

1 **Planning & Zoning Commission Minutes**

2 February 14, 2024

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

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7 **Commission Members Present:**

8 Duncan Bonine, Chairman  
9 Brian Peters, Vice Chairman  
10 Kimberly Brandon-Wintermote  
11 Guy Eastman

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13 **Commission Members Absent:**

14 Randy Mair

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16 **Staff Present:**

17 Joy Hill, Planning Director  
18 Kim Dillivan, Assistant Director  
19 Jenny Cramer, Planner I  
20 Anthony Camiccia, Planning Technician (by virtual means)  
21 Erika Decker, Office Assistant III  
22 Brian Edwards, County Engineer (by virtual means)  
23 Ben McDonald, Public Works (by virtual means)  
24 Mary McKinney, Weed and Pest

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26 Chairman Bonine opened the meeting at 1:01pm.

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28 **APPROVAL OF MINUTES**

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30 Chairman Bonine asked the Commission for comments or changes to the January 10, 2024  
31 meeting minutes and the January 23, 2024 special meeting minutes. Commissioner Brandon-  
32 Wintermote made a MOTION to approve both sets of minutes; Commissioner Eastman  
33 SECONDED the motion to approve the minutes as presented. All in favor. Motion carried.

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35 **REGULAR AGENDA**

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37 **[PUBLIC HEARING – Park County Fire District #2 Sunlight Fire Station Addition SUP-255:](#)**

38 Jerry Parker on behalf of Park County Fire District #2 requests approval of the Special Use Permit  
39 Application for the Park County Fire District #2 Sunlight Fire Station Addition SUP-255. The  
40 applicant is proposing to expand an existing 1,280-square-foot fire station (minor community use)  
41 by adding 640 square feet to the structure and adding a well and septic system. The use is located  
42 on approximately 0.75-acres of US Forest Service land, approximately 1/4 mile southwest of the  
43 intersection of Highway 296 and County Road 7GR, 24 miles northwest of the City of Cody. The  
44 location is within the NE1/4 NW1/4, Lot 1, Resurvey of Section 7, T55N, R104W of the 6th P.M.,  
45 Park County, Wyoming; with an address of 27 Road 7GR, Cody, Wyoming, and is un-zoned in  
46 the Sunlight Planning Area.

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48 Chairman Bonine reviewed the rules of a public meeting and opened the public hearing at  
49 1:05pm.

50  
51 There being no comments from Commission members, Kim Dillivan, Assistant Director, presented  
52 the Staff Report.

## Planning & Zoning Commission Minutes

February 14, 2024

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

- 55 • Chairman Bonine asked if there was discussion with the applicant about Plan B should  
56 drilling of a well be unsuccessful. Staff stated they did not have that discussion with the  
57 applicant.  
58 • Ben McDonald, Public Works, had no additional comments.  
59 • Mary McKinney, Weed and Pest, said it is not their intent to require a weed plan since the  
60 USFS addresses that.  
61

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

- 63 • Jerry Parker, Fire District representative, said the expansion is primarily due to provide  
64 adequate separation distance between personnel and apparatus, and to have a shower  
65 and bathroom. The facility may also serve as an emergency operations center, if needed.  
66

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

- 68 • Chairman Bonine asked Jerry if he considered an alternative water source should a well  
69 not be productive. He said they could use a cistern.  
70

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

72

73 There were no comments from those in attendance.  
74

75 Commissioner Peters asked with Department of Game and Fish indicating limited impact, should  
76 there be a condition. Staff suggested it may have been an oversight. It would be reasonable to  
77 have it as a recommended condition. Commissioner Peters asked the applicant what their  
78 construction period would be. Mr. Parker said first of May.  
79

80 Commissioner Peters made a MOTION to close the hearing at 1:28pm; Commissioner Brandon-  
81 Wintermote SECONDED the motion. All in favor. Motion carried.  
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83 Commissioner Brandon-Wintermote asked if Commissioner Peters wanted a condition added for  
84 Wyoming Game and Fish's recommendation. Commissioner Peters said he did not, based upon  
85 the applicant's intent.  
86

87 Commissioner Brandon-Wintermote made a MOTION to recommend approval of the Park County  
88 Fire District #2 Sunlight Fire Station Addition SUP-255 by Resolution 2024-05 based on the  
89 findings presented and including the following conditions:  
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- 91 1. Park County noise, lighting, and other nuisance regulations shall apply;  
92 2. The applicant shall submit a formal response from the Wyoming Department of Fire  
93 Prevention and Electrical Safety, prior to review by the Board of County Commissioners;  
94 3. Prior to construction and commencement of the use, the applicant will be required to  
95 obtain the required permit for a small wastewater system from the Park County Planning  
96 & Zoning Department;  
97 4. Prior to construction and commencement of the use, the applicant will be required to  
98 obtain the required permit for the addition to the existing structure, from the Park County  
99 Planning & Zoning Department; and

## Planning & Zoning Commission Minutes

February 14, 2024

100 5. The applicant shall otherwise comply with standards in the Park County Development  
101 Standards and Regulations.

102

103 Commissioner Peters SECONDED the motion. All in favor. Motion carried. See Resolution 2024-  
104 05 attached hereto and incorporated herein.

105

106 **PUBLIC HEARING – Christianson MS-78 Sketch Plan:** Craig and Brittany Christianson  
107 requests approval of the Application and Sketch Plan for the Christianson Minor Subdivision (MS-  
108 78). The proposed subdivision will create two 2.00-acre lots and one 30.99-acre lot, for residential  
109 and agricultural use. The proposed subdivision is within an approximately 34.99-acre parcel  
110 described as Lot 85-B of Lot 85, Resurvey, T55N, R99W of the 6th P.M., Park County, WY. The  
111 unaddressed property is approximately two miles northwest of Powell, west of County Road 12  
112 and north of County Lane 8. The property is in the Powell Planning Area, in the General Rural-  
113 Powell (GR-P) zoning district.

