire plans cannot be added due to size at the direction of the
532 Board.

533

534 Chairman Brandon-Wintermote indicated she understands the concerns with the 20-acre
535 minimum language. She pointed out that it has been a matter of public record that this plan will
536 not be used as zoning. There will be public hearings when zoning is established.

537

538 Commissioner Bonine indicated that he understands the flexibility that has been built into the plan.
539 Moving forward into the next steps, he has concerns that when the public looks back at this plan
540 that was used for guidance, he does not see anything to back up where the 20-acre minimum
541 came from. He does not see it as a reflection of anything he, personally, has heard from the
542 public. Chairman Brandon-Wintermote indicated that she was hoping for hard, fast, documented
543 numbers to support where this number came from.

544

545 Chairman Brandon-Wintermote asked about page 189 and the wildlife overlay and acreages.
546 Remove Big Game Overlay from the #2 on the suggested changes list and update Agricultural
547 Overlay to consider 20 to 35 acres.

548

549 The Planning Director recommending adding #25 to state "correct grammatical errors as needed".

550

551 Chairman Brandon-Wintermote clarified that the maps in the certification language are only the
552 maps within the document and not the maps within the portal. The Planning Director confirmed
553 this.

554

555 Commissioner BONINE made a MOTION to certify and approve by Resolution 2023-27 the 2023
556 Land Use Plan finding the following to be true:

- 557
- The 2023 Plan meets the general purpose of creating coordinated and harmonious
558 development of the area under study and of the county as a whole;

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- 559 • The Plan promotes the health, safety, prosperity, and general welfare of the County's
560 residents, as well as promotes efficiency and economy in the use of land and its natural
561 resources;
- 562 • The Plan encourages a well-balanced, prosperous economy for Park County;
- 563 • The Plan preserves and enhances Park County's unique character and protects its
564 natural environment; and
- 565 • The maps and text of the 2023 Plan form the whole of the Plan, which replaces the 1998
566 Park County Land Use Plan;

567 Subject to the following changes:

- 568 1. Under the rural areas heading in each planning area section provide clearer
569 messaging about lot size minimums: "Accommodate growth in Ranch/Rangeland
570 areas that reflects infrastructure, groundwater, and suitability limitations. Encourage
571 the conservation of larger, contiguous tracts of Ranch/Rangeland by considering a
572 minimum average lot size of at least 20 acres and allowing for smaller lot sizes in
573 conjunction with the land use guidelines on page 72 and 73.";
- 574 2. Under the priority conservation areas heading in each planning area section, use this
575 language: "Work with landowners, agricultural operators, wildlife managers, and
576 conservation organizations to protect the viability and stability of agricultural
577 operations and wildlife habitat in priority conservation areas while continuing to
578 accommodate opportunities for the subdivision of land. Consider a minimum lot size
579 of 20 to 35 acres within the Agricultural Overlay but allow for smaller lot sizes in
580 conjunction with the land use guidelines for Rural Areas and Priority Conservation
581 Areas in Chapter 2. See pages 72, 73, 82 and 84."
- 582 3. Add cross-references back to Chapters 2 and 3 on the title page for each of the
583 planning areas title pages;
- 584 4. Under Recreation and Public Land Access in each planning area, refer back to page
585 52; remove language about specific uses;
- 586 5. Where city plans are referenced in the document and are available online, provide a
587 link to the document and, where available, add the maps from those plans that were
588 used to develop the Coordinated Planning Areas to the appendix;
- 589 6. Chapter 4 – standardize the headings within each planning area section (e.g., put in
590 same order, address short-term rentals in every area by cross-reference back to
591 Chapter 2) where feasible;
- 592 7. Use the word "encourage" instead of "incentivize" throughout the document so a
593 developer doesn't expect a kick-back or tax incentive;
- 594 8. Remove "large-format retail" from the document;
- 595 9. Page 3 – correct year and info on Northwest Rural Water District timeline entry;
- 596 10. Page 41 – remove EN-1.4 (Priority Viewsheds);
- 597 11. Page 50 – HO 2.1: Building codes – add "homeowners" to the list of people to
598 encourage. Replace the last sentence with "Universal Building Codes cover the fire,
599 life and structural safety aspects of all buildings and related structures.";
- 600 12. Page 50 – correct Yellowstone Assistance Network to Yellowstone Country Assistance
601 Network;

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- 602 13. Page 52 – reword OR-1.2 to decrease confusion. As it is worded, it sounds like a
603 subdivider is required to create easements to allow public access through their land;
- 604 14. Page 57 – in the introduction last paragraph, change “how growth *will* occur” to “how
605 growth *may* occur”;
- 606 15. Page 59 – while BNSF does not have the authority to approve new at-grade crossings
607 for public roads, reference W.S. 37-10-102 to show that the highway commission has
608 the authority;
- 609 16. Page 61 – under Lovell Irrigation District, Elk Water Users, after “south side of the
610 Shoshone River” add “in the east Willwood area and near the towns of Byron and
611 Lovell”;
- 612 17. Page 68 – first paragraph, check comma placement (some missing);
- 613 18. Page 81 – under land use guidelines – consider rural development “may be” (as
614 opposed to “is”) discouraged in coordinated planning areas;
- 615 19. Page 105 – under CL-8, delete “on or” in the last sentence;
- 616 20. Page 111 – add the industrial zone based upon recent court decision;
- 617 21. Page 152-153 – clarify boundaries of these Powell areas;
- 618 22. Page 183 – under US-3, delete “to maintain...producers”;
- 619 23. Page 95 – under CK-1, remove “scenic quality”;
- 620 24. Pages 189-190 – Big Game Use Overlay – replace “incentivizing” with “encouraging”;
621 last sentence change “requiring developers” to “recommending developers”; and
- 622 25. Correct grammatical errors as needed.

623

624 The motion was SECONDED by Commissioner Eastman. Commissioners Mair and Bonine in
625 favor. Commissioner Peters opposed. Motion passed.

626

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

628

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

630

631 There being no other business, a MOTION was made by Commissioner Peters to adjourn the
632 meeting at 5:09pm. The motion was seconded by Commissioner Eastman. All in favor. Motion
633 carried.


