

Planning & Zoning Commission Minutes

January 10, 2024

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:

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

Staff Present:

Kim Dillivan, Assistant Director
Jenny Cramer, Planner I
Erika Decker, Office Assistant III
Mary McKinney, Weed and Pest

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

ELECTION OF OFFICERS

Chairman Brandon-Wintermote explained the rules for selecting officers. Commissioner Peters nominated Commissioner Bonine for Chairman and Commissioner Mair nominated Commissioner Peters to serve as Vice Chair. Commissioners Bonine and Peters consented to serve. SECOND by Commissioner Eastman. All in favor. Motion carried.

APPROVAL OF MINUTES

Chairman Bonine asked the Commission for comments or changes to the December 13, 2023 meeting minutes. A MOTION was made by Commissioner Brandon-Wintermote to approve the minutes; the motion was SECONDED by Commissioner Mair to approve the minutes as presented. All in favor. Motion carried.

CONSENT AGENDA

Chairman Bonine acknowledged that a public hearing was not required and addressed Consent Agenda item qualifications.

Chairman Bonine asked if any member of the Commission have any statements to make or wished to remove any of the items or wished to make a statement.

- Commissioner Brandon-Wintermote wanted to call attention to the Hogg Road SS-318 Sketch Plan, they will be going with wells and will not be going forward with town of Meeteetse water and sewer unless they annex. There were also some concerns about access which have been resolved.

Commissioner Brandon-Wintermote made a MOTION to approve the consent agenda. SECONDED by Commissioner Peters. All in favor. Motion carried. See Resolutions 2024-01 and 2024-02 attached hereto and incorporated herein.

Planning & Zoning Commission Minutes

January 10, 2024

52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93

Martin SS-317 Sketch Plan: Mike Martin requests approval of the application and Sketch Plan for the Martin Simple Subdivision (SS-317). The proposed subdivision is comprised of one 5.04-acre lot from an existing 302-acre parcel, for residential and agricultural use. The subdivision will result in a remainder parcel of approximately 297 acres. The property is zoned General Rural 5-Acre (GR-5). This proposed subdivision is located in Lot 41-E, Resurvey Lot 41; Lots 42-A, 42-B, 42-G, 42-H, Resurvey Lot 42; Lots 45-I, 45-P, Resurvey Lot 45; the west 176 feet of Lot 46-I, Resurvey Lot 46, T.52N., R.102W., P.M., Park County, Wyoming. The property is located approximately 4 miles southwest of the City of Cody, north of Diamond Basin Road, at the terminus of Carter View Drive. The property address is 158 Carter View Drive, Cody, WY 82414.

Commissioner Brandon-Wintermote read the conditions of approval (by Resolution 2024-01) for the Martin SS-317 Sketch Plan:

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 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";
3. The applicants shall provide a response by the Lakeview Irrigation District, prior to final plat review with the Board of County Commissioners;
4. The applicants shall provide a response from Park County Public Works, prior to final plat review with the Board of County Commissioners;
5. The applicant shall submit water test results to the Planning & Zoning Department for Total Coliform Bacteria, Zinc, Lead, Manganese, Copper and Arsenic as prescribed in Chapter 23, Section 8(d)(i) of the DEQ Water Quality Regulations;
6. The applicants shall either provide a shared driveway maintenance agreement for Lot 1 and the remainder parcel, 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 the shared driveway will be achieved by owners of Lot 1 and the remainder parcel;
7. 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);
8. If applicable, following Board approval of the sketch plan and prior to the Board's review of the final plat, the applicants shall submit an appropriate Subdivision Improvements Agreement addressing all applicable required improvements (e.g., fencing) for review by staff and approval of the County Attorney and the Board;

Planning & Zoning Commission Minutes

January 10, 2024

- 94 9. The final plat shall contain a note regarding the potential for flooding during high
95 precipitation events and in the event of a breach in the adjacent irrigation facilities;
- 96 10. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of
97 1991; and
- 98 11. The applicants shall otherwise comply with standards in the Park County
99 Development Regulations and the minimum subdivision requirements as set forth in
100 Wyoming Statute 18-5-306.

101

102 Hogg Road SS-318 Sketch Plan: Dustin Taylor requests approval of the application and Sketch
103 Plan for the Hogg Road Simple Subdivision (SS-318). The proposed subdivision is comprised of
104 one 3.19-acre lot from an existing 1,578.99-acre parcel, for residential and commercial use. The
105 subdivision will result in a remainder parcel of approximately 1,575.80 acres. The property is
106 zoned General Rural Meeteetse (GR-M). This proposed subdivision is located in Lot 2, Section
107 19 (Excepting a tract conveyed to the Transportation Commission of Wyoming by Warranty Deed
108 recorded in Book 234, Page 644) Township 48 North, Range 99 West, W1/2, SW1/4NE1/4,
109 NW1/4SE1/4, E1/2SE1/4 (excepting a 3.93-acre parcel southwest of the Highway, a 9.98-acre
110 parcel in the NE1/4NW1/4, and a 6.14-acre parcel northeast of the Highway) and 2.07-acres in
111 the SW1/4SE1/4 northeast of the Highway, (excepting a 7.16-acre parcel in the NE1/4NW1/4)
112 Section 10; SW1/4SW1/4, Section 11; SW1/4NE1/4, W1/2SE1/4, SE1/4SW1/4, W1/2SW1/4
113 Section 13; E1/2SE1/4 (excepting 1 acre in the SE1/4SE1/4) NE1/4NW1/4, and that part of the
114 NW1/4NW1/4, SW1/4NW1/4, SE1/4NW1/4, NE1/4SW1/4 and the NW1/4SE1/4 lying Northeast
115 of the Highway, Section 14; W1/2 & a 3.59-acre parcel in the NE1/4NE1/4 lying northeast of the
116 Highway, Section 15; NE1/4NE1/4, S1/2 OF NW1/4NE1/4 Section 23; NW1/4, W1/2NE1/4,
117 SE1/4NE1/4 & NE1/4SE1/4 Section 24, Township 48 North, Range 100 West of the 6th P.M.,
118 Park County, Wyoming. The property is located immediately south and east of the Meeteetse
119 town limits, on the northeast side of Highway 120 South. The property is not addressed.

