

Planning & Zoning Commission Minutes
August 16, 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

Commission Members Absent:

Randy Mair

Staff Present:

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

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

APPROVAL OF MINUTES

Chairman Brandon-Wintermote asked the Commission for comments or changes to the July 19, 2023 meeting minutes. A MOTION was made by Commissioner Eastman to approve the minutes; 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 any additional comments or changes to the June 21, 2023 special meeting minutes. A MOTION was made by Commissioner Bonine to approve the minutes; 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 application, acknowledged that a public hearing is not required, and addressed Consent Agenda item qualifications.

Chairman Brandon-Wintermote asked if all the commission members received the staff reports and had time to review the materials as well as having all concerns addressed by the staff. Chairman Brandon-Wintermote asked if any member of the Commission wished to remove the single item from the consent agenda.

Commissioner Bonine made a MOTION to approve the consent agenda. SECONDED by Commissioner Peters. All in favor. Motion carried. See Resolution 2023-28 attached hereto and incorporated herein.

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49 **Gines SS-313 Sketch Plan:** Colby and Codi Gines request approval of the application and
50 sketch plan for the Gines Simple Subdivision (SS-313). The applicants are proposing a simple
51 subdivision comprised of two lots; one 3.83-acre lot and one 31.18-acre lot for residential and
52 agricultural use. The property is zoned as General Rural Powell (GR-P). This proposed
53 subdivision is located in Lot 49-E and 49-L, Resurvey, T54N, R100W of the 6th P.M., Park County,
54 Wyoming. It is located approximately 5.2 miles southwest of Powell and 1.4 miles south of
55 Ralston, with an address of 15 Joslen Lane, Powell.

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57 Commissioner Bonine read the conditions of approval (by Resolution 2023-28) for the Gines SS-
58 313:
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- 60 1. The applicants shall provide all easements as requested by applicable utilities and
61 special districts, irrigation districts or public agencies providing services. The width of
62 any utility easement shall be sufficient to allow adequate maintenance of the system,
63 but in no case shall such utility easement be less than 20 feet in width. Easements must
64 be identified on the final plat;
- 65 2. The applicants shall provide evidence to the Planning & Zoning Department, from
66 Willwood Irrigation District, that their requirements have been met prior to Final Plat
67 Review by the Board of County Commissioners;
- 68 3. The applicants shall provide an approved Long-Term Noxious Weed Management Plan
69 to the Planning & Zoning Department prior to final plat review by the Board of County
70 Commissioners;
- 71 4. The applicants shall provide a response from Park County Public Works to the Planning
72 & Zoning Department, prior to final plat review by the Board of County Commissioners;
- 73 5. The applicants shall either provide a shared road maintenance agreement between the
74 parcel owners who use Joslen Drive, to be recorded with the final plat, or the applicant
75 shall place a note on the Final Plat and state in the Notarized Disclosure Statement how
76 maintenance of Joslen Drive will be achieved by the property owners who use it;
- 77 6. The applicants shall place the following note on the final plat: "Any proposed water wells
78 on these subdivision lots shall be permitted by the Wyoming State Engineer's Office
79 prior to installation";
- 80 7. The applicants shall place a condition on the final plat that any access approach that is
81 intended to serve the lots of this subdivision shall meet Park County Road & Bridge
82 Standards and will require a Right-of-Way Permit from Park County Public Works
83 Department;
- 84 8. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of
85 1991; and
- 86 9. The applicants shall otherwise comply with standards in the Park County
87 Development Regulations and the minimum subdivision requirements as set forth in
88 Wyoming Statute 18-5-306.

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

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

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93 There being no other business, a MOTION was made by Commissioner Peters to adjourn the
94 meeting at 1:41pm and commence a workshop for regulation amendments discussion. The
95 motion was seconded by Commissioner Bonine. All in favor. Motion carried.

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97 Respectfully submitted,

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Jennifer Cramer, Secretary

**RESOLUTION 2023 - 28
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
GINES SIMPLE SUBDIVISION SS-313 (SS-313) SKETCH PLAN**

WHEREAS, Colby & Codi Gines, propose to create one 3.83-acre lot and one 31.18-acre lot for residential and agricultural use, from an existing 35.01-acre parcel, in a GR-P zoning district.