634

635 Respectfully submitted,

636

637

638



Jolene Brakke, Secretary

**RESOLUTION 2023 - 24
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
ALEEBIL RANCH SIMPLE SUBDIVISION SS-312 (SS-312) SKETCH PLAN**

WHEREAS, Scott and Allison Forke proposes to create one 9.82-acre lot subdivision, in a GR-5 zoning district, for residential and agricultural use, from an existing 60.77-acre parcel. The creation of this subdivision will result in a remainder parcel of 50.95 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 July 19, 2023 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision Permit Application including payment, was received from Scott & Allison Forke on May 26, 2023;
2. A revised sketch plan was received on June 20, 2023;
3. The applicants request approval of the sketch plan for a subdivision to create one 9.82-acre lot, for residential and agricultural use, from an existing 60.77-acre parcel;
4. The creation of this subdivision will result in a remainder parcel of 50.95 acres;
5. Applicable regulations are the *Park County, Wyoming, 2015 Development Standards and Regulations*, adopted September 15, 2015;
6. The subdivision is classified as a simple subdivision;
7. Ownership is affirmed Warranty Deed dated June 11, 2019 (Doc. #2019-2890), to Scott L. Forke and Allison Forke;
8. The parcel is in Lot 42 of Section 1 and Lot 4 of Tract 89, in Township 53 North, Range 101 West, 6th P.M., Park County, Wyoming;
9. The property is located approximately four miles northeast of Cody, at the

intersection of County Road 20 and Aleebil Lane, with an address of 20 Aleebil Lane;

10. Neighboring land uses are a combination of residential and agricultural. The Hodson Subdivision and the Locke Subdivision are adjacent to the south boundary of the remainder parcel. A permitted gravel pit operates just southwest of the proposed subdivision;
11. Proposed Lot 1 is developed with a permitted single-family residence, a barn with an apartment and two septic systems. The topography shows little change in elevation on the east side of County Road 20. However, the lands on the west side of County Road 20 have moderate slope and rise in elevation from east to west;
12. The proposed subdivision is not within a mile of a municipality; therefore, municipal review is not required;
13. The subdivision is in the General Rural 5-Acre (GR-5) zoning district;
14. The lot size proposed is consistent with the GR-5 zoning district;
15. A Notice of Intent to Subdivide was published in the *Cody Enterprise* on May 25, 2023 and June 1, 2023;
16. Agency referral requirements have been met;
17. Heart Mountain Irrigation District outlined their regulations that apply to the subdivision and water distribution plan;
18. Park County Fire Protection District #2 can provide fire protection to the proposed subdivision and requests all roads and crossings be constructed to County Road & Bridge specifications for legal weight;
19. USPS will continue to provide mail delivery service to the proposed Lot and the remainder parcel once it is divided;
20. Park County School District #6 can provide transportation to and from school. This will not necessarily be specific address door to door stops. It may entail a dedicated pick up and drop off location within that area;
21. The Cody Conservation District reported four soil types on the property. Certain soil types are rated "very limited" with regard to dwellings with or without basements. Limitations are due to shrink-swell, slope and depth to soft bedrock. Very limited ratings were reported for some of the soil types with regard to septic tank absorption fields, due to slow water movement and depth to bedrock. The

- majority of the property is considered "prime farmland, if irrigated". One soil type on proposed Lot 1 is considered "farmland of statewide importance, if irrigated";
22. The Park County Treasurer's Office stated property taxes are paid in full;
 23. The Wyoming Game & Fish Department stated they have no terrestrial wildlife concerns, but offered their standard subdivision recommendations;
 24. Two NRWD taps currently serve the property. Tap 1 serves the barn/apartment on proposed Lot 1 and the residence on the remainder parcel. Tap 2 serves the primary residence on proposed Lot 1. NRWD stated a tap cannot serve multiple properties, so the owner will need to disconnect/re-route service lines and/or add a third tap so each tap only provides service to one lot;
 25. Garland Light & Power currently serves the proposed lot and the remainder parcel. No additional infrastructure will be needed due to the subdivision;
 26. Park County Weed & Pest has not provided a response;
 27. Park County Public Works has not provided a response;
 28. No public comments have been received;
 29. A pre-application meeting was held on May 9, 2023;
 30. A title report dated May 5, 2023 has been provided by the applicants;
 31. Access exists to the proposed lot from Aleebil Lane, a private road that is accessed directly from County Road 20. A 30' access and utility easement is proposed across Lot 1 to benefit the remainder parcel;
 32. Solid waste disposal service can be provided by private service providers;
 33. Simple subdivisions are not required to install utilities; however, natural gas and electric services are available;
 34. No hazardous features are known to exist on the property;
 35. Application submission requirements for sketch plan review have been met, except the applicants have not stated how road maintenance responsibility will be shared;
 36. Subsurface evaluation data were completed on proposed Lot 1 in 2011 and 2015 during the permitting process for the existing septic systems (SWW#4133 and SWW#4581);
 37. Percolation test results on proposed Lot 1 found a perc rate of 10 mpi;

38. Depth to groundwater was reported to be greater than 10 feet;
39. The sketch plan shows the location of the existing septic systems;
40. The Park County Small Wastewater Administrator stated that conventional septic systems will likely be sufficient, should the subdivision be approved;
41. Wastewater requirements pertaining to sketch plan review have been met;
42. NRWD will provide domestic water to the proposed lot;
43. Domestic water requirements pertaining to sketch plan review have been met;
44. The applicants have not proposed any changes that would be expected to impact neighboring agricultural activities or related uses;
45. The subdivision is not expected to cause further disturbances of weed development, pests, litter, or domestic pets. The applicants are expected to comply with any requirements from the Irrigation District and Weed & Pest. Existing irrigation easements are shown on the sketch plan;
46. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act;
47. The proposed subdivision is not within an Agricultural Overlay District;
48. Agricultural impacts have been addressed;
49. This subdivision is located within the Heart Mountain Irrigation District. The Irrigation District has been notified of this proposed subdivision. A water distribution plan is required;
50. No stream or river passes within or adjacent to the property;
51. State review of water rights is not required;
52. Water rights requirements pertaining to sketch plan have been met;
53. Lot standards have been met;
54. No common maintenance of facilities is proposed, however a private road will be shared by proposed Lot 1 and the remainder parcel;
55. While an HOA is not required, a road maintenance agreement is recommended, and the Final Plat and Disclosure Statement will need to state how maintenance responsibility will be shared;
56. The subdivision is not within any Overlay District; and

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

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

NOW, THEREFORE, BE IT RESOLVED based on the foregoing, the Planning & Zoning Commission hereby recommends approval of the sketch plan for Aleebil Ranch SS-312, 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 a condition on the final plat that any access approach that is intended to serve the lots of this subdivision shall meet Park County Road & Bridge Standards and will require a Right-of-Way Permit from Park County Public Works Department;
3. The applicants shall provide a response from Park County Weed and Pest and, if required, an approved Long-Term Noxious Weed Management Plan to the Park County Planning and Zoning Department, prior to final plat review by the Board of County Commissioners;
4. The applicants shall provide a response from Park County Public Works to the Park County Planning and Zoning Department, prior to final plat review by the Board of County Commissioners;
5. The applicants shall provide correspondence from NRWD, approving their plans to separate water service so that each tap serves only one property. If plans involve running a service line across proposed Lot 1 or obtaining a new tap to serve proposed Lot 1, a Subdivision Improvements Agreement will be required;
6. The applicants shall provide an approved water distribution plan to the Park County Planning and Zoning Department, prior to final plat review by the Board of County Commissioners;
7. The applicants shall place the following note on the final plat: "Any proposed water wells on these subdivision lots shall be permitted by the Wyoming State Engineer's Office prior to installation";

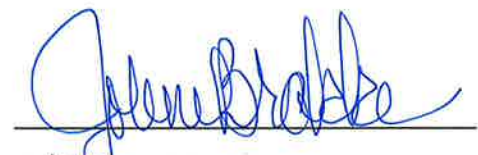
8. The applicants shall either provide a shared maintenance agreement between the parcel owners who will use the shared private road, to be recorded with the final plat, or the applicants shall place a note on the Final Plat and state in the Notarized Disclosure Statement how maintenance of the shared road will be achieved by the property owners who use it;
9. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991; and
10. The applicants shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306.