120

121 Commissioner Peters read the conditions of approval (by Resolution 2024-02) for the Hogg Road
122 SS-318 Sketch Plan:

123

- 124 1. The applicants shall provide all easements as requested by applicable utilities and
125 special districts, irrigation districts or public agencies providing services. The width of any
126 utility easement shall be sufficient to allow adequate maintenance of the system, but in
127 no case shall such utility easement be less than 20 feet in width. Easements must be
128 identified on the final plat;
- 129 2. The applicants shall provide information on the availability of natural gas from the service
130 provider to the Planning & Zoning Department, prior to final plat review by the Board of
131 County Commissioners;
- 132 3. The applicants shall provide a response from Park County Public Works to the Planning
133 and Zoning Department, prior to final plat review by the Board of County Commissioners;
- 134 4. The applicant shall place the following note on the final plat: "NO WATER ANALYSIS
135 WAS CONDUCTED AND THE AVAILABILITY AND QUALITY OF POTABLE WATER IS
136 UNKNOWN. CISTERNS MAY BE REQUIRED";
- 137 5. The applicant shall show the riverine wetland on the final plat and place a note on the

Planning & Zoning Commission Minutes

January 10, 2024

- 138 final plat that **“According to the National Wetland Inventory, a riverine wetland has**
139 **been identified on this parcel. Please note the US Army Corps of Engineers is the**
140 **regulatory authority over wetlands and it is unlawful to begin work that will affect**
141 **a wetland without a Department of the Army permit when one is required.”;**
- 142 6. The applicant shall provide an approved access permit from WYDOT to the Planning and
143 Zoning Department, prior to final plat review by the Board of County Commissioners;
- 144 7. The applicant shall provide proof that the property taxes have been paid to the Planning
145 and Zoning Department, prior to final plat review by the Board of County Commissioners;
- 146 8. The applicant shall provide an approved Long-Term Noxious Weed Management Plan
147 to the Planning and Zoning Department, prior to final plat review by the Board of County
148 Commissioners;
- 149 9. The applicants shall either provide a shared driveway maintenance agreement for Lot 1
150 and the remainder parcel, to be recorded with the final plat, or place a note on the Final
151 Plat and state in the Notarized Disclosure Statement how maintenance of the shared
152 driveway will be achieved by owners of Lot 1 and the remainder parcel;
- 153 10. The applicant shall provide evidence of 1) an existing legal perimeter fence as prescribed
154 by W.S. 11-28-102; 2) written consent from all adjacent landowners a perimeter fence is
155 not necessary; or 3) plans to construct a perimeter fence as required by statute and in
156 accordance with W.S. 18-5-306(a)(xiii);
- 157 11. If applicable, following Board approval of the sketch plan and prior to the Board’s review
158 of the final plat, the applicants shall submit an appropriate Subdivision Improvements
159 Agreement addressing all applicable required improvements (e.g., fencing, mailbox
160 pullout, etc.) for review by staff and approval of the County Attorney and the Board;
- 161 12. The applicant shall include the following statement on the final plat in bold, capital letters:
162 **“SELLER DOES NOT WARRANT TO THE PURCHASER THAT THERE ANY RIGHTS**
163 **TO THE NATURAL FLOW OF ANY STREAM WITHIN OR ADJACENT TO THE**
164 **PROPOSED SUBDIVISION. WYOMING LAW DOES NOT RECOGNIZE ANY**
165 **RIPARIAN RIGHTS TO THE CONTINUED NATURAL FLOW OF A STREAM OR RIVER**
166 **FOR PERSONS LIVING ON THE BANKS OF THE STREAM OR RIVER”;**
- 167 13. The applicants shall place the following note on the final plat: **“Any proposed water wells**
168 **on these subdivision lots shall be permitted by the Wyoming State Engineer’s Office prior**
169 **to installation”;**
- 170 14. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991;
171 and
- 172 15. The applicants 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

REGULAR AGENDA

Planning & Zoning Commission Minutes

January 10, 2024

177

178

179

180

181

182

183

184

185

186

187

PUBLIC HEARING – Gunnar MS-77 Sketch Plan: Kenneth and Kristin Heinrich requests approval of the application and Sketch Plan for the Gunnar Minor Subdivision (MS-77). The proposed subdivision will create one 17.94-acre lot, for residential and/or agricultural use, and a 52.62-acre exempt remainder parcel. The proposed subdivision is within an approximately 70.56-acre parcel described as Lot 2 of Section 21, Lots 2 and 3 and the N1/2NW1/4 of Section 28, Lots 1 and 2 of Section 29, and a portion of lands within Tract 1 of Lot 77, Resurvey, T55N, R98W of the 6th P.M., Park County, WY. The property is approximately 3.3 miles southeast of Powell, west of County Road 5 and south of County Lane 11, with an address of 1100 Road 5. The property is in the Cody/Powell Rural Planning Area, in the General Rural-Powell (GR-P) zoning district.

188

Chairman Bonine introduced the commission members and staff, reviewed the rules of a public meeting, and opened the public hearing at 1:16pm.

189

190

191

There being no comments from Commission members, Kim Dillivan, Assistant Director, presented the Staff Report.

192

193

194

- Revised Sketch plan received.
- Response from Willwood Light & Power received, will be able to provide power.

195

196

197

Chairman Bonine asked if any Commission members had questions for Staff.

198

- Commissioner Brandon-Wintermote asked about the response from Elk Water Users District, she is certain that the property is within their district. The applicant has more recent information that they will present.

199

200

201

- Commissioner Brandon-Wintermote asked about the response from Willwood Light & Power, is a phone call sufficient or is a written response required. Jenny stated that Skip with Willwood Light & Power was unable to attend the meeting which is why he called. Commissioner Brandon-Wintermote stated that she would like a written response from Willwood Light & Power. Chairman Bonine agreed that a written response is preferred.

202

203

204

205

206

- Mary McKinney, Weed & Pest, there are several issues with weeds on the property, there has been significant disturbance which creates potential for weeds to spread. Herbicides are not usually their first course of action, these species spread by a creeping roots system. Mechanical means are not going to be effective for these species. Mary discussed future plans with the applicant. There is a pivot on property, so it will probably remain in ag production of some sort. Depending on what species are going to be planted, possibly planting perennial grass, or corn for a year. Whatever product is planted, with the Park County quarantine, it's not going to be able to be moved off of that property onto any county road if those weed species are present. Cattle or some other livestock could be brought in to feed onsite. It will probably take 3-5 years to clean up the weeds. She is happy to work with current or future landowners. Mary is talking with her supervisor about the possibility of expanding cost shares to include the difference between traditional alfalfa seed and Roundup Ready alfalfa seed, that would help the landowner in dealing with these weed species. Weed & Pest doesn't want to hinder the landowner from having a commodity that they can sell. She is concerned about those species being moved from a place known to have a weed problem to a weed free place. Mary is willing to work with the landowner to come up with a Long-Term Noxious Weed Management Plan.