114

115 Chairman Bonine opened the public hearing at 1:31pm.

116

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

119

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

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- 122 • Brian Edwards, County Engineer, said he has nothing to add.
- 123 • Mary McKinney, Weed and Pest, said she has no addition comments other than to say  
124 she is available to help the applicant work through weed treatment options.

124

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

126

- 127 • Craig Christianson, via virtual means, said he had nothing else to add.

128

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

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- 130 • Commissioner Brandon-Wintermote asked about the small change that that Shoshone  
131 Irrigation District asked for. Mr. Christianson said he added a 10-foot easement for access  
132 along the drainage for cleaning of the ditch.
- 133 • Commissioner Brandon-Wintermote asked the applicant if a water sample had been  
134 taken. Mr. Christianson said a well would be drilled on one of the lots in the coming weeks  
135 and he hopes to get a test at that time, though he has a neighbor who would be willing to  
136 offer a sample for testing.

136

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

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- 139 • Joseph Childers, lives just north of the property, said that all the irrigation water that will  
140 go on the property that looks like they are going to irrigate will be up grade of the  
141 surrounding properties. The water drifts to the east/southeast. He recommends if it is  
142 irrigated that they sprinkle it. Also, he has a waste ditch that is a half mile long that he  
143 wastes approximately 15 acres of water down the west side of Road 12, down to Lane 8,  
144 by the water pump station. He suspects these lots are on the roadside. He wants to make  
145 sure they put culverts in right so he can get his water through there.

145

146 Commissioner Bonine asked if Commission members had additional comments. There were  
147 none.

148

## Planning & Zoning Commission Minutes

February 14, 2024

149 Commissioner Brandon-Wintermote made a MOTION to close the hearing at 1:55pm;  
150 Commissioner Eastman SECONDED the motion. All in favor. Motion carried.

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152 Chairman Bonine asked Commission members if they had any discussion.

153

154 Commissioner Eastman made a MOTION to recommend approval of the Christianson MS-78  
155 Sketch Plan by Resolution 2024-06 based upon the findings presented and including the following  
156 conditions:

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- 158 1. The applicants shall provide all easements as requested by applicable utilities and special  
159 districts, irrigation districts or public agencies providing services. The width of any utility  
160 easement shall be sufficient to allow adequate maintenance of the system, but in no case  
161 shall such utility easement be less than 20 feet in width. Easements must be identified  
162 on the final plat;
- 163 2. The applicants shall provide an approved Long-Term Noxious Weed Management Plan  
164 to the Planning and Zoning Department, prior to final plat review by the Board of County  
165 Commissioners;
- 166 3. The applicants shall provide a letter of approval from the State Engineer's Office  
167 regarding the movement of water rights within the property, to the Planning & Zoning  
168 Department prior to final plat review by the Board of County Commissioners;
- 169 4. The applicants shall provide a Water Distribution Plan that has been approved by the  
170 Shoshone Irrigation District to the Planning and Zoning Department, prior to final plat  
171 review by the Board of County Commissioners;
- 172 5. The applicants shall place the following condition on the final plat: "Any access approach  
173 that is intended to serve the lots of this subdivision shall meet Park County Road & Bridge  
174 Standards and will require a Right-of-Way Permit from the Park County Public Works  
175 Department";
- 176 6. The applicants shall provide water test results from a well within ½ mile of the proposed  
177 subdivision, or place the following note on the final plat: "NO WATER ANALYSIS WAS  
178 CONDUCTED AND THE AVAILABILITY AND QUALITY OF POTABLE WATER IS  
179 UNKNOWN. CISTERNS MAY BE REQUIRED";
- 180 7. The applicant shall provide evidence of 1) an existing legal perimeter fence as prescribed  
181 by W.S. 11-28-102; 2) written consent from all adjacent landowners a perimeter fence is  
182 not necessary; or 3) plans to construct a perimeter fence as required by statute and in  
183 accordance with W.S. 18-5-306(a)(xiii);
- 184 8. Following Board approval of the sketch plan and prior to the Board's review of the final  
185 plat, the applicants shall submit an appropriate Subdivision Improvements Agreement, if  
186 applicable, addressing all applicable required improvements (i.e., utilities, fencing, etc.)  
187 for review by staff and approval of the County Attorney and the Board;
- 188 9. The applicants shall place the following note on the final plat: "Any proposed water wells  
189 on these subdivision lots shall be permitted by the Wyoming State Engineer's Office prior  
190 to installation";
- 191 10. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991;
- 192 11. If 100 feet of contiguous lot frontage is required, the applicant shall provide said frontage  
193 for proposed Lot 1 on a revised sketch plan, to the Planning & Zoning Department, prior  
194 to sketch plan review with the Board of County Commissioners; and

## Planning & Zoning Commission Minutes

February 14, 2024

195 12. The applicants shall otherwise comply with standards in the Park County Development  
196 Regulations and the minimum subdivision requirements as set forth in Wyoming Statute  
197 18-5-306.

198 The Planning Director asked the Commission what their position is on the lot frontage.

199 - Chairman Bonine stated that condition as written is a little ambiguous. He asked for  
200 thoughts about if cumulative frontage meets the 100-foot standard.

201 - Commissioner Peters said, the way it's platted, it made sense to combine them, so he was  
202 fine with letting it go undecided.

203 - Commissioner Brandon-Wintermote said the rule is ambiguous as stated in the  
204 regulations.

205 - The Planning Director stated that staff discussed what is the intent of having that much  
206 frontage, what is it needed for. One reason is space for easement for utilities, access  
207 future development. If the two were split up, does it still allow adequate space for those  
208 easements. We don't know where a utility would potentially require access into the  
209 property. It would seem there is adequate frontage to achieve entrance into the property.  
210 In staff's opinion it is open to interpretation.