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

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

ATTEST:


Kimberly Brandon-Wintermote, Chairman


Jolene Brakke, Secretary

**RESOLUTION 2023 - 25
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
RIVER RIDGE MINOR SUBDIVISION-74 (MS-74) SKETCH PLAN**

WHEREAS, Morrison-Maierle, on behalf of the landowners Edward William Harvey, Cynthia Cole Hermans, as Trustee and Karen Elizabeth Crowell, as Trustee, propose to create a three-lot subdivision consisting of one 1.57-acre lot, one 4.78-acre lot and one 19.66-acre lot, each for residential use in the GR-5 zoning district, utilizing lot size averaging.

WHEREAS, the land subject to the subdivision includes two separate properties: 1) Lot 2 (12.06 acres) of the HVBII SS-243, which will be vacated from HVBII SS-243 as a result of the requested subdivision; and 2) the adjacent property described as Lot 18 in Section 6 of T53N-R100W, a 13.99-acre parcel (usable acreage);

WHEREAS, a minor subdivision 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 April 19, 2023 to consider the sketch plan application and made findings as follows:

1. A Minor Subdivision Application, including payment, was received from Morrison-Maierle (applicant) on behalf of the landowners, on March 10, 2023;
2. The application was signed by each landowner;
3. The proposed subdivision name started as "Hermans-Crowell MS-74" at the time of application but, at the landowner's request on March 30, 2023, the name was changed to "River Ridge MS-74";
4. A revised sketch plan was received on April 7, 2023;
5. The applicant requests approval to create a three-lot subdivision consisting of one 1.57-acre lot, one 4.78-acre lot and one 19.66-acre lot, each for residential use;

6. The land subject to the subdivision includes two separate properties: Parcel 1 – Lot 2 of the HVBII SS-243 (12.06 acres), which will be vacated from HVBII SS-243 as a result of the requested subdivision; and Parcel 2 – the adjacent 13.99-acre property (usable acreage) (Parcel 2);
7. Ownership of Parcel 1 is affirmed by Warranty Deed dated September 8, 2017, Document No. 2017-4569 to Karen Elizabeth Crowell, individually, as to an undivided ½ interest and Cynthia Cole Hermans, Trustee of the Hermans Living Trust created 12/21/2016, an undivided ½ interest, and Warranty Deed dated September 11, 2017, Document No. 2017-4570 to Karen Elizabeth Crowell, Trustee of the Karen Elizabeth Crowell Revocable Trust created 12/22/2016;
8. Ownership of Parcel 2 is affirmed by Quitclaim Deed dated April 4, 2022, Document No. 2022-1976 to Edward William Harvey;
9. Applicable Regulations for this development are the *Park County, Wyoming 2015 Development Standards and Regulations* adopted September 15, 2015 (“Regulations”);
10. This subdivision is classified as a minor subdivision;
11. Parcel 1 is described as Lot 2 of HVBII SS-243, according to the plat recorded in Book “M” of Plats, page 162, Park County, Wyoming;
12. Parcel 2 is described as Lot 18 in Section 6, T.53N., R.100W., 6th P.M., Park County, Wyoming;
13. The eastern boundary of PLSS Lot 18, being dependent upon the position of the Shoshone River, is a perceived boundary which varies over time as the position of the river shifts. Meandering is the method used to determine upland acreage, and historically, only useable land is included, which is reflected by the eastern boundary of Lot 18 as shown hereon. For the purposes of this subdivision, land lying east of the eastern boundary of Lot 18 as shown shall be designated as “unusable land” or “no build area” and Staff recommends a note be placed on the final plat as stating such;
14. The proposed subdivision is located approximately five miles northeast of Cody, and approximately 0.75 miles east of US Highway 14A at the terminus of River’s Ridge Road. Parcel 1 is addressed as 28 River’s Ridge Road and Parcel 2 is addressed as 32 River’s Ridge Road, Cody;
15. The property is in a General Rural 5-Acre (GR-5) zoning district;
16. Using lot size averaging, lot sizes as proposed are consistent with the GR-5 zoning district;

17. A note on the final plat will be required to state that lot size averaging was used and to indicate the lots may be subject to limitations, pursuant to County Regulations or State Statute at the time future subdivision is proposed;
18. The lands on the proposed lots are developed, each with a permitted residence and septic system. Currently, only the lands within proposed Lot 3 are actively irrigated; a portion of them are in hay production. Each lot will have water rights;
19. The majority of the property is relatively flat. East of the property is a steep slope, which is not part of the subdivision;
20. The National Wetlands Inventory has identified wetlands in the western portion of proposed Lot 3 and along the eastern side of Lot 3, along the Shoshone River;
21. Neighboring land uses are primarily residential. A Shoshone Irrigation District parcel borders the south line and exempt Bureau of Reclamation and Bureau of Land Management lands lie to the south and east, across the Shoshone River;
22. This property is not located within one mile of any municipality; therefore, municipal review is not required;
23. Public notice requirements have been met;
24. Agency referral requirements have been met;
25. TCT may be able to provide terrestrial wireless internet and VOIP phone service to this location, depending on line-of-site to one of their towers;
26. USPS stated the proposed lots will be considered Cody addresses;
27. Park County Fire Protection District #2 provided information regarding the type of equipment that would typically respond to a structure fire at the location;
28. Black Hills Energy likely has the capacity to serve the subdivision by a 1 ½" PE main running in Corbett Road. It would require an extension of approximately 2,000 feet of main along Rivers Ridge Road. If there is no dedicated ROW, an easement would also be required;
29. Cody Conservation District identified four soil types. For dwellings with or without basements, soils are rated "not limited" in 78.8% of the proposed subdivision area, but are "very limited", due to ponding, shrink-swell and depth to saturated zone in 21.2% of the area. Rating classes for shallow excavations are "somewhat limited", due to unstable excavation walls in 78.8% of the area, but are "very limited", due to ponding, depth to saturated

zone, and unstable excavation walls in 21.2% of the area. Rating classes for septic tank absorption fields are "very limited" due to filtering capacity, ponding, depth to saturated zone, slow water movement and seepage in 61.9% of the area, but are "not limited" in 38.1% of the area;

