

**Planning & Zoning Commission Minutes**

November 8, 2023

This is a regular meeting of the Park County Planning & Zoning Commission held at 1:00pm in the Grizzly Room of the Park County Library, 1500 Heart Mountain St, 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
- Erika Decker, Office Assistant III
- Mary McKinney, Weed and Pest (by virtual means)

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

**APPROVAL OF AGENDA CHANGE**

Commissioner Bonine made A MOTION to strike the Land Use Plan item from the agenda. The motion was SECONDED by Commissioner Eastman. All in favor. Motion passed.

**APPROVAL OF MINUTES**

Chairman Brandon-Wintermote asked the Commission for comments or changes to the October 11, 2023 meeting minutes. A MOTION was made by Commissioner Mair to approve the minutes; the motion was SECONDED by Commissioner Peters to approve the minutes as presented. All in favor. Motion carried.

**CONSENT AGENDA**

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

Chairman Brandon-Wintermote asked if any member of the Commission wished to remove the lone item from the Consent Agenda or wished to make a statement. Commissioner Bonine requested removal of the item from the consent agenda. Chairman Brandon-Wintermote stated the item was thus removed, added to the regular agenda, and requested reading of the staff report.

# Planning & Zoning Commission Minutes

November 8, 2023

## 48 REGULAR AGENDA

49  
50 NEW ROOTS VINEYARD AND WINERY SS-316: Kurt Hauck requests approval of the  
51 application and sketch plan for the New Roots Vineyard and Winery SS-316. The applicants  
52 propose a two-lot simple subdivision comprised of one 7.00-acre lot and one 1.20-acre lot from  
53 an existing 114.70-acre parcel for residential and commercial use. The subdivision will result in a  
54 106.50-acre remainder parcel. The property is zoned as General Rural Powell (GR-P). This  
55 proposed subdivision is located in Lot 46-R, R.S., Township 56 North, Range 98 West, 6<sup>th</sup> P.M.,  
56 and Lot 46-Q, R.S., Township 56 North, Range 99 West, 6<sup>th</sup> P.M., Park County, Wyoming. The  
57 property is located approximately five miles northeast of Powell, just north of County Lane 5, and  
58 approximately one mile west of Hwy 114. The property is not addressed.  
59

60 Kim Dillivan, Assistant Director, presented the Staff Report. Responses have been received from  
61 Public Works and the Wyoming Game and Fish Department.

- 62 • Public Works addressed access, right-of-way permits, and addressing. They recommend  
63 a 60-foot access easement. They had no immediate concerns related to runoff and erosion  
64 control.
- 65 • Wyoming Game and Fish stated that they have no terrestrial wildlife comments and  
66 provided standard subdivision recommendations.  
67

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

- 69 • Commissioner Bonine asked about the draft Disclosure Statement. The Commission  
70 doesn't appear to have a copy of it. On the application, it indicates that Northwest Rural  
71 Water District (NRWD) will be used, but NRWD will not supply both lots. If onsite wells  
72 end up being the source for water, there is a statement regarding cisterns to be placed on  
73 the plat.
- 74 • Chairman Brandon-Wintermote asked to get acreages cleared up because there is a  
75 discrepancy between what staff has communicated, comments from Public Works, and  
76 what is shown on the County's MapServer. Staff stated that the total acreage on the  
77 current sketch plan is the correct acreage. The parcel is 114.70 acres. The remainder will  
78 be 106.50 acres. The Planning Director explained why the Assessor's mapping shows  
79 properties differently – they depict tax parcels which may be a combination of individually  
80 deeded properties that are under common ownership.
- 81 • Commissioner Bonine asked about the parcel portions as depicted on the sketch plan and  
82 wondered if there is an access issue for Lot 46-N. It appears that access to that property  
83 should be addressed as part of this subdivision.
- 84 • Mary McKinney, Park County Weed and Pest, addressed concerns related to construction  
85 and offered discounts on weed treatment. The Long-Term Noxious Weed Management  
86 Plan has not been received.  
87

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

- 89 • Cody Schatz, Engineering Associates and the applicant's representative, stated that there  
90 is not a well within a half mile of the area and they intend to be served by Northwest Rural  
91 Water District (NRWD). They will reach out for clarification on service. The acreage was  
92 determined by the deed. As for Lot 46-N, there is a road from Lot 46-F (which they also  
93 own) to Lot 45-N. There are multiple ways to access that property.
- 94 • Chairman Brandon-Wintermote asked about the status of the water distribution plan. Cody  
95 said the district has the plan and has not responded.
- 96 • Chairman Brandon-Wintermote asked about shared maintenance on the road. Cody said  
97 on the one side, responsibility will be on the remainder parcel.

