

1 **Planning & Zoning Commission Minutes**

2 October 11, 2023

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4 This is a regular meeting of the Park County Planning & Zoning Commission held at 1:00pm in
5 the Grizzly Room of the Park County Library, 1500 Heart Mountain St, Cody, WY.

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7 **Commission Members Present:**

8 Kimberly Brandon-Wintermote, Chairman
9 Brian Peters
10 Randy Mair

11
12 **Staff Present:**

13 Joy Hill, Planning Director
14 Kim Dillivan, Assistant Director
15 Mary McKinney, Weed and Pest

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

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19 **APPROVAL OF MINUTES**

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21 Chairman Brandon-Wintermote asked the Commission for comments or changes to the August
22 16, 2023 meeting minutes. A MOTION was made by Commissioner Mair to approve the minutes.
23 Motion was SECONDED by Commissioner Peters. All in favor. Motion carried.

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25 **AGENDA AMENDMENT**

26 Commissioner Peters made a MOTION to approve the removal of John Hogg SS-315 from the
27 agenda. Motion was SECONDED by Commissioner Mair. All in favor. Motion passed.

28
29 **CONSENT AGENDA**

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

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

38
39 Commissioner Peters made a MOTION to approve the consent agenda. SECONDED by
40 Commissioner Mair. All in favor. Motion carried. See Resolution 2023-29, attached hereto and
41 incorporated herein.

42
43 **Gimmeson SS-314:** Ray Gimmeson requests approval of the application and sketch plan for the
44 Gimmeson SS-314. The applicants propose a one-lot simple subdivision comprised of one 7.68-
45 acre lot from an existing 70.00-acre parcel for residential use. The subdivision will result in a
46 62.32-acre remainder parcel. The property is zoned as General Rural Powell (GR-P). This
47 proposed subdivision is located in Farm Unit "F" according to the Farm Unit Plat, or the Tract 11
48 of Lot 57, and Farm Unit "K" according to the Farm Unit Plat, or the Tract 14 of Lot 57, Section 4,
49 Township 55 North, Range 98 West, 6th P.M., Park County, Wyoming. It is located approximately
50 3 ½ miles northeast of Powell, on Lane 8, with an address of 469 Lane 8.

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51 Commissioner Peters read the conditions of approval (by Resolution 2023-29) for the Gimmeson
52 SS-314:

53

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

59 2. The applicant shall provide a water distribution plan that has been approved by the
60 Shoshone Irrigation District to the Park County Planning and Zoning Department, prior
61 to final plat review by the Board of County Commissioners;

62 3. The applicant shall provide an approved Long-Term Noxious Weed Management Plan
63 to the Park County Planning and Zoning Department, prior to final plat review by the
64 Board of County Commissioners;

65 4. The applicant shall provide water test results from a well within ½ mile of the proposed
66 subdivision for Calcium, Magnesium, Sodium, Iron, Fluoride or Manganese;

67 5. The applicant shall obtain a permit for the existing well on Lot 1 with the State Engineer's
68 Office, or provide evidence that it is permitted;

69 6. The applicant shall provide evidence of 1) an existing legal perimeter fence as
70 prescribed by W.S. 11-28-102; 2) written consent from all adjacent landowners a
71 perimeter fence is not necessary; or 3) plans to construct a perimeter fence as required
72 by statute and in accordance with W.S. 18-5-306(a)(xiii);

73 7. If plans to construct a perimeter fence are necessary, the applicant shall provide a
74 Subdivision Improvements Agreement to the Planning & Zoning Department with the
75 Final Plat Application, for review by the County Attorney and the Board of County
76 Commissioners;

77 8. The applicant 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 9. The applicant 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 10. The applicant shall either provide a shared maintenance agreement between the parcel
85 owners who will use the shared ingress/egress easement, to be recorded with the final
86 plat, or the applicant shall place a note on the Final Plat and state in the Notarized
87 Disclosure Statement how maintenance of the shared easement will be achieved by the
88 property owners who use it;

89 11. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of

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90 1991; and

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

94

95 **REGULAR AGENDA**

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97 Chairman Brandon-Wintermote delivered the Chair's report.

98

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

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101 There being no other business, a MOTION was made by Commissioner Mair to adjourn the
102 meeting at 1:30pm and commence a workshop for regulation amendments discussion. The
103 motion was seconded by Commissioner Peters. All in favor. Motion carried.