211 - Chairman Bonine said his opinion is that the cumulative frontage meets the requirement.  
212 The only potential concern is future development. The 40' easement to the north does not  
213 meet the requirements if future subdivision is proposed. He personally doesn't have any  
214 issues with it as it is.

215 - Commissioner Eastman said he tends to agree. The way it's written the rule is pretty  
216 broad. He thinks frontage is frontage. If there were meant to be exceptions, they should  
217 have been mentioned in the regulations.

218 - Chairman Bonine asked if there is consensus...how to address the condition.

219 - Commissioner Eastman recommended striking it.

220 - Chairman Bonine said based on the discussion he doesn't see the need for the condition  
221 to remain.

222 - Commissioner Eastman amended his motion to remove condition 11.

223

224 Commissioner Brandon-Wintermote SECONDED the motion as amended.

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226 Chairman Bonine revisited Condition 6 regarding a water test and suggested a timeframe for  
227 receiving water test results. Commissioner Eastman AMENDED his MOTION to modify Condition  
228 6 to reflect that the applicant will provide water test results prior to final plat review, or the plat will  
229 require the note. Commissioner Brandon-Wintermote SECONDED the amended condition.

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231 All in favor. Motion carried. See Resolution 2024-06 attached hereto and incorporated herein.

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233 **PUBLIC HEARING – Diamond Spear Pit SUP-256:** Diamond Spear, LLC on behalf of landowner  
234 Anthony Jolovich requests approval of the Special Use Permit Application for the Diamond Spear  
235 Pit SUP-256. The applicant is proposing a large rock products mine use to operate a Limited  
236 Mining Operation. The proposed use will occupy approximately 14.99 acres of a 157.56-acre  
237 parcel, approximately 7 miles northeast of Cody, north of County Lane 18, on the east side of  
238 Highway 14A. The property is unaddressed within the Cody Local Planning Area and is described  
239 as part of Lot 26, Lot 30, Lots 39-F, 39-G, 39-J and 39-L, Section 30, T54N, R100W of the 6th  
240 P.M., Park County, Wyoming. The western leg of the property is within a General Rural 5-acre  
241 (GR-5) zoning district, but the use will primarily operate on the portion of the property within a  
242 General Rural 20-acre (GR-20) zoning district.

## Planning & Zoning Commission Minutes

February 14, 2024

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244 Chairman Bonine opened the public hearing at 2:09pm.

245

246 There being no comments from Commission members, Kim Dillivan, Planner II, presented the  
247 Staff Report. Kim added that two public comments have been received. One in favor, requesting  
248 restrictions. One citing concerns about quality-of-life issues and quality that could be impacted  
249 from noise, dust and increased traffic and offered potential mitigation measures.

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

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

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- Dave Schultz, Sage Engineering, represents the applicant. He stated that the packet explains everything that they have tried to put out there to answer the questions in the application packet. Unless there are questions, he doesn't have anything else to add. He did add that the Tri-State encroachment license is in process and all indications are that it will be approved, they are just short-handed, and he doesn't expect any problems. Someone may have to go onsite in the first week of March to inspect and mark the separations. It is a formality and the license itself is going through their legal department with no red flags. It should be back within a few weeks to a month.

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

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- Commissioner Brandon-Wintermote asked if the utilities would require the area to be fenced. Dave said the reason for the buffer zones around the structures is because the easements (100 feet and 125 feet proposed) are quite a bit larger than the facilities. He did get the heights and they were given to the power companies showing low points on the transmission lines. He is going to start mining and get lower from there – as he mines, he will increase distance from the lines. He will be mining within the easements. Most of the clearances are 30 feet and greater.

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

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- John Crick said he bought a house out there on 45 acres. He's an easygoing guy and wants to live quietly. Part of the reason he bought the property is solitude. It's his therapy. He can walk around his property and feel better when he comes back to the house. You