## Planning & Zoning Commission Minutes

November 8, 2023

- 98 • Chairman Brandon-Wintermote asked if they considered increasing the 30-foot access  
99 easement to 60 feet. Cody said they have additional access from another road if future  
100 subdivision is proposed.
- 101 • Commissioner Peters asked if there is a proposed setback from the drain. He doesn't want  
102 the access agreement to conflict with the irrigation district. Cody said the district does not  
103 maintain the drain, but it will be addressed due to it being crossed. The drain runs year-  
104 round. He will make sure the access does not impact the drain.
- 105 • Chairman Brandon-Wintermote asked about 675 Lane 5 – where did the address come  
106 from? Cody said the utility company provided that address.

107  
108 Chairman Brandon-Wintermote asked if any Commission members had questions for the  
109 applicant, staff, or the public. There were none.

- 110  
111 Chairman Brandon-Wintermote asked Commission members if they had any discussion.
- 112 • Finding #4 – create a 7.0-acre lot and a 1.2-acre lot with a remainder parcel of 106.5 acres  
113 out of a 114.7-acre parcel.
- 114 • Finding #6, according to the revised sketch plan.
- 115 • Add a condition about the applicant obtaining approval to be included in NRWD.
- 116 • Add a condition about the applicant providing evidence that two water taps are available  
117 to serve the lots.
- 118 • Finding #35 - reflect that Public Works responded.
- 119 • Finding #36 - reflect that Wyoming Game and Fish responded.
- 120 • Finding #52 – the applicant is proposing NRWD on both lots; however, according to the  
121 draft Disclosure Statement, individual water wells may be required.
- 122 • Remove condition #3 – Public Works responded.
- 123 • Remove condition #4 – Wyoming Game & Fish responded.
- 124 • Add a condition to provide a Long-Term Noxious Weed Management Plan

125  
126 Commissioner Bonine made a MOTION to recommend approval of the Sketch Plan for New Roots  
127 Winery and Vineyard SS-316 (by Resolution #2023-30), based upon the findings presented and  
128 subject to the following conditions:

- 129
- 130 1. The applicant shall provide all easements as requested by applicable utilities and  
131 special districts, irrigation districts or public agencies providing services. The width of  
132 any utility easement shall be sufficient to allow adequate maintenance of the system,  
133 but in no case shall such utility easement be less than 20 feet in width. Easements must  
134 be identified on the final plat;
  - 135 2. The applicant shall provide a response from the Shoshone Irrigation District, prior to  
136 final plat review by the Board of County Commissioners;
  - 137 3. The applicant shall provide evidence of approval of the petition to expand the Northwest  
138 Rural Water District boundary, prior to final plat review by the Board of County  
139 Commissioners;
  - 140 4. The applicant shall provide a revised letter from NRWD stating that they can supply  
141 water service to both lots, or the applicant shall provide water sample test results from

## Planning & Zoning Commission Minutes

November 8, 2023

142 a well within ½ mile of the proposed subdivision, prior to final plat review by the Board  
143 of County Commissioners;

144 5. If NRWD cannot serve the subdivision lots and a water well sample is not available, the  
145 applicant shall place the following note on the final plat: "NO WATER ANALYSIS WAS  
146 CONDUCTED AND THE AVAILABILITY AND QUALITY OF POTABLE WATER IS  
147 UNKNOWN. CISTERNS MAY BE REQUIRED"

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

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

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

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

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

168 11. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of  
169 1991;

170 12. The applicant shall provide an approved Long-Term Noxious Weed Management Plan  
171 to the Planning and Zoning Department prior to recordation of the final plat; and

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

175  
176 Commissioner Eastman SECONDED the motion. All in favor. Motion passed. See Resolution  
177 2023-30 attached hereto and incorporated herein.