104

105 Respectfully submitted,

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108



Joy Hill, Secretary (acting)



Park County Planning & Zoning Department

1002 Sheridan Avenue, Suite #109

Cody, Wyoming

(307) 527-8540

PARK COUNTY PLANNING & ZONING COMMISSION

Meeting **1:00pm, Wednesday, October 11, 2023** in the

Grizzly Room of the Park County Library,

1500 Heart Mountain Street, 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 August 16, 2023, regular meeting.

CONSENT AGENDA

Gimmeson SS-314 Sketch Plan

John Hogg Lane SS-315 Sketch Plan

OTHER BUSINESS

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

ADJOURN

Regulation Amendment Workshop

**RESOLUTION 2023 - 29
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
GIMMESON SIMPLE SUBDIVISION SS-314 (SS-314) SKETCH PLAN**

WHEREAS, Ray Gimmeson proposes to create a 7.68-acre lot for residential use, from an existing 70-acre parcel, in a GR-P zoning district, in the Cody/Powell planning area;

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

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

WHEREAS, the Planning & Zoning Commission held a duly noticed meeting on October 11, 2023 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision Permit Application, including payment, was received from Ray Gimmeson, on September 7, 2023;
2. A revised sketch plan was received on September 29, 2023;
3. The applicant request approval of the sketch plan for this one 7.68-acre lot for residential use, from an existing 70.00-acre parcel;
4. The creation of this subdivision will result in a remainder parcel of 62.32-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 28, 2019 (Doc. #2019-3271), to Ray E. Gimmeson, Trustee of the Ray E. Gimmeson Trust dated January 27, 1998;
8. The parcel is described as Farm Unit "F" according to the Farm Unit Plat, or the Tract 11 of Lot 57, and Farm Unit "K" according to the Farm Unit Plat, or the Tract 14 of Lot 57, Section 4, Township 55 North, Range 98 West, 6th P.M., Park County, Wyoming;

9. The property is located approximately 3½ miles northeast of Powell, south of Highway 14A, with an address of 469 Lane 8;
10. Neighboring land uses are agricultural with some residential and residential vacant lands in near proximity;
11. The proposed subdivision is not within a mile of any municipality; therefore, municipal review is not required;
12. Proposed Lot 1 is developed with a residence and outbuildings. The buildings and septic system are not permitted; they are considered pre-existing (they existed prior to county regulation permit requirements). The topography is relatively flat;
13. The subdivision is located in the General Rural Powell (GR-P) zoning district;
14. The lot size proposed is consistent with the GR-P zoning district;
15. A Notice of Intent to Subdivide was published in the Powell Tribune on August 31, 2023 and September 7, 2023;
16. Agency referral requirements have been met;
17. MDU has natural gas service available from the existing gas main located in the ROW of Park County Lane 8 on the south side of the property;
18. Northwest Rural Water District does not have adjacent utilities present to serve the proposed subdivision;
19. Park County Fire District #1 can provide fire protection to the proposed subdivision providing all accesses are constructed to accommodate their fire equipment;
20. The parcel has legal access from Park County Lane 8 by direct frontage and an existing access currently serves proposed Lot 1;
21. County Lane 8 is maintained by Park County Road & Bridge and consists of a crushed base gravel surface;
22. Developed lots must be addressed in accordance with Park County Road & Bridge Standards, any new structures/dwellings that are constructed may be addressed, after a building permit has been issued by the Planning and Zoning office;
23. A right of way permit application must be submitted to and approved by the Park County Public Works Department for any new accesses or improvements to

- access the County Road;
24. A drainage and erosion control plan will not be required at this time;
 25. TCT may have the ability and capacity to 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;
 26. USPS can provide mail service to the proposed subdivision;
 27. Park County School District #1 will have bus service available to this subdivision;
 28. Powell-Clarks Fork Conservation District soils report found two soil types on the property. The soil types are rated "not limited" for dwellings with or without basements and small commercial buildings. The soil types are rated "somewhat limited" and "very limited" regarding septic tank absorption fields due to filtering capacity and slow water movement. The primary soil type is considered "prime farmland if irrigated" and the secondary soil type is not considered prime farmland;
 29. Garland Light & Power currently serves the proposed subdivision. If further power requirements are needed, GLP is able to feed future development off its line that runs along the north side of Lane 8;
 30. The Wyoming Game & Fish Department stated they have no terrestrial wildlife comments;
 31. The Park County Treasurer stated taxes are paid in full;
 32. Wyoming DEQ provided agency contacts and information for permitting associated with various construction activities;
 33. The Park County Weed & Pest District has inspected the property and a Long-Term Noxious Weed Management Plan will be required;
 34. No public comments have been received;
 35. A pre-application meeting was held on July 31, 2023;
 36. A title report dated September 19, 2023 has been provided by the applicant;
 37. No new roads are proposed as part of this subdivision;
 38. Access is proposed from County Lane 8;
 39. A separate 30' ingress and egress easement is proposed on the east side of Lot 1 to serve the adjoining property owner to the north and Lot 1. Maintenance

will be the responsibility of each party using the easement;