207

208

209

210

211

212

213

214

215

216

217

218

219

220

221

222

223

224

Chairman Bonine asked if the applicant had any questions or comments.

225

- Nick Hummell, Engineering Associates, representative of the landowner, said Willwood Light & Power has been a difficulty for other projects in the area, they have been unable to get answers/written response. He will work on getting a written response from Willwood

226

227

Planning & Zoning Commission Minutes

January 10, 2024

228 Light & Power. Their timeline could push back the project timeline. Nick reached out to
229 USPS again yesterday, waiting for response. Water analysis sample was previously
230 submitted, they are going to send another sample. They anticipate test results before the
231 project goes before the Board of County Commissioners for Sketch Plan review. Elk Water
232 Users Association, the parcel is within their district. Nick is anticipating a more formal
233 response from them requiring easements. They assume a water distribution plan will not
234 be required. The irrigated lands of this parcel pumps straight from Elk Lovell Canal, it will
235 be sprinkle irrigation, no waste ditches that affect any other neighboring properties. They
236 have started obtaining perimeter fencing agreement/consent letters.

237
238 Chairman Bonine asked if any Commission members had questions for the applicant.

239 • Commissioner Peters asked if the water sample came from the existing well on the
240 property, Nick confirmed it did. Commissioner Peters had a question about the easements
241 showing on the Sketch Plan. The Willwood Irrigation easement is showing as 50' but in
242 their letter it is showing as 100', he was wondering if that was an error. Also, the Elk Lovell
243 Canal Easement instead of 80' it shows as 40'. Nick said they were unaware of the
244 Willwood Irrigation District response until they received the packet. The south 50' of the
245 property, they will need to see if that fills that easement request. Then there is the County
246 Road right of way in the same area. They are trying not to take away property from the
247 landowner and the development. They want to reach out to Willwood Irrigation District to
248 see if the County Road right of way distance and the 50' easement will suffice.
249

250 Chairman Bonine asked if there were comments from any members of the public.

251
252 There were no comments from those in attendance.

253
254 Chairman Bonine asked if any Commission members had any additional questions for staff or the
255 applicant. There were none.

256
257 Chairman Bonine asked Commission members if they had any discussion. Commissioner
258 Brandon-Wintermote asked for discussion on findings/conditions:

- 259 • Finding #30 – Willwood Light & Power has responded by phone.
260 • Condition #2 – The applicants shall provide a written response from Willwood Light &
261 Power.

262
263 Commissioner Peters made a MOTION to close the hearing at 1:51pm; SECONDED by
264 Commissioner Brandon-Wintermote. All in favor. Motion carried.
265

266 Commissioner Eastman made a MOTION to recommend approval of the Gunnar MS-77 Sketch
267 Plan by Resolution 2024-03 based on the findings presented and including the following
268 conditions:

- 269
270 1. The applicants shall provide all easements as requested by applicable utilities
271 and special districts, irrigation districts or public agencies providing services.
272 The width of any utility easement shall be sufficient to allow adequate
273 maintenance of the system, but in no case shall such utility easement be less
274 than 20 feet in width. Easements must be identified on the final plat;
275
2. The applicants shall provide a written response from Willwood Light & Power

Planning & Zoning Commission Minutes

January 10, 2024

- 276 confirming they have the capacity to serve the proposed subdivision and
277 whether power service is adjacent to each of the proposed lots, and if not, how
278 and when will service be made adjacent to each lot, to the Planning and
279 Zoning Department, prior to final plat review by the Board of County
280 Commissioners;
- 281 3. An approved Long-Term Noxious Weed Management Plan shall be submitted
282 to the Planning and Zoning Department, prior to final plat review by the Board
283 of County Commissioners;
- 284 4. The applicants shall provide a response from USPS, and Park County Public
285 Works Department, to the Planning & Zoning Department, prior to sketch plan
286 review with the Board of County Commissioners;
- 287 5. The applicants shall provide water test results from a well within ½ mile of the
288 proposed subdivision, or place the following note on the final plat: **“NO
289 WATER ANALYSIS WAS CONDUCTED AND THE AVAILABILITY AND
290 QUALITY OF POTABLE WATER IS UNKNOWN. CISTERNS MAY BE
291 REQUIRED”**;
- 292 6. The applicants shall provide to the Planning & Zoning Department a review
293 and recommendations from the Elk Water Users Association regarding the
294 water distribution plan, prior to final plat review by the Board of County
295 Commissioners;
- 296 7. The applicant shall provide evidence of 1) an existing legal perimeter fence as
297 prescribed by W.S. 11-28-102; 2) written consent from all adjacent
298 landowners a perimeter fence is not necessary; or 3) plans to construct a
299 perimeter fence as required by statute and in accordance with W.S. 18-5-
300 306(a)(xiii);
- 301 8. If applicable, following Board approval of the sketch plan and prior to the
302 Board’s review of the final plat, the applicants shall submit an appropriate
303 Subdivision Improvements Agreement addressing all applicable required
304 improvements (ex. utilities, fencing etc.) for review by staff and approval of the
305 County Attorney and the Board;
- 306 9. The applicants shall place the following note on the final plat: “Any proposed
307 water wells on these subdivision lots shall be permitted by the Wyoming State
308 Engineer’s Office prior to installation”;
- 309 10. The final plat shall contain a note regarding the potential for seasonal high
310 ground water, and as a result, engineered septic systems may be required;
- 311 11. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch
312 Act of 1991; and
- 313 12. The applicants shall otherwise comply with standards in the Park County
314 Development Regulations and the minimum subdivision requirements as set

Planning & Zoning Commission Minutes

January 10, 2024

315 forth in Wyoming Statute 18-5-306.

316

317 The motion was SECONDED by Commissioner Peters. All in favor. Motion carried. See
318 Resolution 2024-03 attached hereto and incorporated herein.