178  
179 **PUBLIC HEARING – QUIET GROVE MS-76:** Taylor and Mariah Hubbell requests approval of  
180 the application and Sketch Plan for the Quiet Grove Minor Subdivision (MS-76). The proposed  
181 subdivision is comprised of four lots; two 5.02-acre lots, one 5.01-acre lot and one 4.88-acre lot,

## Planning & Zoning Commission Minutes

November 8, 2023

182 each for residential and agricultural use. The proposed subdivision is within an approximately  
183 97.88-acre parcel described as Farm Unit K or Lots 74-N, 74-O, 74-P and Tract 10 of Lot 74 and  
184 Lots 75-BB, 75-CC and 75-DD of Lot 75, Resurvey, T55N, R98W of the 6th P.M., Park County,  
185 WY. The subdivision will produce an approximately 78-acre exempt remainder parcel. The  
186 unaddressed property is in the Cody/Powell Rural Planning Area, approximately three miles  
187 southeast of Powell, in a General Rural-Powell (GR-P) zoning district.  
188

189 Chairman Brandon-Wintermote reviewed the rules of a public meeting and opened the public  
190 hearing at 1:59pm.  
191

192 There being no comments from Commission members, Kim Dillivan, Assistant Director, presented  
193 the Staff Report. A response was received from the Wyoming Game and Fish Department.

- 194 • Wyoming Game and Fish stated that they have no terrestrial wildlife comments and  
195 provided standard subdivision recommendations.  
196

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

- 198 • Commissioner Mair sought clarification on the access to each of the lots. Kim Dillivan said  
199 we have not received any response from Public Works, so access has not been confirmed,  
200 but we understand that access will come from County Lane 11 ½. Commissioner Mair  
201 asked if the access would be shared. Kim indicated he is unsure.
- 202 • Mary McKinney, Park County Weed and Pest, noted that the noxious weeds on the  
203 property do spread and it will be important during construction that any overburden remain  
204 on the property and not be moved off-property. Reseeding after construction will be critical  
205 in a timely manner. A Long-Term Noxious Weed Management Plan has not been received.  
206

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

- 208 • Mariah Hubbell, applicant, said they propose four separate accesses (one for each lot)  
209 and Public Works will require culverts. They will be keeping acreage to provide access to  
210 the remainder parcel. They will not need shared driveways or maintenance.
- 211 • Mariah added that they are waiting to hear from Willwood Light and Power. If they can  
212 only provide power to one lot, they propose solar until Willwood can provide power. The  
213 Planning Director clarified that if utilities cannot be provided, they would need to seek a  
214 variance. There is a separate variance application and procedure.
- 215 • Mariah said they spoke with the irrigation district, and they will review the plan in  
216 December. They plan to take the 20 acres out of ag land – it is not high producing – it has  
217 not been plowed in the past 30 years – it is grass pasture.
- 218 • Chairman Brandon-Wintermote asked if they confirmed water rights. The applicant stated  
219 they have emailed the Wyoming State Engineer and are working on a call in to them but  
220 have not heard back.
- 221 • Commissioner Mair asked if Willwood Power does not have power built down that far or  
222 is it a capacity issue?  
223

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

- 225 • Skip Hart, Willwood Light and Power, stated that the line is constructed to the property.  
226 The problem is that they are already starting to see capacity issues on the line. There are  
227 two subdivisions planning to go in (Himes also). They need to get their infrastructure  
228 upgraded to service these additional lots. They are waiting on bids and haven't yet found  
229 a solution to the problem. Chairman Brandon-Wintermote asked if there is a timeline. Mr.  
230 Hart said he doesn't have an answer as of yet. Commissioner Mair asked if the  
231 infrastructure is there or if it needs to be built out more. Mr. Hart said they do not have the