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

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

WHEREAS, the Planning & Zoning Commission held a duly noticed meeting on August 16, 2023 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision Permit Application including payment was received from Colby and Codi Gines on July 14, 2023;
2. A revised sketch plan was received on August 1, 2023;
3. The applicant requests approval of the sketch plan for a subdivision to create a two-lot subdivision consisting of one 3.83-acre lot and one 31.18-acre lot for residential and agricultural use, from an existing 35.01-acre parcel;
4. Applicable regulations are the *Park County, Wyoming, 2015 Development Standards and Regulations*, adopted September 15, 2015;
5. The subdivision is classified as a simple subdivision;
6. Ownership is affirmed by Warranty Deed dated July 9, 2020 (Document 2020-4034), to Colby Gines and Codi Gines, husband and wife;
7. The proposed lot is in a portion of Lot 49-E and 49-L of Lot 49, Township 54 North, Range 100 West, 6th P.M., Park County, Wyoming;
8. The property is located approximately five miles southwest of Powell and 1.5 miles south of Ralston, on the north side of County Lane 14, with an address of 15 Joslen Drive, Powell;

9. Neighboring land uses are primarily residential and agricultural;
10. Residential and residential vacant lands, consisting of the Ray SS-65, Grace SS-276, and the Lyke SS-135 subdivisions are located to the west and south of the parcel;
11. Proposed Lot 1 is developed with a permitted residence, outbuildings, septic system, and a well. Proposed Lot 2 is currently productive agricultural land;
12. The topography has little change in elevation;
13. The proposed subdivision is not within a mile of any municipality; therefore, municipal review is not required;
14. The subdivision is in the General Rural Powell (GR-P) zoning district;
15. The lot sizes proposed are consistent with the GR-P zoning district;
16. A Notice of Intent to Subdivide was published in the Powell Tribune on July 13, 2023, and July 20, 2023;
17. Agency referral requirements have been met;
18. Park County School District #1 can provide school bus pick up and drop off service at the intersection of Joslen Drive and Lane 14. The stop may require crossing Lane 14 in the morning;
19. TCT can serve the subdivision with internet and VOIP phone service, dependent on clear line of site. All install and equipment fees are the responsibility of the customer;
20. Park County Fire District #1 can provide fire protection to the proposed subdivision providing all accesses are constructed to accommodate their fire equipment;
21. Powell-Clarks Fork Conservation District soils report found four soil types on the property: Garland loam, Stutzman-like silty clay loam, Youngston-like-Lostwells-like complex and Sharland-Preatorson complex. The soil types are primarily rated "not limited" for dwellings with or without basements and small commercial buildings. Soil types are rated somewhat limited to very limited regarding septic tank absorption fields due to slow water movement and filtering capacity. Approximately one-half of the property is considered "prime farmland if irrigated" and one-half is considered "not prime farmland";
22. The Wyoming Game & Fish Department stated they have no terrestrial wildlife comments, but offered their standard subdivision recommendations;
23. Wyoming DEQ provided agency contacts and information for permitting associated with various construction activities;

24. The Park County Treasurer stated taxes are paid in full;
25. Willwood Irrigation District will likely not require a Water Distribution Plan for the proposed subdivision; however, they would like the applicant to designate a Water Master for the shared head gate and provide confirmation of water rights from the State Engineer's Office;
26. Park County Weed & Pest inspected the property. Noxious weed species were found and a Long-Term Noxious Weed Management Plan will be required;
27. Garland Light & Power serves Lot 1 and has the capacity to serve Lot 2;
28. USPS can provide mail delivery service to the proposed subdivision;
29. Black Hills Energy serves Lot 1 and will likely have capacity to serve Lot 2, however they will make a final determination once service is requested;
30. Park County Public Works has not provided a response;
31. No public comments have been received;
32. A pre-application meeting was held on June 13, 2023;
33. A title report dated June 12, 2023, has been provided by the applicant;
34. No new roads are proposed as part of this subdivision, however an existing private road (Joslen Drive) is located on the western 55 feet of proposed Lots 1 and 2. It currently serves Lot 1 and could be used for access by Lot 2 (though access to Lot 2 is proposed directly from County Lane 14 at this time.)The road serves as a shared access to multiple properties north of the proposed subdivision. A shared road maintenance agreement does not appear to be in place;
35. Solid waste disposal service can be provided by private service providers;
36. Simple subdivisions are not required to install utilities; however, Lot 1 is currently served by Garland Light and Power (electric service) and Black Hills Energy (natural gas);
37. The sketch plan indicates natural gas serves the residence on proposed Lot 1, and electricity is adjacent to both proposed lots;
38. No hazardous features are known to exist on the property;
39. Access to Lot 1 is proposed from Joslen Drive, which is accessed from County Lane 14. Proposed Lot 2 has direct frontage to County Lane 14 and Joslen Drive;
40. Application submission requirements for sketch plan review have been met;