319

320 **PUBLIC HEARING CONTINUED – CABINS AT CLARKS FORK SUP-254:** Ardurra Group Inc.,
321 on behalf of Clark Canyon partners, LLC requests approval of a highway commercial business
322 use to operate the short-term rental of one (1) existing cabin and four (4) newly constructed
323 cabins. The applicant indicates that onsite ranch management will oversee the property and a
324 part-time employee for cleaning the cabins. The use is proposed on approximately 4-acres within
325 a 146-acre parcel located approximately one mile northwest of the intersection of Highway 295
326 and County Road 1AB. The parcel is described as the W1/2SW1/4 (less the south part of the
327 SW1/4SW1/4 of Section 24 and the S1/2SE1/4 of Section 23, T57N, R102W of the 6th P.M., Park
328 County, Wyoming with an address of 119 Road 1AB, Clark, Wyoming and is in a General Rural
329 20-acre (GR-20) zoning district.

330

331 Chairman Bonine re-opened the public hearing at 1:59pm.

332

333 Chairman Bonine asked for a withdrawal statement. Kim shared that in a phone conversation and
334 a written email from Ginger Brown, Ardurra, representative of the owner, the application for
335 Cabins at Clarks Fork is withdrawn.

336

337 Commissioner Eastman made a MOTION to close the hearing at 2 pm; SECONDED by
338 Commissioner Mair. All in favor. Motion carried.

339

SETTING THE 2024 SCHEDULE

341

- February 14, 2024

342

- March 13, 2024

343

- April 10, 2024

344

- May 8, 2024

345

- June 12, 2024

346

- July 10, 2024

347

- August 21, 2024

348

- September 18, 2024

349

- October 16, 2024

350

- November 20, 2024

351

- December 18, 2024

352

- January 15, 2025

353

REVIEW OF COMMISSION RULES AND REGULATIONS

354

355 Commission members agreed to review their rules in advance of the regulation amendments, so
356 they are ready

357

358 Chairman Bonine delivered the Chair's report.

359

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

361

362

Planning & Zoning Commission Minutes

January 10, 2024

363 There being no other business, a MOTION was made by Commissioner Brandon-Wintermote to
364 adjourn the meeting at 2:10pm. The motion was seconded by Commissioner Mair. All in favor.
365 Motion carried.

366

367 Respectfully submitted,

368

369

370



Erika Decker, Secretary

**RESOLUTION 2024 - 01
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
MARTIN SIMPLE SUBDIVISION SS-317 (SS-317) SKETCH PLAN**

WHEREAS, Mike Martin, on behalf of the property owner KLBG Properties, LLC proposes to create one 5.04-acre lot, for residential and agricultural use in the Lower Southfork Planning Area, in a General Rural 5-Acre Zoning District;

WHEREAS, the creation of this subdivision will result in a remainder parcel of approximately 297 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 January 10, 2024 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision Permit Application (signed by KLBG Properties, LLC as landowner) was received from Mike Martin on November 20, 2023, including payment, a copy of the Notice of Intent to Subdivide, a copy of the sketch plan and other supporting documentation;
2. A revised sketch plan was received on December 15, 2023;
3. The applicant requests approval of the sketch plan to create one 5.04-acre lot, for residential and agricultural use, from an existing 302-acre parcel;
4. The creation of this subdivision will result in a remainder parcel of approximately 297 acres;
5. Applicable regulations are the *Park County, Wyoming, 2015 Development Standards and Regulations*, adopted September 15, 2015;
6. The proposed subdivision is classified as a simple subdivision;
7. Ownership of the property is affirmed by Warranty Deed to KLBG Properties, LLC, a Wyoming limited liability company, dated February 28, 2019, (Document #2019-920) and by Quitclaim Deed to KLBG Properties, LLC, dated January 10,

2020 (Document #2020-141);

8. The property is described as a tract of land located in Lot 41-E, Resurvey Lot 41; Lots 42-A, 42-B, 42-G, 42-H, Resurvey Lot 42; Lots 45-I, 45-P, Resurvey Lot 45; the west 176 feet of Lot 46-I, Resurvey Lot 46, T.52N., R.102W., P.M., Park County, Wyoming;
9. The parcel is located approximately 4 miles southwest of the City of Cody, north of Diamond Basin Road, at the terminus of Carter View Drive.
10. The property address is 158 Carter View Drive, Cody WY 82414;
11. The proposed subdivision is in a General Rural 5-Acre (GR-5) zoning district;
12. The lot size as proposed is consistent with the GR-5 zoning district;
13. Proposed Lot 1 is vacant, unirrigated land and the property is classified as agricultural by the county assessor records. Portions of the remainder parcel are irrigated while other parts are dryland;
14. A gravel pit located to the west and south of the proposed subdivision, was permitted in 1998 as a Rock Products Mine, but it has been reclaimed and is no longer in use;
15. Across the east boundary of the subdivision, an unpermitted residence and septic system (considered pre-existing) along with accessory structures and corrals were historically accessed by an existing driveway from the terminus of Carter View Drive, through proposed Lot 1. The residence was removed in recent years, but the accessory structures and corrals remain.
16. Proposed Lot 1 topography has little change in elevation;
17. The majority of lands to the north and east of the property, and the remainder parcel of the proposed subdivision are agricultural. Several subdivisions to include the Salmo Trutta Subdivision, 4-Star Subdivision, Carter View Ranches Subdivision, Fox Springs Subdivision, DCI West Subdivision, DCI East Subdivision and Cedar Mountain View MS-58 border the west and south boundary lines of the property and are considered residential and residential vacant lands;
18. The property is not located within one mile of any municipality; therefore, municipal review is not required;
19. Notice of Intent to Subdivide was published November 23, 2023 and November 30, 2023 in the *Cody Enterprise*;
20. Simple subdivisions are exempt from public hearing requirements and may be eligible for approval under the Consent Agenda;