## Planning & Zoning Commission Minutes

November 8, 2023

- 232 voltage with the current infrastructure. Willwood is the last system on the long line of the  
233 system. Anytime Garland Light and Power has a problem, we all have a problem. Skip  
234 said there is another spur line coming down into the area, but it is old infrastructure. It is  
235 not set up for 3-phase. If we can get 3-phase, we can handle the capacity. Since Covid, it  
236 is hard to get line workers. Even for a power outage. They have to contract line work out.  
237 Chairman Brandon-Wintermote sought clarification on what service can be provided. Mr.  
238 Hart said they can provide service to one house. Nothing more at this time.
- 239 • Curt Peterson lives on adjacent property. He said we are developing the heck out of this  
240 area, but the roads are less maintained now than they were 2-3 years ago. We have  
241 corners barely wide enough for a big truck. Weeds are overgrown. We need County to  
242 step up and grade this more than once per year. They came through once this summer  
243 and pushed all the gravel into the ditch and cut down the weeds basically with a grader.  
244 Now we have a muddy, slippery roadbed with no gravel. Four years ago, there were only  
245 six houses and now there are a dozen. That's why there are problems keeping power  
246 service. Roads have not been adequately maintained. Concerned about pulling ag land  
247 out of ag. He moved out there to be away from the city. Now he's living in suburbia because  
248 everyone is cutting off acreage and his views are being obstructed. He objects to that.  
249 When he submitted for his septic, he had high water in one perc hole. His engineered  
250 septic plan was rejected. Now here, it says that an engineered plan would work on this  
251 property. They have groundwater at seven feet. He is worried about his groundwater. He  
252 is worried about unfair treatment. He was told an engineered system was not acceptable.  
253 A storage tank was not acceptable. Why are we treating different parcels different. His  
254 parcels adjoins theirs. He is sure his taxes will go up because of all the development but  
255 his value will go down because of the view impacts.
  - 256 • Jennifer Ivanoff, we live across the street. She only has a 200-amp service and they have  
257 power outages often. She is not sure how Willwood can serve any more houses since  
258 even her house isn't served well. She has been told by an electrician that it is a line  
259 problem. A lot of the wells in the area are only producing 5-7 gallons per minute. She  
260 researched USGS and their website says neighboring wells should not be any closer than  
261 1500 feet otherwise you tap into the same aquifer and can be left dry. She is a real estate  
262 broker. These lots will not be more than 600-700 feet away.
  - 263 • Marino Ivanoff, along with blackouts and water concerns, directly across the street from  
264 his property, there becomes a lake inside the property that sits there for days after heavy  
265 rain.
  - 266 • Chairman Brandon-Wintermote asked if the irrigation district will require sprinkler  
267 irrigation. Mariah said they will allow flood irrigation and there is a drain ditch that needs  
268 some maintenance.

269  
270 Chairman Brandon-Wintermote asked if any Commission members had additional questions for  
271 the applicant, staff, or the public. There were none.

- 272  
273 Chairman Brandon-Wintermote asked Commission members if they had any discussion.
- 274 • Chairman Brandon-Wintermote said she is concerned about the requirement for  
275 electricity. It sounds like the system is already taxed.
  - 276 • Commissioner Peters said he assumes any applicant along these lines will be treated  
277 equally and no subdivisions will be proposed due to a lack of ample power. Chairman  
278 Brandon-Wintermote said they could do a simple because simple subdivisions do not  
279 require utilities to be brought to the lot line. Chairman Brandon-Wintermote asked if the  
280 applicants could choose to revise to a Simple Subdivision if they wanted to go off grid. The  
281 Planning Director stated that the applicant could do a Simple Subdivision or seek a

## Planning & Zoning Commission Minutes

November 8, 2023

- 282 variance. The variance could be done at the same time as the Subdivision, but the  
283 outcome of a variance cannot be guaranteed.
- 284 • Chairman Brandon-Wintermote asked if there is a response from Public Works. Staff  
285 indicated we do not have a response.
  - 286 • Jennifer Ivanoff, asked about the variance process. The Planning Director explained the  
287 requirements.
  - 288 • Commissioner Peters asked how much it would cost to upgrade their system to 3-phase.  
289 Skip Hart said he is waiting for an estimate.
  - 290 • Chairman Brandon-Wintermote asked if they were to continue the hearing, would  
291 Willwood have an answer. Skip said he hopes to have an answer soon. He is also open  
292 to considering other solutions. When they can offer power, they will, if it is feasible.
  - 293 • Commissioner Mair asked about the 3-phase improvement or upgrading the voltage for  
294 more capacity. Could there be a different solution or is there a need for 3 phase power.  
295 Skip said they need to get up to a nationwide standard of 7,200 volts. In order to do that,  
296 every transformer on the system has to be changed. They need to use a special designed  
297 transformer that is switchable, and those transformers are 30 months out from being  
298 available. If they can get 3-phase down to that spot, even at 2,700 volts, this would allow  
299 them to provide service.
  - 300 • Commissioner Eastman asked if the intention is to go to 3-phase regardless of what's  
301 going on with subdivisions. Skip said no, the subdivisions and things happening on this  
302 spur line specifically is what is pushing the 3-phase upgrade. The switch to 7,200 volts  
303 has been in the works for a couple of years. He feels they will still need 3-phase. He would  
304 need a study to know for sure. Would need 3-phase for sprinkler pivots. The capacity is  
305 simply not there. They have struggled with having linemen but now have a locally based  
306 team.
  - 307 • Chairman Brandon-Wintermote asked about a continuance to see what happens with the  
308 power availability, obtain a response from Public Works about road conditions, and the  
309 applicant can obtain a water well sample. Commissioner Peters agreed.
  - 310 • Curt Peterson mentioned the proximity to the road and issues.