30. Park County School District #6 will work to ensure students living on the new plat will be provided transportation to and from school, by a dedicated pick up and drop off location within the area;
31. The Park County Treasurer confirmed the first half of property taxes are paid and the second half will be due in May, for both parcels;
32. Wyoming DEQ provided agency contacts and information for permitting associated with various construction activities;
33. Garland Light & Power currently serves each of the three proposed lots;
34. Heart Mountain Irrigation District has provided review and recommendations of the Water Distribution Plan to the applicant;
35. Wyoming Game & Fish have no terrestrial wildlife comments and included their standard subdivision considerations;
36. Park County Public Works granted administrative relief to the applicant, following their request. Public Works concluded the existing road surface widths for Corbett Road (23' wide) and River's Ridge Road (18' wide) will remain unaltered. The standard is 24' width for a standard local access road, however Public Works believes the roads are adequate in the current condition to serve existing and proposed use resulting from proposed subdivision. The existing 30' wide access easements for both Corbett Road and River's Ridge Road do not meet the County Standard of 60' right-of-way width. Public Works concurs that practical difficulties exist in acquiring additional easements and will not be required;
37. Public Works has required a cul-de-sac at the end of the shared driveway serving Lots 1 and 2;
38. Public Works noted any future subdivision along Corbett Road or River's Ridge Road involving added traffic will likely warrant additional easement and widening of both roads;
39. Public Works recommends the lot owners be required to participate in the shared maintenance and future improvements of Corbett Road and River's Ridge Road if/when an agreement between landowners is reached.
40. Public Works Administrative Relief decision was appealed to and upheld by the Board of County Commissioners;

41. An easement across proposed Lots 1,2 and 3 should be established for the benefit of each landowner in the proposed subdivision and include a reservation for emergency access;
42. Shoshone Irrigation District does not have concern with the proposed subdivision, as long as they do not block the Shoshone Irrigation District access to the road and Corbett Dam. They will also require the Corbett Tunnel to be identified and a note be placed on the final plat and water distribution plan that no building may be built within 150' of it's centerline;
43. With regard to wetlands, the U.S. Army Corps of Engineers will need to review more detailed plans in order to provide further comment about any requirements they may have prior to subdivision;
44. Identification of the wetlands on proposed Lot 3 along with the following note will need to be placed on the final plat: "Any proposed development within potential waters of the U.S. (including wetlands) shall be reviewed and/or permitted by the United States Army Corps of Engineers Regulatory Program. It should be noted that it is unlawful to begin work without a Clean Water Act, Section 404, Department of the Army permit when one is required.";
45. Park County Weed & Pest required a Long-Term Noxious Weed Management Plan for this subdivision due to the presence of noxious weeds;
46. Staff has received several inquiries from neighbors regarding the proposed subdivision, and several written comments have been received to date;
47. Application submission requirements for sketch plan have been met;
48. A pre-application meeting was held on December 8, 2022;
49. Access to the proposed lots currently exists from Corbett Road and River's Ridge Road. Corbett Road is accessed directly from US Highway 14A;
50. No hazardous features are known to exist within the boundaries of the proposed lots; however, steep slopes exist to the east (outside of the boundary);
51. Wastewater requirements pertaining to sketch plan review have been met;
52. Percolation rates were found to vary between 7mpi and 40mpi;
53. Due to restrictive layers and high groundwater, nonconventional septic systems may be required;
54. Domestic water requirements pertaining to sketch plan review have been met;
55. Lots 1 and 3 are currently served by domestic water from NRWD;

56. Domestic water to proposed Lot 2 will be provided by an on-site well under SEO permit U.W.P215719.0W;
57. A well water sample was collected from a well located at 28 River's Ridge Road (on proposed Lot 2) on August 1, 2022 and the analysis indicates the water sample meets the Safe Drinking Water Act;
58. The well water sample did not detect Lead, Arsenic nor Nitrogen, Nitrate + Nitrite as N. Total Dissolved Solids were reported at 3070 mg/L (objectionable), which is above the maximum contaminant level of 500; however, TDS is a secondary standard;
59. The water analysis detected Corrosivity at 0.8, Alkalinity at 296 mg/L, Iron at 12.0 mg/L, Manganese at .899 mg/L and Hardness at 1910 mg/L, all of which indicate scaling potential and or staining;
60. Due to elevated TDS, Corrosivity, Alkalinity, Iron, Manganese and Hardness levels in the water analysis, the following note is recommended to be placed on the final plat: "Water quality appears to be safe for human consumption; however, treatment such as reverse osmosis is recommended for more palatable water.";
61. Agricultural impacts have been addressed including impacts to and from agricultural activities on or near the property;
62. Water rights requirements pertaining to sketch plan review have been met;
63. Proposed Lot 3 holds riparian rights to the Shoshone River. A note regarding Riparian Rights will be required on the final plat;
64. Electricity is adjacent to each lot;
65. Natural gas is not stubbed to each lot line and is not available within 400' of the subdivision, therefore it is not required;
66. Utility requirements have been met;
67. Lot standards have been met, however the dimensions of proposed Lot 1 may not allow for a replacement leach field area and may limit further development. Therefore, a site plan drawn to scale should be provided to show the location of the existing septic system and a designated replacement leach field area, while also illustrating the systems can meet required setbacks;
68. Common maintenance of facilities (driveway and existing access road) is proposed, therefore an HOA is required;
69. Flood Overlay is located east of the meander line, along the Shoshone River. While the river is the perceived east line of Lot 3, the lands between the

meander line and the river are considered unusable and is a no build area, therefore no development will occur or be proposed in the floodplain;

70. The proposed subdivision is not within the agricultural overlay or airport overlay district; and
71. 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 River Ridge Minor Subdivision-74 (MS-74), 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 "The eastern boundary of PLSS Lot 18, being dependent upon the position of the Shoshone River, is a perceived boundary which varies over time as the position of the river shifts. Meandering is the method used to determine upland acreage, and historically, only useable land is included, which is reflected by the eastern boundary of Lot 18 as shown hereon. For the purposes of this subdivision, land lying east of the eastern boundary of Lot 18 as shown shall be designated as "Unusable Land or "No Build Area";
3. The applicant shall place the following note on the final plat "Lot size averaging was used to create subdivision lots smaller than 5 acres in the GR-5 Zoning District. In considering future division of Lots 1, 2 and 3, none may be further divided unless authorized by County Regulations or State Statute in place at the time further division is proposed.";
4. The applicant shall provide a Water Distribution Plan that has been approved by Heart Mountain Irrigation District to Planning & Zoning Department, prior to final plat review by the Board of County Commissioners;