## Planning & Zoning Commission Minutes

February 14, 2024

- 294       ↪ can't tell me that you can mitigate the noise from a rock crusher, traffic and truck noise.  
295       We have to live with that from 7 to 7. I am an old man, I like my quiet. You can't tell me  
296       you can mitigate that. You guys can make your decision and walk away from it. The old  
297       man here has to live with it. Who here would want this in their backyard? When I bought  
298       the property, there was no indication of this. I like these people. But you are ruining  
299       everything I am paying for – the peace and quiet. That is priceless. You can't put a value  
300       on that. I came here today, and I wasn't going to say nothing. I am not a public speaker,  
301       nor an eloquent one. To have this thrown on ya, not to mention the extra traffic on the  
302       road. It's an intrusive business. The noise, if you've ever been around it, you'll know what  
303       I mean. Think about it. You'll make the decision and walk away from it. They can explain  
304       away everything except the noise. They can put water down on the ground to take care of  
305       dust, sort of. Where I live is a beautiful place. When they start this mining, you won't be  
306       able to hear yourself think I don't want to make anyone mad, but I am mad. Your home is  
307       your biggest investment, and I bought the place, it's right against the McCollough Peaks,  
308       tranquil as can be. I am just one citizen, but I can't sit here quietly and say nothing. There's  
309       a line and when someone crosses it you have to say something. If you lived out there, I  
310       think you would agree with this. My property is therapy and I love it, but I ain't gonna love  
311       it listening to a bunch of payloaders, bull dozers, excavators, elevators, but the rock  
312       crusher is going to have an engine on it that's pretty darn big to grind up stone. The roar  
313       of that thing will deafen you.
- 314       • Beau Beck is a property owner adjacent, and he has the same concerns – noise, dust. He  
315       also worries about the wildlife there if it's going to be that many hours a day. How many  
316       days a week. The timeframes are long – that's a long day for any business. He'd like to  
317       see something to limit the noise, the dust, and for a limited mining operation I don't know  
318       what that stands too, but previous mining was to the Powell highway. It went away. Also,  
319       with that the access from the highway department, during the 14A project, there were  
320       three residents that had to combine their access to one for the Wyoming highway  
321       department who wanted to limit the number of accesses. He is going to have two separate  
322       accesses – why aren't they combining those? The other things, traffic, like he says, we  
323       are going to have a log jam of slow traffic merging there, causing problems, rocks on the  
324       road. These are things that ought to be looked at. He feels the same as Mr. Crick being  
325       that close to it.
  - 326       • Larry Wambolt lives on Iron Creek Road so he's neighbors to these guys. One thing that's  
327       different is he retired here about two years ago. He spent the last 40 years working in  
328       mining. He used to work with the biggest coal mines in Wyoming and copper mines in  
329       Arizona and Utah. In the case of Wyoming, he knows that the DEQ requirements are pretty  
330       strict. Even in the terms of weed control, when the continuous reclamation comes in  
331       behind. What he has seen the mines he has worked in is the land is better. He knows the  
332       aggregates that are used here in the County. He's not really against it. He's worked in  
333       mining his whole life and dealt with neighbors around mines. A lot of these things can be  
334       mitigated with DEQ requirements, and they do monitor them.
  - 335       • Bret Reed, adjacent landowner to the mine. There was a mine on his property prior to this  
336       that is basically what built the highway. He is in favor of this because, for one, it is a way  
337       for the people of Park County to get affordable rock products. He is familiar with the DEQ  
338       requirements and familiar with the operator that is proposed to be in that pit. He brought  
339       up that they are requesting that the window of time for operation be minimized – 7am to  
340       6pm, but the actual crushing operations be limited to 7:30am to 5:30pm. People could be  
341       out in the evening and early mornings and have a peaceful time in the environment. The  
342       other thing is the Powell highway, which is less than a half mile from the pit, so you have  
343       continuous noise from the highway traffic. He doesn't believe after hearing the operations  
344       from his property and the noise from the highway that there is much of a difference in



## Planning & Zoning Commission Minutes

February 14, 2024

345 noise. He requests that that pit only be operated from Monday through Friday to give  
346 residents time to hear their environment on the weekends free of the crusher noise. Also,  
347 to exclude the federal holidays from days of operation. We talked about DEQ regulating  
348 dust control, but it wouldn't hurt to have that conditioned, in particular for the access road  
349 which is not regulated by the DEQ. We also mentioned culverts for wastewater that has  
350 not been addressed. We have irrigation infrastructure that crosses and he has spoken  
351 with Mr. Jolovich about that, and he agreed to install appropriately sized culverts, but we  
352 would like to see that conditioned. Also, regarding the lifetime of the pit, we would like to  
353 have it written into the special use permit that it would expire at the end of 5 years with the  
354 option to extend it another 5 years, but then after that it would have to be discontinued  
355 after that and be reclaimed within one year of closure. He has a Park County permit across  
356 the creek from him that has not been used in a number of years that has still not been  
357 reclaimed. He thinks it should be conditioned that it should be reclaimed and returned to  
358 the wildlife. When you live on the Powell highway, it's a busy highway, people perish on  
359 that highway. This runs with the land and if Mr. Jolovich were to be deceased, the new  
360 owner may not honor the same things. He requests that it be enforced. Lastly, he  
361 addressed the wildlife and hours/months of operation. Game and Fish recommended no  
362 activity between November and April. We typically start farming operations in March and  
363 end sometime in November. It doesn't seem fair to set more conditions on this use than  
364 we have. He recommends December through March nonoperation period if any at all. The  
365 area where Mr. Jolovich is proposing to develop the pit is not an area of great wildlife use.  
366 The deer only cross there, they don't live there and there is plenty of area to get around.  
367 He requests that it is a recommendation by the Game & Fish but not a requirement. Mr.  
368 Jolovich is a wildlife-friendly person, and he will ensure that their operations do not impact  
369 that any more than necessary. But there again when he is not around anymore, it would  
370 be good to have that written into the permit.

- 371 • John Crick said you can mitigate lots of things, but you are not going to mitigate that noise.  
372 McCollough Peaks is right behind there and will catch every bit of it and come right down  
373 the valley. The peace and quiet is priceless. All the other stuff can be taken care of. He  
374 has worked around heavy equipment; he knows how it is. It takes big engines to run these  
375 things. He doubts that he changed any minds, but that is how he feel about it.

377 Chairman Bonine asked if any Commission members had additional questions for Staff, the public  
378 or the applicant.

- 380 - Commissioner Brandon-Wintermote asked the applicant how many years they expect to  
381 produce from the pit. Dave Schulz said they haven't studied, but there's a lot of material  
382 there, it could go a long time. He hasn't asked the applicant how long he was thinking as  
383 far as total time goes. It is not intended to be a massive industrial production that goes 12  
384 hours a day, 5 days a week, 52 weeks a year. The idea is that when the demand is there,  
385 and there is demand, the equipment and the crushers would come in, produce the material  
386 they need for that period of time, and then it wouldn't even be in operation for the rest of  
387 the year. He's not saying it's only going to be a month per year. It's going to be a periodic  
388 operation and will likely be shut down far more than it's in operation. The 7 to 7 was that  
389 we didn't want to hinder ourselves and staff recommended that you request the maximum  
390 and can back off from the maximum. We're not having a full-time pit operation. It is going  
391 to be limited to certain times per year.
- 392 - Commissioner Brandon-Wintermote asked if the owner is providing a crusher. Dave said  
393 Diamond Spear does not own the crushing equipment. They will lease the area to another  
394 producer, and they will come in with their own equipment and make the product. Limited  
395 mining is allowed 15 acres. He is planning to open up about 3 acres at a time, half of that