311  
312 Commissioner Mair made a MOTION to CONTINUE the hearing to the December 13<sup>th</sup> meeting  
313 at 1:00pm; SECONDED by Commissioner Peters. All in favor. Motion carried.

314  
315 Chairman Brandon-Wintermote delivered the Chair's report.

316  
317 The Planning Director delivered a report for the Planning and Zoning Department.

318  
319 There being no other business, a MOTION was made by Commissioner Mair to adjourn the  
320 meeting at 3:17pm. The motion was seconded by Commissioner Eastman. All in favor. Motion  
321 carried.

322  
323 Respectfully submitted,

324  
325  
326

  
\_\_\_\_\_  
Erika Decker, Secretary

**RESOLUTION 2023 - 30  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE  
NEW ROOTS VINEYARD AND WINERY SIMPLE SUBDIVISION SS-316 (SS-316)  
SKETCH PLAN**

**WHEREAS**, Kurt Hauk, on behalf of Mitchell G. Davison, proposes to create one 7.20-acre lot and one 1.0-acre lot, from an existing 114.70-acre parcel, in a GR-P zoning district. The creation of this subdivision will result in a remainder parcel of 106.50 acres. The proposed use for Lot 1 is residential; the proposed use for Lot 2 is commercial and residential.

**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 November 8, 2023 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision Permit Application, including payment, was received from Kurt Hauk, on October 18, 2023;
2. Submitted with the application was payment, a sketch plan, and a copy of the Notice of Intent to Subdivide;
3. Mitch Davison, property owner, signed the application;
4. The applicant requests approval of the sketch plan to create one 7.00-acre lot and one 1.20-acre lot, from an existing 114.70-acre parcel;
5. The creation of this subdivision will result in a remainder parcel of 106.50 acres;
6. According to the revised sketch plan the proposed use for Lot 1 is residential; the proposed use for Lot 2 is commercial;
7. Applicable regulations are the *Park County, Wyoming, 2015 Development Standards and Regulations*, adopted September 15, 2015;
8. The subdivision is classified as a simple subdivision;



9. Ownership is affirmed by a Quitclaim Deed dated April 17, 2023 (Doc. #2023-1327), to Mitchell G. Davison, an individual and single person, from the Davison Family Trust, dated April 13, 2010, Mitchell G. Davison, Successor Trustee/Surviving Trustee of the Davison Family Trust, dated April 13, 2010;
10. The parcel is described as Lot 46-R, R.S., Township 56 North, Range 98 West, 6<sup>th</sup> P.M., and Lot 46-Q, R.S., Township 56 North, Range 99 West, 6<sup>th</sup> P.M., Park County, Wyoming;
11. The property is located approximately five miles northeast of Powell, just north of County Lane 5, and approximately one mile west of Hwy 114. The property is not addressed;
12. Neighboring land uses are agricultural, residential, exempt, and residential vacant lands. The exempt lands in this area are those managed by Bureau of Reclamation;
13. The proposed subdivision is not within a mile of a municipality; therefore, municipal review is not required;
14. Proposed Lot 1 is undeveloped but used primarily for agricultural purposes. Proposed Lot 2 is also undeveloped. The property has little change in elevation.;
15. The subdivision is in the General Rural Powell (GR-P) zoning district;
16. The lot sizes proposed are consistent with the GR-P zoning district;
17. A Notice of Intent to Subdivide was published in the *Powell Tribune* on October 5, 2023 and October 12, 2023;
18. In the Notice of Intent to Subdivide, both proposed lots are identified for residential use. However, on the sketch plan proposed Lot 2 is identified for commercial use.
19. In the GR-P zoning district, not every commercial use category is allowed, and if allowed, the commercial use requires approval of a Special Use Permit.
20. Agency referral requirements have been met;
21. Keele Sanitation indicated they can provide solid waste removal services;
22. The applicant submitted an invoice from Garland Light & Power. The invoice was a construction estimate for property at 675 Lane 5;
23. The application submitted a Request for Gas Service Line from MDU. The customer name was Davison Family Trust and the addresses were 651 and 675 Lane 5;
24. The applicant submitted a Petition for Inclusion from NRWD, dated August 4, 2023. The name on the petition was Mitch Davison and no address was provided;
25. Park County Fire District #1 can provide fire protection to the proposed subdivision