21. Agency referral requirements have been met;
22. The property is within the boundaries of Park County Fire District #2 and they can provide emergency services provided all roads and crossings are constructed to County Road and Bridge weight specifications;
23. Rocky Mountain Power has the capacity to serve the proposed subdivision with existing infrastructure providing necessary rights-of-way and permits are obtained;
24. Park County School District #6 can provide bus service to the proposed subdivision;
25. TCT may have the availability and capacity to provide terrestrial wireless internet and VOIP phone service to the simple subdivision;
26. Cody Conservation District identified two soil types on the property; Lupinto very gravelly loam, 0-3 percent slopes and Lupinto very gravelly loam, 3-6 percent slopes;
27. Soil types are considered "not limited" regarding dwellings with or without basements, "somewhat limited" for local roads and streets and for shallow excavations due to unstable excavation walls, and "somewhat limited" regarding septic tank absorption fields;
28. Farmland Classification of soils is "not prime farmland";
29. The nearest Black Hills Energy main facility is over 1,600 feet from the proposed subdivision. A cost estimate can be provided for natural gas service to be extended to the proposed subdivision;
30. The USPS can deliver mail to the proposed subdivision;
31. Park County Weed & Pest conducted an initial inspection and found the presence of noxious weeds; however, a Long-Term Noxious Weed Management Plan is not required;
32. The Park County Treasurer confirmed property taxes are current. The first half has been paid and the second half will be due in May;
33. Wyoming Department of Environmental Quality provided a general list of activities and named associated permits required to conduct the stated activities for subdivisions in Wyoming;
34. Wyoming Game & Fish Department stated the area is experiencing issues with CWD prevalence due to high deer densities and have proven difficult to manage deer due to development in the area. Following their standard subdivision recommendations will help mitigate some of the potential issues;

35. Lakeview Irrigation has not provided a response;
36. Park County Public Works has not provided a response;
37. No public comments have been received;
38. A pre-application meeting occurred on November 22, 2023, and was attended by the applicants' surveyor (the applicants' representative), and the Planning Department staff;
39. A title report dated December 1, 2023, has been provided by the applicants;
40. There are no new roads proposed as a part of this subdivision. Access to the subdivision is proposed by way of a 40' wide access and utility easement across the remainder parcel;
41. Solid waste disposal service can be provided by private service providers;
42. Simple subdivisions are not required to install utilities; however, according to the service providers, electricity and natural gas are available;
43. A portion of the site is subject to possible flooding during high precipitation events and in the event of a breach in the adjacent irrigation facilities. No known landslides, rockfalls, high danger from fire or explosion or other hazardous features exist on the property;
44. A sketch plan was provided with the application;
45. Application submission requirements for sketch plan review have been met;
46. A small wastewater system permit application that was approved on September 27, 2022 (SWWP20220927-2) was the source of subsurface evaluation data for this proposed subdivision;
47. A percolation test was conducted on proposed Lot 1 on September 18, 2022 revealing a percolation rate of 10 mpi;
48. A groundwater cut was excavated on proposed Lot 1 to a depth of 10 feet, on September 18, 2022. A rock layer was identified at approximately nine feet of depth; there was no evidence of groundwater;
49. Wastewater requirements pertaining to sketch plan review have been met;
50. Domestic water will be provided by an existing well on Lot 1, or if necessary, a cistern. The well permit was applied for in 1993 and, according to the State Engineer's Office records, is cancelled;
51. A well water sample was collected from the existing well on May 21, 2023 and the analysis detected Fluoride, Potassium, Chloride, Calcium, Magnesium and pH levels at satisfactory levels;

52. Nitrogen, Nitrate + Nitrite as N was detected at 2.23 mg/L, which is under the maximum contaminant level of 10mg/L, however regular monitoring is recommended;
53. Sodium was detected at 700 mg/L and monitoring is recommended. Persons on a sodium restricted diet should consult with their doctor before consuming the water;
54. Sulfate was detected at 3150 mg/L and Total Dissolved Solids were detected at 4680 mg/L. Both are considered objectionable levels and should be monitored;
55. Alkalinity, Corrosivity, Hardness and Conductivity levels indicate scaling potential in pipes and water heaters;
56. The water was not analyzed for Total Coliform Bacteria, Zinc, Lead, Manganese, Copper or Arsenic as prescribed in Chapter 23, Section 8(d)(i) of the DEQ Water Quality Regulations;
57. A note regarding water quality and cisterns may be required;
58. On-site wells must comply with the requirements of the Wyoming State Engineer's Office;
59. Domestic water requirements pertaining to sketch plan review have been met, with the exception that the water quality sampling is incomplete;
60. The applicant has not proposed any changes that would be expected to impact neighboring agricultural activities or related uses;
61. The subdivision is not expected to cause further disturbances of weed development, pests, litter, or domestic pets;
62. The applicants are expected to comply with any requirements from the Irrigation District and Weed & Pest;
63. This parcel is not within an Agricultural Overlay District;
64. Existing irrigation facilities have been identified on the property;
65. The property is in the Lakeview Irrigation District;
66. The Merchant Lateral runs along the east/northeast boundary of the subdivision and an easement will be noted on the plat;
67. Agricultural impacts have been addressed;
68. The Irrigation District has been notified of this proposed subdivision. No water rights exist on the proposed subdivision; however, a review and recommendations from the District will be required;
69. No stream/river passes within or adjacent to the proposed subdivision lots;

70. Water rights requirements pertaining to sketch plan review have been met, with the exception of a review and recommendations from Lakeview Irrigation District;
71. Lot standard requirements have been met;
72. No common maintenance of facilities is proposed; however, a driveway will be shared by Lot 1 and the remainder parcel;
73. A driveway maintenance agreement is recommended, and the Final Plat and Disclosure Statement will need to state how maintenance responsibility will be shared;
74. All easement standards apply;
75. No roads, drainage, sidewalks, street lighting, alleys or open spaces are proposed or required;
76. 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;
77. 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);
78. The proposed subdivision is not located within any Overlay District;
79. A portion of the site is subject to possible flooding during high precipitation events and in the event of a breach in the adjacent irrigation facilities. No landslides, rockfalls, danger from fire or explosion or other hazardous features are known to exist on the property,
80. No portion of the proposed subdivision falls within a mapped special flood hazard area (SFHA); and
81. 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 Martin SS-317, 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: "Any proposed water wells on these subdivision lots shall be permitted by the Wyoming State Engineer's Office prior to installation";
3. The applicant shall provide a response by the Lakeview Irrigation District, prior to final plat review with the Board of County Commissioners;
4. The applicant shall provide a response from Park County Public Works, prior to final plat review with the Board of County Commissioners;
5. The applicant shall submit water test results to the Planning & Zoning Department for Total Coliform Bacteria, Zinc, Lead, Manganese, Copper and Arsenic as prescribed in Chapter 23, Section 8(d)(i) of the DEQ Water Quality Regulations;
6. The applicant shall either provide a shared driveway maintenance agreement for Lot 1 and the remainder parcel, 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 driveway will be achieved by owners of Lot 1 and the remainder parcel;
7. 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);
8. If applicable, 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 (e.g., fencing) for review by staff and approval of the County Attorney and the Board;
9. The final plat shall contain a note regarding the potential for flooding during high precipitation events and in the event of a breach in the adjacent irrigation facilities;
10. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act

of 1991; and

11. 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 10th day of January, 2024.