5. The applicant shall identify the Corbett Tunnel on the final plat and place a note on the final plat that no building may be built within 150' of it's centerline;
6. The applicant shall identify the wetlands on proposed Lot 3 and place the following note on the final plat: "Any proposed development within potential waters of the U.S. (including wetlands) shall be reviewed and/or permitted by the United States Army Corps of Engineers Regulatory Program. It should be noted that it is unlawful to begin work without a Clean Water Act, Section 404, Department of the Army permit when one is required.";
7. The applicant shall place a condition on the final plat that any access approach that is intended to serve the lots of this subdivision shall meet Park County Road & Bridge Standards and will require a Right-of-Way Permit from Park County Public Works Department;
8. Following Board approval of the sketch plan and prior to the Board's review of the final plat, the applicant shall submit an appropriate Subdivision Improvements Agreement addressing all applicable required improvements (ex. utilities, cul-de-sac, etc.) for review by staff and approval of the County Attorney and the Board;
9. The applicant shall place a note on the final plat: "Due to restrictive layers and high groundwater, nonconventional septic systems may be required.";
10. The applicant shall place a note on the final plat: "Water quality appears to be safe for human consumption; however, treatment such as reverse osmosis is recommended for more palatable water.";
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 applicant shall place a note on the final plat: "SELLER DOES NOT WARRANT TO THE PURCHASER THAT THERE ARE ANY RIGHTS TO THE NATURAL FLOW OF ANY STREAM WITHIN OR ADJACENT TO THE PROPOSED SUBDIVISION. WYOMING LAW DOES NOT RECOGNIZE ANY RIPARIAN RIGHTS TO THE CONTINUED NATURAL FLOW OF A STREAM OR RIVER FOR PERSONS LIVING ON THE BANKS OF THE STREAM OR RIVER.";
13. The applicant shall provide a site plan drawn to scale of proposed Lot 1 to show the location of the existing septic system and a designated replacement leach field area, while also illustrating the systems can meet the required setbacks;

14. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991;
15. The applicant shall provide a legal opinion or letter of insurability from a title company indicating there is legal access to each of the proposed lots;
16. The applicant shall provide a road maintenance agreement for the shared driveway to serve the lots; and
17. The applicant shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306.

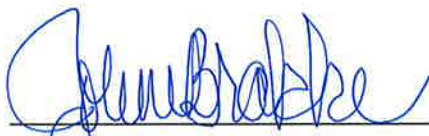
ADOPTED by the Park County Planning & Zoning Commission this 19th day of July, 2023.

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

ATTEST:



Kimberly Brandon-Wintermote, Chairman



Jolene Brakke, Secretary

RESOLUTION 2023 - 26
PARK COUNTY PLANNING & ZONING COMMISSION

TITLE: RECOMMENDATION TO APPROVE SOUTHFORK CAVVY
SPECIAL USE PERMIT-251 (SUP-251)

WHEREAS, Leslie A. Rose, submitted a Special Use Permit Application requesting review and approval of a Special Use Permit to operate a major recreation facility that will entail the rent of an indoor arena by a small group of equine owners. Clients will train and practice with their own horses for shows, contests, and other riding events;

WHEREAS, the property is located at 19 County Road 6RT, approximately eight miles southwest of Cody;

WHEREAS, this project is defined by Park County Development Standards and Regulations as a Major recreation facility: Any commercial recreation business or outdoor recreation facility with over 5,000 square feet of building floor space or over one acre of land developed in association with use including driving ranges, golf courses, shooting ranges, skeet and trap ranges, commercial bird raising and hunting operations, outdoor riding arenas, and cross-country (Nordic) ski centers;

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 July 19, 2023, to consider the Special Use Permit application and made findings as follows:

1. A Special Use Permit Application, including payment and supplementary materials, was received from Leslie Rose (applicant), on April 23, 2023;
2. The applicant requests approval of a Special Use Permit to operate a business that will entail operation of an indoor riding arena that will be used by area equine enthusiasts for riding, training, and equine therapy sessions;
3. Clients will train and practice with their own horses for shows, contests, and other riding events;
4. The applicant stated that in each two-hour time allotment, use will have no more than two riders. The applicant will also provide boarding facilities for no more than four horses at one time. Ms. Rose also plans to offer the arena (at no charge) for use by local equine therapy consultants on an as needed basis;
5. The arena is in an existing structure (permit #2010-177) with 10,000 sq. ft. of floor area;

6. The proposed use will occur on an approximately two-acre area of the property;
7. According to the applicant, the only employees will be the applicant and her daughter;
8. Hours and days of operation will be 9:00 am to 7:00 pm, Monday through Saturday;
9. Applicable regulations are the *Park County, Wyoming, 2015 Development Standards and Regulations*, adopted September 15, 2015;
10. The use is classified as a major recreation facility;
11. Ownership is affirmed by Warranty Deed (dated May 9, 2018, Doc. #2018-2425) to Leslie A. Rose, Trustee of the Leslie A. Rose Revocable Trust Dated May 9, 2018, from Leslie Rose, a single person;
12. The property is approximately eight miles southwest of Cody and approximately 0.25 miles south of State Highway 291. The use will be located directly west of County Road 6RT;
13. The structure has an address of 19 County Road 6RT;
14. Neighboring land uses are primarily residential and residential vacant land. However, without being classified as such, there are properties in the area that are used for agricultural purposes;
15. The applicant resides on the southwest portion the property in a three-bedroom, single-family residence (Permit #2011-058). The residence is served by a permitted small wastewater system (Permit #4054);
16. The topography of the property and the surrounding area shows little change in elevation;
17. The property is Lot 2 (24.77 acres) of the Oliver SS-102, according to the plat recorded in Cabinet "I" at page 177, County Clerk, Park County, Wyoming. This subdivision was created in 2007 and is located within Lot 37-A and Lot 37-H, RS, T52N, R103W, 6th P.M., Park County, Wyoming;
18. The property is in a General Rural 5-Acre (GR-5) zoning district;
19. Major recreation facility uses are permitted in the General Rural 5-Acre (GR-5) zoning district provided a Special Use Permit is approved;
20. Legal notice requirements have been met, including notice to property owners within 660 ft. of the property boundary;
21. The application was forwarded to relevant agencies as required;
22. Wyoming DEQ summarized the notifications, permits, and certificates required for various activities that may impact surface or groundwater;
23. The Park County Treasurer stated that property taxes are paid in full;
24. Wyoming Department of Fire Prevention/Electrical Safety stated that fire prevention and safety plans must be submitted to their department for review;
25. Park County Public Works PW recommended that sufficient gravel surfaces be established on parking and travel areas to provide all-weather surfaces and reduce dust. PW confirmed access is provided by County Road 6RT and they do not anticipate use

will change the road classification. PW recommends that should the SUP be approved, the applicant prevents traffic from “stacking” on County Road 6RT. PW will not require a site-specific drainage plan for the proposed use;