40. Solid waste disposal service can be provided by private service providers;
41. Simple subdivisions are not required to install utilities, however natural gas and electric services are available;
42. No hazardous features, other than the potential for a high-water table, are known to exist on the property;
43. Application submission requirements for sketch plan review have been met;
44. Wastewater requirements pertaining to sketch plan review have been met;
45. A perc test completed on proposed Lot 1 found a perc rate of 8 mpi;
46. A depth-to-groundwater cut completed on proposed Lot 1 was dug to a depth of 7' and no groundwater was discovered; due to the excavation depth, small wastewater system drain fields on the property can be excavated to a depth of no greater than three feet, unless a deeper groundwater exploration cut is performed and results in no groundwater findings;
47. The Park County Small Wastewater Administrator stated that conventional septic systems will likely be sufficient for this proposed subdivision;
48. Domestic water will be provided by individual on-site wells;
49. A water sample was taken from an existing concrete box well on Lot 1 that is sourced from shallow groundwater in the area. The well does not appear to be permitted by the State Engineer's Office;
50. The well water test results indicate the water sample meets the Safe Drinking Water Act (SDWA) requirement because no E-coli nor total coliform were detected;
51. The well water sample detected Nitrogen, Nitrate + Nitrite as N at a level of 5.46 mg/L which is under the maximum contaminant level of 10 mg/L, however it is considered "above normal natural levels" and annual monitoring is recommended;
52. Total Dissolved Solids, Arsenic and Lead were detected in the water sample at levels that are considered satisfactory;
53. The well water was not tested for Calcium, Magnesium, Sodium, Iron, Fluoride or Manganese;
54. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch

Act;

55. The adjacent remainder parcel is in an Agricultural Overlay District;
56. Agricultural impacts have been addressed;
57. The subdivision is located within the Shoshone Irrigation District. A Water Distribution Plan is required and a review and recommendations from the District will be required;
58. No stream or river passes within or adjacent to the property;
59. State review of water rights is not required;
60. Water rights requirements pertaining to sketch plan have been met;
61. Lot standards have been met;
62. No common maintenance of facilities is proposed; however, a field access/driveway will be shared by the adjoining property to the north and by Lot 1;
63. An HOA will not be required, however a road maintenance agreement is recommended for the shared access/driveway, or the Final Plat and Disclosure Statement will need to state how maintenance responsibility is to be shared;
64. Easement standards apply;
65. No roads, drainage, sidewalks, street lighting, alleys or open spaces are proposed or required;
66. It appears that livestock can be legally run at large on lands adjacent to the proposed subdivision. The subdivision is subject to Wyoming Statute § 18-5-319;
67. The applicant will be required to provide evidence of 1) an existing legal perimeter fence as prescribed by W.S. 11-28-102; 2) written consent from all adjacent landowners a perimeter fence is not necessary; or 3) plans to construct a perimeter fence as required by statute and in accordance with W.S. 18-5-306(a)(xiii).
68. If plans to construct a perimeter fence are necessary, a Subdivision Improvements Agreement will be required.
69. The subdivision is not within a Flood Overlay District or an Airport Overlay District; and
70. 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 Gimmeson SS-314, subject to the following conditions:

1. The applicant shall provide all easements as requested by applicable utilities and special districts, irrigation districts or public agencies providing services. The width of any utility easement shall be sufficient to allow adequate maintenance of the system, but in no case shall such utility easement be less than 20 feet in width. Easements must be identified on the final plat;
2. The applicant shall provide a water distribution plan that has been approved by the Shoshone Irrigation District to the Park County Planning and Zoning Department, prior to final plat review by the Board of County Commissioners;
3. The applicant shall provide 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 applicant shall provide water test results from a well within ½ mile of the proposed subdivision for Calcium, Magnesium, Sodium, Iron, Fluoride or Manganese;
5. The applicant shall obtain a permit for the existing well on Lot 1 with the State Engineer's Office, or provide evidence that it is permitted;
6. The applicant shall provide evidence of 1) an existing legal perimeter fence as prescribed by W.S. 11-28-102; 2) written consent from all adjacent landowners a perimeter fence is not necessary; or 3) plans to construct a perimeter fence as required by statute and in accordance with W.S. 18-5-306(a)(xiii);
7. If plans to construct a perimeter fence are necessary, the applicant shall provide a Subdivision Improvements Agreement to the Planning & Zoning Department with the Final Plat Application, for review by the County Attorney and the Board of County Commissioners;
8. 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";

9. 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;
10. The applicant shall either provide a shared maintenance agreement between the parcel owners who will use the shared ingress/egress easement, 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 shared easement will be achieved by the property owners who use it;
11. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991; and
12. 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.

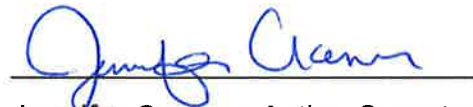
ADOPTED by the Park County Planning & Zoning Commission this 11th day of October, 2023.

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

ATTEST:



Kimberly Brandon-Wintermote, Chairman



Jennifer Cramer, Acting Secretary