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

ATTEST:



Duncan Bonine, Chairman



Erika Decker, Secretary

**RESOLUTION 2024 - 02
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
HOOG ROAD SIMPLE SUBDIVISION SS-318 (SS-318) SKETCH PLAN**

WHEREAS, Dustin Taylor, on behalf of the property owner Hogg's Black Diamond Cattle, LP proposes to create one 3.19-acre lot, for residential and commercial use in the Meeteetse Local Planning Area, in a General Rural Meeteetse Zoning District;

WHEREAS, the creation of this subdivision will result in a remainder parcel of approximately 1575.80 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 January 10, 2024 to consider the sketch plan application and made findings as follows:

1. A Simple Subdivision Permit Application was received from Dustin Taylor on December 5, 2023, including payment, a sketch plan, a copy of the Notice of Intent to Subdivide, and other supporting documentation;
2. The application was signed by an agent of the landowner, Hogg's Black Diamond Cattle, LP;
3. A revised sketch plan was received on December 22, 2023;
4. The applicant requests approval of the sketch plan for a subdivision to create one 3.19-acre lot, for residential and commercial use, from an existing 1,578.99-acre parcel;
5. The creation of this subdivision will result in a remainder parcel of 1,575.80 acres;
6. Applicable regulations are the *Park County, Wyoming, 2015 Development Standards and Regulations*, adopted September 15, 2015;
7. The subdivision is classified as a simple subdivision;

8. Ownership is affirmed by a Corrective Warranty Deed dated November 3, 2009 (Doc. #2009-9240), to Hogg's Black Diamond Cattle, Limited Partnership, a Wyoming Limited Partnership;
9. The parcel is within Lot 2, Section 19 Township 48 North, Range 99 West, W1/2, SW1/4NE1/4, NW1/4SE1/4, E1/2SE1/4 and 2.07-acres in the SW1/4SE1/4 northeast of the Highway, Section 10; SW1/4SW1/4, Section 11; SW1/4NE1/4, W1/2SE1/4, SE1/4SW1/4, W1/2SW1/4 Section 13; E1/2SE1/4, NE1/4NW1/4, and that part of the NW1/4NW1/4, SW1/4NW1/4, SE1/4NW1/4, NE1/4SW1/4 and the NW1/4SE1/4 lying Northeast of the Highway, Section 14; W1/2 & a 3.59-acre parcel in the NE1/4NE1/4 lying northeast of the Highway, Section 15; NE1/4NE1/4, S1/2 OF NW1/4NE1/4 Section 23; NW1/4, W1/2NE1/4, SE1/4NE1/4 & NE1/4SE1/4 Section 24, Township 48 North, Range 100 West of the 6th P.M., Park County, Wyoming;
10. The subdivision is in the General Rural Meeteetse (GR-M) zoning district;
11. The lot size proposed is consistent with the GR-M zoning district;
12. The proposed subdivision is immediately south and east of the Meeteetse town limits, on the northeast side of Highway 120 South, on an unaddressed parcel;
13. Proposed Lot 1 is currently undeveloped, unirrigated land;
14. A potential riverine wetland, classified in the U.S. Fish and Wildlife Service National Wetlands Inventory as an intermittent, seasonally flooded streambed, runs north to south mid-subdivision. The U.S. Army Corps of Engineers is the governing authority over wetlands identified in the aforementioned inventory;
15. Except for a low-lying course of a riverine wetland through the proposed lot, the topography is relatively flat, with an overall slight decrease in elevation from south to north;
16. Neighboring land uses are agricultural to the north, east, and south of the proposed subdivision. The Town of Meeteetse is to the west/northwest;
17. The property is located within the Meeteetse Local Planning Area. The Meeteetse Local Planning Area Advisory Committee has been notified;
18. The proposed subdivision is within a mile of the Town of Meeteetse; therefore, municipal review is required. The Town has been notified;
19. A Notice of Intent to Subdivide was published in the *Cody Enterprise* on November 21, 2023 and November 28, 2023. A corrected notice of intent, to add commercial as an intended land use of the subdivision, is to be published on

January 2, 2024;

20. Agency referral requirements have been met;
21. The Meeteetse Fire Department stated they can provide emergency fire services to the proposed subdivision;
22. The Town of Meeteetse will not supply water and sewer service to the subdivision until such time as the lands are annexed and the Town denies access to the subdivision through the Town's shop property;
23. Big Horn Rural Electric Association has the capacity to serve the proposed subdivision;
24. TCT has the availability and capacity to provide wired DSL broadband internet and phone service to the proposed subdivision;
25. USPS can provide mail delivery service and request a pullout;
26. Greybull Valley Irrigation District stated there is no stored water on the proposed subdivision;
27. Wyoming Department of Environmental Quality provided agency contacts and information for permitting associated with various construction activities;
28. Wyoming Game & Fish Department have no terrestrial wildlife concerns with the proposed subdivision;
29. The Meeteetse Local Planning Area Advisory Committee reviewed the proposed subdivision and recommends approval;
30. WYDOT will review and consider the applicant's appeal of the access permit application denial due to insufficient spacing on January 19, 2024;
31. Park County Weed & Pest found the presence of noxious weeds on proposed Lot 1 and is requiring a Long-Term Noxious Weed Management Plan;
32. The Meeteetse Conservation District submitted a soils report and identified one soil type on the proposed subdivision. It is rated "somewhat limited" for dwellings with or without basements and "very limited" for small commercial buildings. Limitations are due to shrink-swell, slope, and large stones;
33. Park County Treasurer stated the property taxes are not paid;
34. Park County School District #16 can provide bus service to and from the proposed subdivision;
35. Park County Public Works has not provided a response;