26. Wyoming Game & Fish has responded;
27. The Lakeview Irrigation District has not responded;
28. Rocky Mountain Power has not responded;
29. Park County Weed & Pest has responded and weed-free forage is required;
30. Park County Fire Department has not responded;
31. Five public comments have been received;
32. In a letter dated April 25, 2023 Mr. and Mrs. Garcia explained that the facility is a pleasing neighborhood amenity, and the applicant is a wonderful neighbor. Deborah Simpson wrote a letter dated May 17, 2023, in which she indicated that the facility will be a much-appreciated asset to the community, and she explained that Ms. Rose will continue to be a responsible and ethical business owner. In an email dated June 27, 2023, Tim Doud listed several nuisance and safety concerns he has regarding the property, including, but not limited to, solid waste, manure, dust, odors, and traffic. In a letter dated June 29, 2023, Jessica Williams wrote in support of the facility because of the opportunity it will provide for clients who benefit from equine assisted therapy and on July 14, 2023, an email was received from Karin Bates supporting the use so long as it does not involve equine shows, clinics or competitions;
33. The applicant made a statement of how compatibility will be achieved;
34. The applicant will rent the arena to individuals wanting to ride and exercise their horses;
35. Individuals are provided a two-hour time allotment. The use will be limited to not more than two riders at one time;
36. As a service to the community, the applicant will allow use of the facility for equine therapy sessions (free of charge). According to the applicant, therapy sessions will likely occur twice per year with approximately 10 participants per session;
37. The applicant does not plan to host any equine shows, competitions, or clinics;
38. Septic will be provided by a chemical toilet;
39. Water for horses (if necessary) will be provided by a hydrant with a frost-free line. Domestic water is provided to this hydrant, and the property, by Northwest Rural Water District. There is no water stubbed to the arena structure;
40. Clients will be expected to bring their own bottled water;
41. The structure has outdoor lighting;
42. The structure is not within 20 feet of a County road right-of-way;
43. No covenants are proposed or existing;
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 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. Legal access exists from County Road 6RT;
49. The use is located within an area served by the Lakeview Irrigation District;
50. The nature of this use dictates a limited area for client parking is necessary. Several areas adjacent to the structure are available for parking. Parking appears to be adequate;
51. Wastewater facilities will be provided by a chemical toilet;
52. The only utilities stubbed to the arena structure is electricity. Electricity to the structure is provided by Rocky Mountain Power;
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 not located in any Overlay District;
58. Site plan review is required for this use;
59. The use will not rely on a public or central water system;
60. No hazardous substances will be stored, handled, or disposed of on this site;
61. Park County Fire District #2 has not provided any comments. Fire prevention and safety plans must be submitted to the Wyoming Department of Fire Prevention and Electrical Safety for their review;
62. No irrigation facilities will likely be impacted by this use;
63. The use is not expected to impact any lakes, reservoirs, or streams;
64. The use is not expected to impact any federal wetlands;
65. Public Works will not require a runoff and erosion control plan;
66. No impacts to air quality are expected by this development;
67. Development is not in any Overlay District;
68. The applicant is not proposing construction of buildings along any highways;
69. The applicant has met all requirements for site plan review and all site plan standards have been adequately addressed and met, with the exception of, fire protection and protection of irrigation systems;
70. The proposed use is in the Lower Southfork Planning Area, thus special site plan review is required;

71. Special site plan standards regarding stream corridors do not apply;
72. Special site plan standards regarding steep slopes do not apply;
73. Special site plan standards regarding disturbance of more than two acres of crucial big game habitat do not apply; and
74. Special site plan standards regarding designated scenic byways do not apply.

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 Southfork Cavvy Special Use Permit-251 subject to the following conditions:

1. Park County noise, lighting, and other nuisance regulations shall apply;
2. The use shall not involve any equine shows, clinics, or competitions;
3. The applicant shall submit evidence of approval to commence the use from the Wyoming Department of Fire Prevention/Electrical Safety, prior to commencing the use;
4. The applicant shall submit a formal response from the Lakeview Irrigation District, prior to review by the Board of County Commissioners;
5. The applicant shall use weed-free forage or use forage grown on site;
6. One chemical toilet is allowed to serve the use, and it must be anchored to resist the effects of wind and the tank must be emptied on a regular basis;
7. The applicant shall ensure that traffic does not stack on the roadway;
8. There shall be no parking in the County Road 6RT right-of-way at any time;
9. The applicant shall maintain all site drainage in a way that will not have an impact on adjoining parcels or the County roadway;


10. The applicant shall provide an updated site plan that meets the regulatory requirements prior to review by the Board of County Commissioners; and
11. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

ADOPTED by the Planning & Zoning Commission this 19th day of July, 2023.

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

ATTEST:


Kimberly Brandon-Wintermote, Chairman


Jolene Brakke, Secretary

RESOLUTION 2023-27
PARK COUNTY PLANNING AND ZONING COMMISSION
TITLE: CLARIFYING RESOLUTION FOR THE 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 heard the following from the public:

- 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;

WHEREAS, the Planning and Zoning Commission resolved to certify the 2023 Plan subject to changes by Resolution 2023-23 on June 21, 2023;

WHEREAS, the Board of County Commissioners held a workshop with the Planning and Zoning Commission on July 11, 2023 to seek clarification of the proposed changes and the contents of the resolution;

WHEREAS, the Planning and Zoning Commission has adjusted the proposed changes to the 2023 Plan and provided additional clarification in this Resolution;

NOW, THEREFORE, BE IT RESOLVED based on the foregoing, the Park County Planning and Zoning Commission finds the following to be true:

1. The 2023 Plan meets the general purpose of creating coordinated and harmonious development of the area under study and of the county as a whole;
2. The Plan promotes the health, safety, prosperity, and general welfare of the County's residents, as well as promotes efficiency and economy in the use of land and its natural resources;
3. The Plan encourages a well-balanced, prosperous economy for Park County;
4. The Plan preserves and enhances Park County's unique character and protects its natural environment;
5. The maps and text of the 2023 Plan form the whole of the Plan, which replaces the 1998 Park County Land Use Plan; and

HEREBY certifies and recommends approval of the 2023 Park County Land Use Plan subject to the following changes:

1. Under the rural areas heading in each planning area section provide clearer messaging about lot size minimums: "Accommodate growth in Ranch/Rangeland areas that reflects infrastructure, groundwater, and suitability limitations. Encourage the conservation of larger, contiguous tracts of Ranch/Rangeland by considering a minimum average lot size of at least 20 acres and allowing for smaller lot sizes in conjunction with the land use guidelines on page 72 and 73.";
2. Under the priority conservation areas heading in each planning area section, use this language: "Work with landowners, agricultural operators, wildlife managers, and conservation organizations to protect the viability and stability of agricultural operations and wildlife habitat in priority conservation areas while continuing to accommodate opportunities for the subdivision of land. Consider a minimum lot size of 20 to 35 acres within the Agricultural Overlay but allow for smaller lot sizes in conjunction with the land use guidelines for Rural Areas and Priority Conservation Areas in Chapter 2. See pages 72, 73, 82 and 84."
3. Add cross-references back to Chapters 2 and 3 on the title page for each of the planning areas title pages;