## Planning & Zoning Commission Minutes

February 14, 2024

- 396 to produce and half to set up crushing and screening operations, then flip flop that. Once  
397 done with three acres, reclaim it and move to the next three acres. The access is shared  
398 with the neighbor to the south. That is how it was categorized and permitted originally.  
399 They had to go back in to request a commercial approach, even though it was already  
400 categorized as a commercial approach, but they had to go back through the WYDOT  
401 process due to the change. The only other thing is that if anything changes with the  
402 operations that they are proposing now, they would have to go back through WYDOT. It  
403 doesn't give the landowner the ability to do anything they want with a commercial permit.  
404 Mr. Jolovich has an approved reclamation bond with the state. So, if he doesn't reclaim  
405 his pit like Mr. Reed said, he doesn't get his money back and they use that money to  
406 reclaim the pit.
- 407 - Commissioner Brandon-Wintermote asked if there is an expiration date on that  
408 application. Dave said 20 years.
  - 409 - Commissioner Brandon-Wintermote asked if there is a shared maintenance agreement.  
410 Mr. Jolovich will have his own road with his own line. They will not share the road. They  
411 just share the access to the highway. At the right of way line, they both turn into their  
412 properties on separate roads.
  - 413 - Brian Edwards, County Engineer, wanted to correct something that was stated by Mr.  
414 Reed. If it is the gravel pit he's thinking about being referred to in the area, it was  
415 mentioned that it was a Park County pit, that remains un-reclaimed. Brian wants to clarify  
416 that it is a privately-owned pit if it's the one he's thinking of. Park County has an agreement  
417 with that landowner to take material off of a pile, and specifically in the agreement they  
418 have no responsibility for reclaiming the pit. According to the owner it was the first gravel  
419 pit in Park County, and anyone and his brother has been in there over the years. It's not  
420 that Park County walked away and didn't reclaim the pit.
- 421 Chairman Bonine asked if the commission wanted discussion. Commissioner Peters asked for  
422 discussion.
- 423 - Commissioner Peters said running a full 20 years, he sees merit to limiting it to not a full  
424 20 years. He thinks the hours could also be changed to mitigate concerns.
  - 425 - Commissioner Brandon-Wintermote said this is hard for her since she has been on both  
426 sides, her property had a gravel pit that was permitted on one side. She lived out on the  
427 river in a beautiful peaceful place. It made her sick that it happened, she didn't know any  
428 better to speak up at the time. On the other hand, there is a need for gravel, and she is  
429 caught in between. She knows from crushing gravel and owning a construction company  
430 that DEQ has some strict guidelines. She wants to make sure that the owner does keep  
431 the dust down, abide by the hours and not only improve, but also maintain the road.
  - 432 - Commissioner Peters said in looking at the conditions recommended by staff, he  
433 wondered about limiting human activity in certain windows. To take that out would be a  
434 hinderance. He questions that being in there at all. You could have stockpiles there and a  
435 large project comes up in the area and if we limit them to no operations on site in that  
436 whole window, basically they can't haul. He questions having that window closed.
  - 437 - Commissioner Brandon-Wintermote agreed. Often, they crush in winter so the material is  
438 ready for spring and summer hauling. Brian Edwards agreed. They often crush through  
439 the winter and use the material in the summer. Most of the pits they deal with operate that  
440 way.
  - 441 - Commissioner Brandon-Wintermote would like to see Condition #7 changed to say that  
442 the applicant shall improve and maintain the existing driveway extending to Highway 14A.  
443 She would also like to see that a Long-Term Noxious Weed Plan is provided by the  
444 applicant.
- 445

## Planning & Zoning Commission Minutes

February 14, 2024

- 446 - Commissioner Brandon-Wintermote asked if they have the ability to put a 5-year expiration  
447 on this, when DEQ gives them 20 years. Do we have the authority to do that. The Planning  
448 Director was not sure, but they could put forth the recommendation for the Board to  
449 consider.
- 450 - Commissioner Brandon-Wintermote likes the idea of limiting the use to Monday through  
451 Friday and excluding operation on federal holidays. Commissioner Peters and  
452 Commissioner Eastman agreed.
- 453 - Commissioner Eastman asked if they should strike #2. Chairman Bonine mentioned that  
454 Mr. Reeds suggestion to have more restricted hours for crusher operation apart from  
455 actual site activity was a good idea. Commissioner Brandon-Wintermote agreed, not  
456 everyone starts their day at 7am.
- 457 - Chairman Bonine asked the applicant to comment about the timeframe between  
458 November 15<sup>th</sup> and April 30<sup>th</sup>. Does he anticipate material production during that time?  
459 Would the condition hinder the operation? Dave Schultz said that when you need  
460 aggregate it is often crushed in cold weather to be ready for warm weather. The time  
461 constraint would be an enormous hinderance. He has a 157-acres on this parcel and is  
462 surrounded by other open land and his plan is to limit this operation to about 2% of his  
463 property. Yes, there will be noise when these operations are going on but in his experience  
464 and shown in other places these animals can adapt to human activity. He would like to  
465 keep that suggestion out of the conditions because those are prime months for operating.  
466 It also greatly restricts the hours b/c it is dark from 5-7pm. He did agree to operate during  
467 daylight hours only, 7am to 7pm max.
- 468 - Commissioner Brandon-Wintermote asked if they want put something about operating  
469 during daylight hours not to exceed 8am to 5pm in the conditions. Commissioner Peters  
470 agreed on the flip side to compromise, the crushers are going to want to come in there  
471 and run 24/7, hammer it out and move on. We need to find the middle ground to allow for  
472 productivity but help with the neighbors and noise. Commissioner Brandon-Wintermote  
473 said when those leased crushers come in, they want to complete the work in the least  
474 amount of time to move on to the next pit. So, what if they keep the daylight hours for  
475 crushing operations but then limit it to Monday through Friday and no federal holidays for  
476 hauling purposes. Commissioner Eastman asked this would replace Condition 2.  
477 Commissioner Brandon-Wintermote said she doesn't think they can limit it just on the  
478 Game and Fish recommendation. Commissioner Eastman said the Game and Fish  
479 recommendation is a bridge too wide, no activity for 6 months on your own property.  
480 Commissioner Peters said a pit near him has some damage due to mule deer on the edge  
481 of the gravel pit. He thinks Condition 2 should be stricken. Commissioner Eastman agreed.  
482 He knows that area and there is an area with better feed away from the gravel pit. When  
483 they reclaim it the area will be in better than it is now. With three acres at a time the  
484 disturbance is not massive. Commissioner Brandon-Wintermote said right now they are  
485 talking about someone that is leasing the equipment to come in, but what happens if the  
486 property is sold to someone that owns their own crusher and it's there full time.  
487 Commissioner Peters said is this a stretch too far. Obviously, the Board can strike what  
488 they want. He is comfortable with setting it to expire in 5 years and if they disagree at the  
489 next level, they can change it. Commissioner Brandon-Wintermote asked, so we are  
490 putting an expiration date on the SUP. Commissioner Peters said he would like to see  
491 that. The Planning Director stated that staff has seen SUPs that have time limits, there  
492 have also been SUPs that expire upon change of ownership of the property.  
493 Commissioner Peters asked if the SUP did expire would it be possible to renew or would  
494 it be tied to current ownership, if we are worried about someone new coming in?  
495 Commissioner Brandon-Wintermote asked if they could do both, set an expiration date  
496 and tie it to change of ownership. Commissioner Eastman agreed, a large company could