- providing all accesses are constructed to accommodate their fire equipment;
26. USPS stated mail can be delivered for the new simple subdivision (presumed address was 675 Lane 5) and placement of mailboxes will be determined when new residents are ready for mail delivery;
  27. Powell-Clarks Fork Conservation District soils report found three soil types that predominate on the property. The three are: Worland-Oceanet complex (59.5% of area), Water-Pogo-like complex (12% of the area), and Apron sandy loam (28.3% of the area);
  28. The soil types are rated "not limited," "somewhat limited," and "very limited" for dwellings with or without basements and small commercial buildings. The reasons for these ratings vary;
  29. The soil types predominately considered "very limited" regarding septic tank absorption fields. Limitations are due to slow water movement, depth to bedrock, flooding, and depth to saturated zone;
  30. Park County School District #1 will have bus service available to this subdivision;
  31. The Park County Treasurer stated taxes are due on November 10, 2023;
  32. 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;
  33. The Park County Weed & Pest District has inspected the property and a Long-Term Noxious Weed Management Plan will be required;
  34. Wyoming DEQ provided agency contacts and information for permitting associated with various construction activities;
  35. Park County Public Works Department has provided an engineering review to include their standard right-of-way permitting and address requirements;
  36. The Wyoming Game & Fish Department has provided a response and does not have any concerns, however they offered their standard subdivision recommendations;
  37. No comments have been received from Shoshone Irrigation District;
  38. No public comments have been received;
  39. A pre-application meeting was held on August 15, 2023;
  40. A title report dated October 3, 2023 has been provided by the applicant;
  41. No new roads are proposed as part of this subdivision;

42. A 30' access easement is proposed across Lot 1 to benefit the remainder parcel. A 30' access and utility easement is proposed across Lot 2 to benefit Lot 1. Maintenance will be the responsibility of each party using the easement;
43. Solid waste disposal service can be provided by private service providers;
44. Simple subdivisions are not required to install utilities; however, natural gas and electric services appear to be available;
45. No hazardous features are known to exist on the property;
46. The Shoshone Irrigation District has been contacted;
47. Application submission requirements for sketch plan review have been met;
48. A percolation test completed on proposed Lot 2 revealed a perc rate of 20 mpi;
49. A depth-to-groundwater cut completed on proposed Lot 2 was dug to a depth of 11 feet and groundwater was discovered at 10 feet;
50. The Park County Small Wastewater Administrator stated that conventional septic systems will likely be sufficient for this proposed subdivision;
51. Wastewater requirements pertaining to sketch plan review have been met;
52. The applicant has secured one tap from Northwest Rural Water District providing the district boundary can be expanded to include the lands within the subdivision. If an additional tap cannot be secured, domestic water will be provided by individual on-site wells to be permitted through the Wyoming State Engineer's Office;
53. No well water sample results have been submitted to the Planning & Zoning Department;
54. Domestic water requirements pertaining to sketch plan review have not been met;
55. 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. An existing irrigation drainage is shown on the sketch plan;
56. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act;
57. No portion of the property is in, or adjacent to, an Agricultural Overlay District;
58. Agricultural impacts have been addressed;
59. The subdivision is located within the Shoshone Irrigation District;