4. Under Recreation and Public Land Access in each planning area, refer back to page 52; remove language about specific uses;
5. Where city plans are referenced in the document and are available online, provide a link to the document and, where available, add the maps from those plans that were used to develop the Coordinated Planning Areas to the appendix;
6. Chapter 4 – standardize the headings within each planning area section (e.g., put in same order, address short-term rentals in every area by cross-reference back to Chapter 2) where feasible;
7. Use the word “encourage” instead of “incentivize” throughout the document so a developer doesn’t expect a kick-back or tax incentive;
8. Remove “large-format retail” from the document;
9. Page 3 – correct year and info on Northwest Rural Water District timeline entry;
10. Page 41 – remove EN-1.4 (Priority Viewsheds);
11. Page 50 – HO 2.1: Building codes – add “homeowners” to the list of people to encourage. Replace the last sentence with “Universal Building Codes cover the fire, life and structural safety aspects of all buildings and related structures.”;
12. Page 50 – correct Yellowstone Assistance Network to Yellowstone Country Assistance Network;
13. 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;
14. Page 57 – in the introduction last paragraph, change “how growth *will* occur” to “how growth *may* occur”;
15. Page 59 – while BNSF does not have the authority to approve new at-grade crossings for public roads, reference W.S. 37-10-102 to show that the highway commission has the authority;
16. 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”;
17. Page 68 – first paragraph, check comma placement (some missing);
18. Page 81 – under land use guidelines – consider rural development “may be” (as opposed to “is”) discouraged in coordinated planning areas;
19. Page 105 – under CL-8, delete “on or” in the last sentence;
20. Page 111 – add the industrial zone based upon recent court decision;
21. Page 152-153 – clarify boundaries of these Powell areas;
22. Page 183 – under US-3, delete “to maintain...producers”;
23. Page 95 – under CK-1, remove “scenic quality”;

Certification of the 2023 Park County Land Use Plan

- 24. Pages 189-190 – Big Game Use Overlay – replace “incentivizing” with “encouraging”; last sentence change “requiring developers” to “recommending developers”; and
- 25. Correct grammatical errors as needed.

FURTHER BE IT KNOWN, the signature of the Chairman of the Planning and Zoning Commission, which is affixed to this Resolution, shall serve as certification of all maps in the 2023 Plan and serve the same purpose as affixing the Chairman’s signature to each map in the 2023 Plan.

This Resolution shall supersede Resolution 2023-23.

By the Park County Planning and Zoning Commission.

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

ATTEST:



Kimberly Brandon-Wintermote, Chairman



Jolene Brakke, Secretary

7.20.2023

Date

SIMPSON KEPLER & EDWARDS LLC

The Cody, Wyoming Division of

BURG SIMPSON ELDREDGE HERSH & JARDINE PC

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March 14, 2017

Edward "Ted" Harvey
32 River Ridge Road
Cody, WY 82414

Re: Access to Lot 18 and a portion of Lot 16, Section 6, T.53N., R.100W., Park County, WY

Dear Ted:

You presented to me a question that if you acquired acreage from Ham Bryan and did a boundary line adjustment with your currently owned Lot 18, would the new land have legal access. In reviewing the relevant easements and chain of title, I have formed the following opinions:

1. The "Road and Snow Access Easement" (Document No. 2005-2067) would not provide any legal access to the eastern portion of the Bryan property (Lot 16) that you would be acquiring as the Easement only provides you access to the northwesterly corner of Lot 16. *minor*

2. There is a good argument that your Lot 18 has an access and utility easement by virtue of the Warranty Deed from Raymond and Alice Brooks to John and Christine Stenic dated February 18, 1993, recorded at Book 253, Page 18, Instrument No. 336696. But this Warranty Deed is very vague and does not specifically say that the access and utility easement runs with the land or is appurtenant to Lot 18, does not reference "successors and assigns" of the Grantees and does not say it is perpetual. The absence of such language raises the issue of whether or not this easement is an easement in gross or an appurtenant easement.

An easement is defined as "an interest in land which entitles the easement holder to a limited use or enjoyment over another person's property." *Hasvold v. Park Cnty. Sch. Dist. No. 6*, 45 P3d 635 (Wyo. 2002).

An easement is an acquired interest, not a natural incident of landownership as are water rights and the right to support. Easements are created expressly [and] implied in certain circumstances ... Land burdened by an easement is appropriately termed a servient tenement or a servient estate. If the easement benefits a particular parcel of land, that parcel is known as the dominant tenement or dominant estate, and the easement is said to be appurtenant to it. If the easement only benefits an individual

personally, not as owner of a particular parcel of land, the easement is termed in gross.

John W. Bruce & James W. Ely, Jr., *The Law of Easements and Licenses in Land*, Section 1:1, at 1-6 (2014).

The Wyoming Supreme Court's deed interpretation rules focus on deriving the intention of the parties. They start with the language utilized by the parties to the deed, giving that language its plain and ordinary meaning. The Court also can examine evidence of the circumstances surrounding the execution of the deed to arrive at the parties intent. In your case, I believe it would be very relevant to a Court that without an easement there would be no access to your property and without an easement appurtenant to the land, Lot 18 would have no value for development as a subsequent purchaser would be unable to access his or her residence. There are certain "badges of appurtenance," that the Brooks Deed meets, for instance, the easement was created to benefit a specific tract of land (Lot 18); the right is not limited to the possessor of Lot 18 personally; and the easement document does not contain any limitations on the transferability of the easement to future transferors of both the dominant and servient estates. In addition, it applies to utilities that once in the ground are rarely removed.

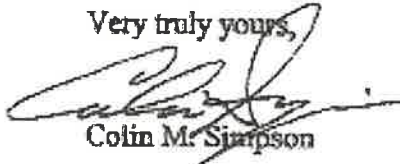
First American Title has also indicated that they did not show "lack of access" on your title commitment and, therefore, they did insure access for you. There is a question as to whether or not you have legally enforceable access but as I have indicated above, you would in all probability win any argument in that regard concerning access to Lot 18. But if you attempt to sell your property a question could certainly arise about legally enforceable access.

3. Your access to Lot 18 by virtue of the Brooks Warranty Deed, would not give you access to the eastern portion of Lot 16 even after it were combined with Lot 18 in a lot line adjustment. The access to Lot 18 under the Brooks Deed is specific to that particular lot and would not include any enlargement of Lot 18. It is a common rule under the law of easements that the holder of an easement (the dominant estate) cannot increase the burden of the easement over the servient estate (the estate burdened by the easement). Most of the easement road to Lot 18 appears to run on Lot 17.

What do you do? I think it best that you ask First American Title to obtain a new corrective access and utility easement for you clarifying that your access and utility easement runs with Lot 18 or is appurtenant to Lot 18, covers your successors and assigns in ownership and states that it is perpetual. I suggest that in your conversations with First American Title you tell them that you want the new easement to include that portion of Lot 16 that you would be acquiring from Bryan and that way, if you split off that portion in the future, it would have its own separate access and utility easement, which it would not at this point. You can determine cost sharing with them under such circumstances.