## Planning & Zoning Commission Minutes

February 14, 2024

- 497 come in and acquire the property and go full blast. Commissioner Brandon-Wintermote  
498 said we've seen things be bought up by large corporations that think differently than we  
499 do. Commissioner Eastman said it is one thing dealing with a single landowner, the future  
500 could bring something much different.
- 501 - Chairman Bonine said he thinks you could set the SUP to expire and within the SUP to  
502 allow for renewal. He asked if once the SUP expires an applicant would have to come  
503 back and reapply from scratch? The Planning Director said to her expiration means that  
504 the permit is no longer effective. The rules could be different in the future, if the rules are  
505 the same, they would need to present a new application which could be initiated in  
506 advance of the expiration date so they could continue to operate seamlessly.
  - 507 - Chairman Bonine asked if there was any difference between having a built-in renewal and  
508 the process that goes along with renewal verses an actual expiration and reapplication.  
509 The Planning Director said she suggests an expiration date with an understanding that the  
510 applicant could reapply under whatever rules are in place at that time. We cannot predict  
511 what the State or County rules will be at the time of expiration.
  - 512 - Chairman Bonine said he would be willing to consider doing a hard expiration, but he  
513 offers seven years instead of five. Commissioner Eastman agreed, twenty years is too  
514 long, but five years is a little short
  - 515 - Commissioner Brandon-Wintermote asked for clarifications on crushing operation hours  
516 and days. Commissioner Peters wants to consider Monday through Friday, daylight hours,  
517 no federal holidays. Commissioner Bonine asked about crusher hours in the summer,  
518 wondering if they may need to limit beyond daylight hours. He would not be in favor of  
519 restricting to daylight hours alone in the summer. Commissioner Peters said no he does  
520 not want that; it's trying to split hairs. We are working with the crusher coming in and out,  
521 do we want that crusher in and out quicker which shouldn't be in the middle of the summer,  
522 but he agrees if we say daylight someone could come in and run the crusher later in the  
523 day. Commissioner Brandon-Wintermote offered daylight hours, not to exceed 7am-7pm.  
524 Commissioner Bonine said it makes sense but it's still too much. We've heard plenty from  
525 the public about quiet, enjoyment. In the summertime, when people are more likely to be  
526 out and about enjoying their property. We should confine crusher operation to a smaller  
527 window. Commissioners discussed limiting operating hours, during daylight hours only,  
528 not to exceed 8am to 5pm.
  - 529 - Commissioner Brandon-Wintermote clarified changes to findings and conditions. Strike  
530 Condition 2. Add the word maintain to Condition 7. Add condition about requirement for a  
531 Long-Term Noxious Weed Plan. Add condition that operations will not exceed Monday  
532 through Friday, excluding federal holidays, daylight hours not to exceed 8am-5pm. SUP  
533 set to expire in seven years or upon transfer or ownership. Finding #38 should be updated  
534 to reflect additional public comments.
  - 535 - Commissioner Bonine addressed finding #4. Add that the applicant proposed operating  
536 hours 7am-7pm. The Planning Director mentioned that staff would add findings based on  
537 information presented at the hearing.
  - 538 - Mr. Crick asked what the procedure would be for enforcement. It's human nature, when  
539 people get going it's like a cancer, they start fudging. The Planning Director stated if we  
540 receive complaints that someone is operating outside the conditions of their permit, then  
541 staff would investigate. Mr. Crick asked how long that process takes. The Planning  
542 Director said she understands his concern and that he has a relevant point. Enforcement  
543 is the most difficult part of approval. Mr. Crick said that rules mean nothing without  
544 enforcement.

545  
546 Commissioner Eastman made a MOTION to close the hearing at 3:33pm; Commissioner Peters  
547 SECONDED the motion. All in favor. Motion carried.

## Planning & Zoning Commission Minutes

February 14, 2024

548

549

Chairman Bonine asked Commission members if they had any discussion.