60. No stream or river passes within or adjacent to the property;
61. State review of water rights is not required;
62. Water rights requirements pertaining to sketch plan have been met;
63. Lot standards have been met;
64. No common maintenance of facilities is proposed; however, access easements are proposed;
65. An HOA will not be required; however, a road maintenance agreement is recommended for any shared access/driveway, or the Final Plat and Disclosure Statement will need to state how maintenance responsibility is to be shared;
66. Easement standards apply;
67. No roads, drainage, sidewalks, street lighting, alleys or open spaces are proposed or required;
68. Livestock can be legally run at large on lands adjacent to the proposed subdivision, which is subject to Wyoming Statute § 18-5-319;
69. 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 required statute and in accordance with W.S. 18-5-306(a)(xiii).
70. If plans to construct a perimeter fence are necessary, a Subdivision Improvements Agreement will be required;
71. The subdivision is not within any Overlay District;
72. Proposed access is from Lane 5; and
73. 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 New Roots Vineyard and Winery SS-316, 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 response from the Shoshone Irrigation District, prior to final plat review by the Board of County Commissioners;
3. The applicant shall provide evidence of approval of the petition to expand the Northwest Rural Water District boundary, prior to final plat review by the Board of County Commissioners;
4. The applicant shall provide a revised letter from NRWD stating that they can supply water service to both lots, or the applicant shall provide water sample test results from a well within ½ mile of the proposed subdivision, prior to final plat review by the Board of County Commissioners;
5. If NRWD cannot serve the subdivision lots and a water well sample is not available, the applicant shall place the following note on the final plat: "NO WATER ANALYSIS WAS CONDUCTED AND THE AVAILABILITY AND QUALITY OF POTABLE WATER IS UNKNOWN. CISTERNS MAY BE REQUIRED"
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 that a perimeter fence is not necessary, or (3) plans to construct a perimeter fence as required 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;
12. The applicant shall provide an approved Long-Term Noxious Weed Management Plan to the Planning and Zoning Department prior to recordation of the final plat; and
13. The applicant shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306.

**ADOPTED** by the Park County Planning & Zoning Commission this 8<sup>th</sup> day of November, 2023.

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

**ATTEST:**

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

  
\_\_\_\_\_  
Erika Decker, Secretary



**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, November 8, 2023** in the  
Grizzly Room at 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 October 11, 2023, regular meeting.

**CONSENT AGENDA**

[New Roots Vineyard and Winery SS-316 Sketch Plan](#)

**REGULAR AGENDA**

[Quiet Grove MS-76 Sketch Plan](#)  
[Land Use Plan Proposed Changes Workshop](#)

**OTHER BUSINESS**

1. Review upcoming PZ meeting schedule
  - a. December 13, 2023
  - b. January 10, 2024
  - c. February 14, 2024
2. Chair's Report
3. Planning Director's Report

**ADJOURN**

# PLEASE SIGN IN

## PLANNING and ZONING COMMISSION REGULAR MEETING November 8, 2023

|    |                               | New Roots Vineyard and Winery SS-316 Sketch Plan |                         |
|----|-------------------------------|--|-------------------------|
|    |                               | Quiet Grove MS-76 Sketch Plan                    |                         |
|    |                               |  |                         |
|    |                               |  |                         |
|    | Please <b>PRINT</b> your name | Name of the<br><b>HEARING OF INTEREST</b>        | DO YOU WISH<br>TO SPEAK |
| 1  | Katie Mitch Dawson            | New Roots  |                         |
| 2  | RICK LASKO                    |  | NO                      |
| 3  | Skip H Hurt                   | Quiet Grove                                      | NO                      |
| 4  | Mariah Hubbell                | Quiet Grove                                      | NO                      |
| 5  | Taylor Hubbell                | Quiet Grove                                      | NO                      |
| 6  | Marino Ivanov                 | Quiet Grove                                      | Yes                     |
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**PLEASE SIGN IN**  
**PLANNING and ZONING COMMISSION**  
**REGULAR MEETING**  
**November 8, 2023**

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|    |                               | New Roots Vineyard and Winery SS-316 Sketch Plan |                             |
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|    |                               | Quiet Grove MS-76 Sketch Plan                    |                             |
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|    | <b>Please PRINT your name</b> | <b>Name of the HEARING OF INTEREST</b>           | <b>DO YOU WISH TO SPEAK</b> |
| 1  | KURT HAUCK                    | New Roots Vineyard / Winery                      | No                          |
| 2  | Curt Pederson                 | Quiet Grooves                                    | Yes                         |
| 3  | John Wolfe                    | John Wolfe                                       | NO                          |
| 4  | JENNIFER IVANOV               | Quiet Grove                                      | yes                         |
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