CMS:kh

Very truly yours,



Colin M. Simpson

PARK COUNTY, WY
KAREN CARTER, COUNTY CLERK

REC \$23.00

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09:10:00AM

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6 OF 6

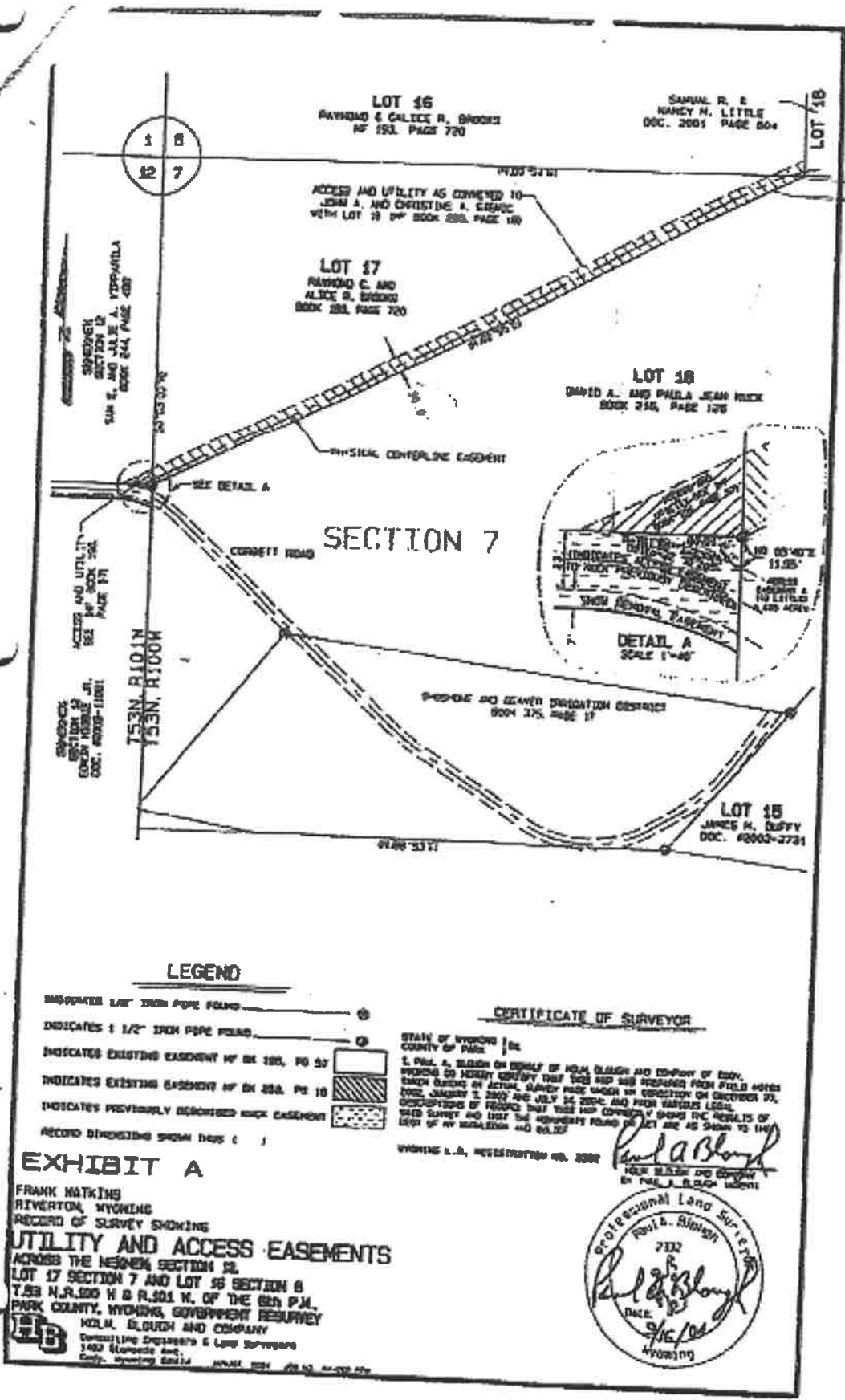


EXHIBIT A

FRANK MATKINS
RIVERTON, WYOMING
RECORD OF SURVEY SHOWING
UTILITY AND ACCESS EASEMENTS
ACROSS THE NESEMAN SECTION 02,
LOT 17 SECTION 7 AND LOT 18 SECTION 8
T.58 N., R.200 W. & R.201 W. OF THE 6th P.M.,
PARK COUNTY, WYOMING, GOVERNMENT RESURVEY

HOJA, BLANCH AND COMPANY
Consulting Engineers & Land Surveyors
1402 Broadway Ave.
Cody, Wyoming 82401



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, July 19, 2023** in the Alternate Emergency Operating Center (EOC Room), basement of the Courthouse Addition
1002 Sheridan Ave. Cody, WY.

This is a regular meeting of the Park County Planning & Zoning Commission, open to the public. For more information please contact the Park County Planning & Zoning Department at 527-8540, 754-8540, or 1-800-786-2844.

APPROVAL OF MINUTES

Approve minutes from June 21, 2023, meeting.

Approve minutes from May 24, 2023, and June 21, 2023 special meetings.

CONSENT AGENDA

[Aleebil Ranch SS-312 Sketch Plan](#)

REGULAR AGENDA

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

[Southfork Cavy SUP-251](#)

[2023 Land Use Plan – Certification Resolution with Clarified Recommendations](#)

OTHER BUSINESS

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

ADJOURN

PLEASE SIGN IN
PLANNING and ZONING COMMISSION
REGULAR MEETING
July 19, 2023

		Aleebil Ranch SS-312	
		River Ridge MS-74 Sketch Plan	
		Southfork Cavy SUP-251	
	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	<i>Jim Causey</i>	<i>River Ridge sub</i>	<i>yes</i>
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PLEASE SIGN IN

PLANNING and ZONING COMMISSION REGULAR MEETING July 19, 2023

		Aleebil Ranch SS-312	
		River Ridge MS-74 Sketch Plan	
		Southfork Cavy SUP-251	
	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	Jay Linderman	Southfork Cavy SUP-251	Yes
2	Chussy Lindeman	SOUTHFORC CAVY SUP-251	no
3	Shaun Hession	Riv R.	NO
4	Christine Hession	Riv Ridge Rd	NO
5	Jim Dougherty	Riv. Ridge Rd	Yes
6	Karen Crowell	River Ridge Rd	no
8	Cynthia Hermans	River Ridge Rd	no
9	Ted Harvey	River Ridge Rd	*Needed
10	LARRY ROOP	Osprey River Rdg.	NO
11	Josiah + Stephanie Bullock	SUP 251	No
12	Cody Schatz	Aleebil Ranch SS-312	Maybe
13	Lesli Rose	Jim Rose	if needi
14	Scott Foy	ROOP	?
15	Shelley Causey	MS-74	yes
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PLEASE SIGN IN
PLANNING and ZONING COMMISSION
REGULAR MEETING
July 19, 2023

		Aleebil Ranch SS-312	
		River Ridge MS-74 Sketch Plan	
		Southfork Cavy SUP-251	
	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	Spetky Carsey	MS-74	yes
2	A. McMahon	River Ridge	
3	RUSTY BLOWH	RIVER RIDGE	
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