36. No public comments have been received;
37. A pre-application meeting was held on August 30, 2023;
38. A title report dated August 10, 2023 has been provided by the applicants;
39. Access is proposed from Highway 120 South, by a 60' access easement across the remainder parcel;
40. Solid waste disposal service can be provided by private service providers;
41. Simple subdivisions are not required to install utilities; however, electric services are available;
42. It is unknown whether natural gas service is available;
43. No hazardous features are known to exist on the property;
44. A sketch plan was provided with the application;
45. Application submission requirements for sketch plan review have been met, except the applicant has not provided information regarding the availability of natural gas service and WYDOT approval of a permitted access from the State Highway;
46. Subsurface evaluation data were collected for proposed Lot 1 on November 20, 2023 and November 21, 2023;
47. Percolation test results on proposed Lot 1 range from 13-27 mpi;
48. A depth to groundwater cut excavated to a depth of 9'4" on proposed Lot 1 revealed no evidence of groundwater or other impermeable layers;
49. The sketch plan shows lot configuration. Future locations of septic systems and/or wells are yet to be determined;
50. The sketch plan shows the location of the subsurface evaluation;
51. The Park County Small Wastewater Administrator stated that conventional septic systems will likely be sufficient, should the subdivision be approved;
52. Wastewater requirements pertaining to sketch plan review have been met;
53. A water well sample was not available from a well within ½ mile of the proposed subdivision, therefore a note regarding cisterns will be required;
54. Domestic water requirements pertaining to sketch plan review have been met;
55. The applicant has not proposed any changes that would be expected to impact

- neighboring agricultural activities or related uses;
56. 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 Weed & Pest;
 57. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act;
 58. The proposed subdivision is not within an Agricultural Overlay District;
 59. Agricultural impacts have been addressed;
 60. This subdivision is located within the Greybull Valley Irrigation District. The Irrigation District has been notified of this proposed subdivision. A water distribution plan is not required because no water rights exist on the subdivision;
 61. A riverine wetland has been identified on the property, therefore a note regarding riparian rights is required on the final plat;
 62. State review of water rights is not required;
 63. Water rights requirements pertaining to sketch plan have been met;
 64. Lot standards have been met;
 65. No common maintenance of facilities is proposed; however, a private driveway will be shared by proposed Lot 1 and the remainder parcel;
 66. 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;
 67. 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;
 68. 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);
 69. The subdivision is not within any 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 Hogg Road SS-318, 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 information on the availability of natural gas from the service provider to the Planning & Zoning Department, prior to final plat review by the Board of County Commissioners;
3. The applicant shall provide a response from Park County Public Works to the Planning and Zoning Department, prior to final plat review by the Board of County Commissioners;
4. 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";
5. The applicant shall show the riverine wetland on the final plat and place a note on the final plat that "**According to the National Wetland Inventory, a riverine wetland has been identified on this parcel. Please note the US Army Corps of Engineers is the regulatory authority over wetlands and it is unlawful to begin work that will affect a wetland without a Department of the Army permit when one is required.**";
6. The applicant shall provide an approved access permit from WYDOT to the Planning and Zoning Department, prior to final plat review by the Board of County Commissioners;
7. The applicant shall provide proof that the property taxes have been paid to the Planning and Zoning Department, prior to final plat review by the Board of County Commissioners;
8. The applicant shall provide an approved Long-Term Noxious Weed

9. Management Plan to the Planning and Zoning Department, prior to final plat review by the Board of County Commissioners;
10. The applicant shall either provide a shared driveway maintenance agreement for Lot 1 and the remainder parcel, to be recorded with the final plat, or place a note on the Final Plat and state in the Notarized Disclosure Statement how maintenance of the shared driveway will be achieved by owners of Lot 1 and the remainder parcel;
11. 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);
12. If applicable, 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 (e.g., fencing, mailbox pullout, etc.) for review by staff and approval of the County Attorney and the Board;
13. The applicant shall include the following statement on the final plat in bold, capital letters: "SELLER DOES NOT WARRANT TO THE PURCHASER THAT THERE 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";
14. 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";
15. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991; and
16. 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 10th day of January, 2024.

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

ATTEST:



Duncan Bonine, Chairman



Erika Decker, Secretary

**RESOLUTION 2024 - 03
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
GUNNAR MINOR SUBDIVISION-77 (MS-77) SKETCH PLAN**

WHEREAS, Kenneth and Kristin Heinrich propose to create a subdivision consisting of one 17.94-acre lot, for residential and agricultural use. The subdivision is in a General Rural Powell (GR-P) zoning district;

WHEREAS, the proposed subdivision is classified as a minor subdivision which 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 January 10, 2023 to consider the sketch plan application and made findings as follows:

1. A Minor Subdivision Application, including payment, a sketch plan, and other supporting documentation was received from Kenneth and Kristin Heinrich (on behalf of Triple KB Ranch, LLC) on December 8, 2023;
2. A revised sketch plan was received on December 29, 2023;
3. The applicant requests approval of a subdivision resulting in one 17.94-acre lot and an approximately 52.62-acre exempt remainder parcel;
4. Ownership is affirmed by Warranty Deed dated February 24, 2020 (Doc. #2020-1138) and by Warranty Deed dated February 19, 2021 (Doc. #2021-1405) to Triple KB Ranch, LLC, a Wyoming limited liability company;
5. Applicable Regulations for this development are the *Park County, Wyoming 2015 Development Standards and Regulations* adopted September 15, 2015 ("Regulations");
6. This subdivision is classified as a Minor Subdivision;
7. The parcel is a 70.56-acre tract described as: Lot 2 of Section 21, Lot 2, N1/2NW1/4 of Section 28 lying west of Road 5, and Lot 1 and Lot 2 of Section 29 (Excepting a 102.02-acre parcel as described in Doc. #2021-489) T55N, R98W of the 6th P.M., Park County, Wyoming;
8. The property is in a GR-P zoning district;
9. The lot size as proposed is consistent with the GR-P zoning district;
10. The proposed subdivision is located approximately 3¼ miles southeast of

Powell, north of Lane 11H, and west of Road 5;

11. The proposed lot is currently vacant and is relatively flat;
12. Bureau of Reclamation lands are to the west and north;
13. Agricultural lands are to the east and south;
14. Several simple subdivisions are located nearby;
15. This property is not located within one mile of any municipality; therefore, municipal review is not required;
16. A Notice of Intent to Subdivide was published on November 30, 2023 and December 7, 2023 in the *Powell Tribune*;
17. Public notice requirements have been met;
18. Agency referral requirements have been met;
19. MDU stated natural gas service is available;
20. Park County School District #1 stated they will have drop off and pick up at all exit points onto Lane 11H;
21. TCT stated they may have the ability to provide terrestrial wireless internet and VOIP phone service to his location, depending on line-of-site to one of their towers;
22. Powell Clarks Fork Conservation District provided a soils report identifying soils on the property that are primarily not limited for dwellings and small commercial structures, but very limited for septic tank absorption fields;
23. Park County Fire District #1 can provide fire suppression;
24. Park County Weed and Pest found the presence of noxious weeds, and as a result, requires a Long-Term Noxious Weed Management Plan;
25. Wyoming DEQ provided agency contacts and information for permitting associated with various construction activities;
26. Elk Water Users Association requests an easement of 80 feet (per side) from the center of the canal as a canal easement;
27. The Park County Treasurer stated property taxes are paid in full;
28. Willwood Irrigation District stated the property does not appear to be in their district; however, they do have a drainage that runs on the south end of the property that they clean;
29. The Wyoming Game and Fish Department said they have no terrestrial wildlife comments;
30. Willwood Light & Power has responded by phone;
31. USPS has not provided a response;
32. Park County Public Works has not provided a response;
33. No public comments have been received;