41. A percolation test was completed on proposed Lot 2 on July 12, 2023. The percolation rate was determined to be 40 mpi;
42. A depth to groundwater cut was excavated on Lot 2 to a depth of 9'3" on July 7, 2023. Groundwater was discovered at a depth of 8'6";
43. Conventional septic systems will likely be sufficient should this subdivision be approved, and septic systems proposed;
44. Wastewater requirements pertaining to sketch plan review have been met;
45. Domestic water is proposed by on-site wells;
46. A water well sample was taken from 15 Joslen Drive on June 28, 2023;
47. The water well analysis indicates the water sample meets the Safe Drinking Water Act requirement for bacteria as no E-coli or total coliform was detected. Nitrate was detected at 1.21 mg/L which is under the maximum contaminant level of 10 mg/L. Total Dissolved Solids and Sodium results are considered satisfactory. No arsenic or lead were detected in the sample;
48. Domestic water requirements pertaining to sketch plan review have been met;
49. The applicant has not proposed any changes that would be expected to impact neighboring agricultural activities or related uses. The subdivision is not expected to cause further disturbances of weed development, pests, litter, or domestic pets. The applicant is expected to comply with any requirements from the Irrigation District and Weed & Pest;
50. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act;
51. The proposed subdivision is in an Agricultural Overlay District;
52. Agricultural impacts have been addressed;
53. No portion of the proposed subdivision lies within or is adjacent to any stream or river;
54. Water rights requirements pertaining to sketch plan have been met;
55. Lot standards have been met;
56. No common maintenance of facilities is proposed; therefore, a Homeowners Association will not be required. However, a road maintenance agreement is recommended to address road maintenance responsibility between Lot 1 and Lot 2 for the portion of Joslen Drive within the subdivision boundary. All users of Joslen Drive, including the applicants, are encouraged to enter into a road maintenance agreement to address snow removal and road maintenance;

57. No roads, drainage, sidewalks, street lighting, alleys, or open spaces are proposed;
58. The subdivision is not within a Flood Overlay District or an Airport Overlay District; and
59. 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 Gines SS-313, 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 provide evidence to the Planning & Zoning Department, from Willwood Irrigation District, that their requirements have been met prior to Final Plat Review by the Board of County Commissioners;
3. The applicants shall provide an approved Long-Term Noxious Weed Management Plan to the Planning & 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 Planning & Zoning Department, prior to final plat review by the Board of County Commissioners;
5. The applicants shall either provide a shared road maintenance agreement between the owners of Lot 1 and Lot 2, to be recorded with the final plat, or the applicant shall place a note on the Final Plat and state in the Notarized Disclosure Statement how maintenance of the portion of Joslen Drive within the subdivision boundary will be achieved by owners of Lot 1 and Lot 2 of Gines SS-313;
6. 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";

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

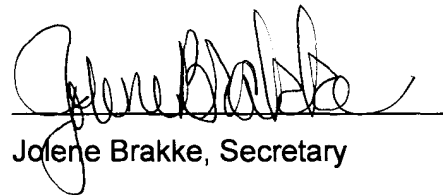
ADOPTED by the Park County Planning & Zoning Commission this 16th day of August, 2023.

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

ATTEST:



Kimberly Brandon-Wintermote, Chairman



Jolene Brakke, Secretary