550

551

552

553

Commissioner Peters made a MOTION to recommend approval of the Diamond Spear Pit SUP-256 by Resolution 2024-07 based upon the findings presented and including the following conditions:

554

555

1. Park County noise, lighting, and other nuisance regulations shall apply;

556

557

2. The applicant shall submit a written response from Park County Fire District #2, prior to review by the Board of County Commissioners;

558

559

560

561

3. The applicant shall provide evidence they have obtained all required permits (or written confirmation that permits are not needed) from the Land, Air, and Water Quality Divisions of the Wyoming DEQ, to the Planning & Zoning Department, prior to commencement of the use;

562

4. The applicant may have one (1) portable toilet onsite to serve the use;

563

564

5. The applicant shall anchor the portable toilet, have it serviced regularly, and screen it or place it in an area that naturally screens it from view;

565

566

567

6. The applicant shall improve and maintain the existing driveway extending from Highway 14A to the gravel pit operation with a six-inch-thick gravel surface that has a minimum travel surface width of 20 feet prior to commencement of the use;

568

569

7. The applicant shall provide a drainage and erosion control plan that has been approved by Wyoming DEQ, to Park County Public Works, prior to commencement of the use;

570

571

572

8. The applicant shall provide evidence of encroachment permits from the utility companies for the high voltage power line easements, to the Planning & Zoning Department, prior to commencement of the use;

573

574

575

576

9. The applicant shall provide written documentation from the utility companies that own the high voltage power lines, or from a Wyoming licensed professional engineer, stating the minimum separation distance between all excavation and mining operations and the power poles/lines;

577

578

579

10. Prior to construction and commencement of the use, the applicant will be required to obtain any necessary permits for signs, from the Park County Planning & Zoning Department;

580

581

11. The applicant shall submit an approved Long-Term Noxious Weed Management to the Planning and Zoning Department prior to review by the Board of County Commissioners;

582

583

12. Hours of crushing and screening operations shall be limited to daylight hours, not to exceed 8am to 5pm, Monday through Friday, excluding federal holidays;

584

585

13. Hours of general operations shall be limited to daylight hours, not to exceed 7am to 7pm, Monday through Friday, excluding federal holidays;

586

14. The Special Use Permit shall expire seven years from date of approval; and

587

588

15. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

## Planning & Zoning Commission Minutes

February 14, 2024

589

590 Commissioner Brandon-Wintermote SECONDED the motion. All in favor. Motion carried. See  
591 Resolution 2024-07 attached hereto and incorporated herein.

592

593 [PUBLIC HEARING – Millborn Seeds SUP-257](#): Millborn Seeds, Inc., on behalf of the landowner  
594 Jack Creek Land Company, LLC requests approval of the Special Use Permit Application for  
595 Millborn Seeds SUP-257. The applicant proposes a value-added agriculture use consisting of a  
596 9,600-square-foot seed cleaning and packaging facility, and a separate 1,500 square-foot office  
597 building. This proposed use will be located approximately 2,000 feet east of the intersection of  
598 County Road 21 and County Lane 10, on the north side of County Lane 10, within the southeast  
599 corner of Lot 7, Section 14, T55N, R101W of the 6th P.M., Park County, Wyoming. The property  
600 is unaddressed in a General Rural-Powell (GR-P) zoning district in the Cody/Powell Rural  
601 Planning Area.

602

603 Chairman Bonine opened the public hearing at 3:50pm.

604

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

607

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

609

610 

- Mary McKinney, Weed and Pest, the Best Management Practices include things like bare  
611 ground control and landscaping because the field itself is a weed certified field. The weeds  
612 we did find are along the road. They will get those taken care of as soon as weather  
613 permits.

613

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

615

616 

- Tyler Schroeder, with Millborn Seeds, said he is working on getting the water sample to  
617 the lab tomorrow.

617

618 Chairman Bonine asked if any Commission members had questions for the applicant. There were  
619 none.

620

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

621

622 - Brian Duyck, seed grower, said this would be a great asset. He has a seed mill that  
623 currently runs around the clock a couple months of the year. If they put this up, it will  
624 relieve some of the stress on his facility. It would add more acres of grass seed or seed  
625 crop areas. That would equate to a couple million extra dollars for the growers in the Heart  
626 Mountain area. He encourages approval.

626

627 Chairman Bonine asked the commission if there were additional questions.

628

629 - Commissioner Peters asked about the two houses on the west side and whether there will  
630 be much dust. The applicant said dust will be collected and anything going out into the  
631 atmosphere would be filtered.

631

632 Commissioner Peters made a MOTION to close the hearing at 4:16pm; Commissioner Brandon-  
633 Wintermote SECONDED the motion. All in favor. Motion carried.

634

635 Chairman Bonine asked Commission members if they had any discussion.

636

637 - Commissioner Brandon-Wintermote asked if they should condition the use hours.  
638 Chairman Bonine said there is a significant difference in noise output from seed cleaning  
vs. rock crushing. The proposal is 8am to 5pm, Monday through Friday, July through

## Planning & Zoning Commission Minutes

February 14, 2024

639 March. Chairman Bonine said he is a close neighbor to Mr. Duyck's seed operation, and  
640 it is not bothersome. Commissioner Peters said there are three of them in the area.

641 - Commissioners agreed to remove Condition #2 about conservation district report since it  
642 has been received.