34. A pre-application meeting was held on October 12, 2023;
35. A title report dated November 20, 2023 has been submitted;
36. No new roads are proposed;
37. Solid waste disposal services are available through private providers;
38. There is potential for shallow groundwater;
39. Access to the lot will be directly from County Lane 11H;
40. Application submission requirements for sketch plan review have been met;
41. Percolation test results indicated a perc rate of 10 mpi to 11 mpi on proposed Lot 1;
42. An excavation cut revealed a rock/restrictive layer at 5' of depth and groundwater at 8' of depth;
43. Engineered septic systems may be required;
44. Wastewater requirements pertaining to sketch plan review have been met;
45. Domestic water will be provided by an existing on-site well;
46. An Application for Permit to Appropriate Ground Water (Permit No. U.W. 219277) was issued for the existing well by the State Engineer's Office on August 25, 2023. The permit is conditioned upon completion of construction and the beneficial use of water by December 31, 2025;
47. A well water sample has been submitted for analysis, but the results have not been received;
48. Well water sample results from within one-half mile of the proposed subdivision will need to be made available to the Planning & Zoning Department, or it must be stated on the final plat: **"NO WATER ANALYSIS WAS CONDUCTED AND THE AVAILABILITY AND QUALITY OF POTABLE WATER IS UNKNOWN. CISTERNS MAY BE REQUIRED"**;
49. Domestic water requirements pertaining to sketch plan review have been met, except water test results from a well within one-half mile of the proposed subdivision have not been provided;
50. This parcel is in an Agricultural Overlay District;
51. Agricultural impacts pertaining to sketch plan review have been addressed;
52. No stream/river passes within or adjacent to the proposed subdivision lot;
53. A review and recommendations of a water distribution plan is required from the Elk Water Users Association;
54. Water rights requirements pertaining to sketch plan review have been met;
55. If extension of power service is required by Willwood Light & Power, a Subdivision Improvements Agreement will be required;
56. Lot standards have been met;

57. Common maintenance of facilities is not proposed;
58. No sidewalks, street lighting, alleys, or open spaces are proposed;
59. An HOA will not be required;
60. 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;
61. 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);
62. Some productive farmland will be converted to non-agricultural lands due to the subdivision; however, much of the parcel will remain in agricultural production;
63. No portion of proposed Lot 1 falls within the mapped special flood hazard area;
64. No open spaces, natural areas, schools, or parks are proposed or required; and
65. All approval standards requirements pertaining to sketch plan review have met.

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 Gunnar Minor Subdivision-77 (MS-77), 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 a written response from Willwood Light & Power confirming they have the capacity to serve the proposed subdivision and whether power service is adjacent to each of the proposed lots, and if not, how and when will service be made adjacent to each lot, to the Planning and Zoning Department, prior to final plat review by the Board of County Commissioners;

3. An approved Long-Term Noxious Weed Management Plan shall be submitted to the Planning and Zoning Department, prior to final plat review by the Board of County Commissioners;
4. The applicants shall provide a response from USPS and Park County Public Works Department, to the Planning & Zoning Department, prior to sketch plan review with the Board of County Commissioners;
5. The applicants shall provide water test results from a well within ½ mile of the proposed subdivision, or 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 applicants shall provide to the Planning & Zoning Department a review and recommendations from the Elk Water Users Association regarding the water distribution plan, prior to final plat review by the Board of County Commissioners;
7. The applicants 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);
8. If applicable, following Board approval of the sketch plan and prior to the Board’s review of the final plat, the applicants shall submit an appropriate Subdivision Improvements Agreement addressing all applicable required improvements (ex. utilities, fencing etc.) for review by staff and approval of the County Attorney and the Board;
9. 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”;
10. The final plat shall contain a note regarding the potential for seasonal high ground water, and as a result, engineered septic systems may be required;
11. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991; and
12. 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 10th day of January, 2024.

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

ATTEST:



Duncan Bonine, Chairman



Erika Decker, Secretary



Park County Planning & Zoning Department

Mailing Address & Phone #:
1002 Sheridan Avenue, Suite 109
Cody, WY 82414-3550
307-527-8540 or 307-754-8540

Temporary Physical Address:
1501 Stampede Avenue
Suite 2201
Cody, WY 82414

PARK COUNTY PLANNING & ZONING COMMISSION
Meeting 1:00 P.M., Wednesday, January 10, 2024 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 which is open to the public. For more information, please contact the Park County Planning & Zoning Department at 307-527-8540, 307-754-8540, or 1-800-786-2844.

ELECTION OF OFFICERS

APPROVAL OF MINUTES

Approve minutes from the December 13, 2023, regular meeting.

CONSENT AGENDA

[Martin SS-317 Sketch Plan](#)

[Hogg Road SS-318 Sketch Plan](#)

REGULAR AGENDA

[Cabins at Clarks Fork SUP-254 Continued](#) - **WITHDRAWN**

[Gunnar MS-77 Sketch Plan](#)

OTHER BUSINESS

1. Review 2024 PZ meeting schedule
2. Discuss review and update of commission rules within regulations
3. Chair's Report
4. Planning Director's Report

ADJOURN

PLEASE SIGN IN

PLANNING and ZONING COMMISSION REGULAR MEETING January 10, 2024

		Martin SS-317 Shetch Plan	
		Hogg Road SS-318 Sketch Plan	
		Gunnar MS-77 Sketch Plan	
	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	NICHOLAS Hummel	HOGG RD + GUNNAR	IF NEEDED
2	KARL HAMPE	MARTIN SS 317	
3	Mary McKinney	all	✓✓
4	Ken Heinrich	Gunnar Minor	
5			
6			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			