643

644 Commissioner Brandon-Wintermote made a MOTION to recommend approval of the Millborn  
645 Seeds SUP-257 by Resolution 2024-08 based upon the findings presented and including the  
646 following conditions:

647

648 1. Park County noise, lighting, and other nuisance regulations shall apply;

649 2. The applicant shall provide well water sample results from a nearby well, if available, to  
650 evidence adequate water quality to the Planning & Zoning Department, prior to review by  
651 the Board of County Commissioners;

652 3. Prior to construction and commencement of the use, the applicant will be required to  
653 obtain the proper permits for the small wastewater system from the Park County Planning  
654 & Zoning Department;

655 4. Prior to construction and commencement of the use, the applicant will be required to  
656 obtain the proper permits for all structures and signs, from the Park County Planning &  
657 Zoning Department;

658 5. The applicant shall contact Wyoming DEQ Air Quality Division to verify permitting  
659 requirements, prior to review by the Board of County Commissioners;

660 6. Prior to construction and commencement of the use, the applicant will be required to  
661 obtain the proper permits for a right of way and access, from the Park County Public  
662 Works Department;

663 7. Prior to construction and commencement of the use, and prior to issuance of building  
664 permits by the Planning & Zoning Department, the applicant will be required to obtain  
665 approval of a drainage and erosion control plan, from the Park County Public Works  
666 Department;

667 8. Prior to construction and commencement of the use, the applicant shall obtain approval  
668 from the Wyoming Department of Fire Prevention and Electrical Safety of building and  
669 electrical plans; and

670 9. The applicant shall otherwise comply with standards in the Park County Development  
671 Standards and Regulations.

672

673 Commissioner Eastman SECONDED the motion. All in favor. Motion carried. See Resolution  
674 2024-08 attached hereto and incorporated herein.

675

676 **PUBLIC HEARING – Dog House Inn SUP-258:** Stephen Dallman requests approval of Dog  
677 House Inn SUP-258. The applicant is proposing a cottage industry use to operate a dog and cat  
678 boarding/kenneling facility. The proposed use will occupy approximately ¼ acre within a 5.61-  
679 acre parcel, approximately 4.5 miles northeast of Cody, on the west side of Highway 14A, north  
680 of County Lane 20. The parcel is within Lot 2 of Tract 54, T53N, R101W of the 6th P.M., Park  
681 County, Wyoming. The parcel is addressed as 3 Lane 20, Cody, and is within a General Rural 5-  
682 acre (GR-5) zoning district in the Cody Local Planning Area.

## Planning & Zoning Commission Minutes

February 14, 2024

683

684 Chairman Bonine opened the public hearing at 4:22pm.

685

686 There being no comments from Commission members, Kim Dillivan, Planner II, presented the  
687 Staff Report. Kim added that two public comments have been received from individuals who are  
688 opposed to the use. They were provided to the Commission prior to the meeting. DEQ provided  
689 new information today regarding estimating wastewater flows; 10 gallons per day per employee,  
690 8 gallons per day per animal boarded, 24 gallons per day for a laundry load, 24 gallons per day  
691 for every dog washing. The applicant said they anticipate 25-50 dogs per day maximum capacity.  
692 They will offer dog washing as an option expecting 3-5 per week depending on customers wishes.  
693 They anticipate 3 loads of laundry maximum per day. We have enough information to determine  
694 if the existing septic system is adequate to support the use. They would be required to increase  
695 the size of the existing system or install a new system. The Planning Director added that she does  
696 not recommend the use of the existing system if any modifications are needed. The system is  
697 aged, the condition is unknown, and it is likely to be damaged if modified. Kim added that there  
698 will be two employees that reside on the property.

699

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

701

- 702 • Ben McDonald, Public Works, said he does not have additional comments.
- 703 • Mary McKinney, Weed and Pest, said that a lot of the nuisance weed issues will be  
704 mitigated with construction of the facility should it be approved and those parking areas.  
705 She has spoken with the applicant regarding the Canada thistle on the property, and they  
706 have a plan to mitigate.

706

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

708

- 709 • Stephen Dallman said he and his wife want to do something real cool with their property  
710 which has been sitting with weeds. They want to do something nice. The biggest issue  
711 they've noticed is noise – dogs are loud. The number one thing they are going to do is  
712 never leave them alone, always supervised when outside. The building is going to be fully  
713 insulated. Never let them out earlier than 7am, bring them in by 10pm, and always attend  
714 to them when inside. He is excited.

714

715 Chairman Bonine asked if any Commission members had questions for the applicant. There were  
716 none.

717

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

719

- 720 - Bill Ozbirn, he has lived on Lane 20 for 35 years and his main concern is due to expansion  
721 of, there's a dog place up the road from them, there is a significant amount of increased  
722 traffic. Where they are applying for their parking area and access to the proposed  
723 business, he has seen numerous vehicle accidents at the junction of Lane 20 and the  
724 highway. If there is a train there, and traffic is unable to cross, you may have a significant  
725 amount of back-up traffic. Also, his concern is noise. If dogs are barking and it's getting to  
726 him, he will call the Sheriff's Department. He is most concerned about the traffic. It is a  
727 dangerous intersection.
- 728 - Travis Smith, he lives on Mesa Drive, adjacent to Mr. Osburn and adjacent to applicant.  
729 This is his first foray into this. The staff report and what's available online is fantastic. He  
730 is impressed with that. The concerns he has are twofold. It is a short section of Lane 20  
731 to the railroad. The trains are fairly frequent, though not usually long. There is signage,  
732 not a railroad arm. There is a possibility of backing up. His main concern is noise. His  
733 concern is the courtyard, he is aware of the other dog place up the road that placed  
mounds around the property to mitigate the sound. He remembers the County's facility



## Planning & Zoning Commission Minutes

February 14, 2024

734 had complaints and they did some mounding to try to deflect the sound. He noticed in the  
735 applicant's responses, the fence that they proposed would eliminate barking. He feels that  
736 is likely not possible. The bulk of the neighbors, in the summer, we're outside with windows  
737 open. He envisions chain link fence with something to block the dogs' view. Perhaps a  
738 consideration could be made for a cinder block fence. Dogs are going to bark regardless,  
739 that's just the way that they are, he is a dog owner. He doesn't mind some dog barking,  
740 but incessant barking could be a problem. From sitting through the prior hearings and  
741 recommendations, it seems with conditioning going forward you routinely recommend that  
742 the County's noise, lighting, etc. rules be followed. If the permit is approved, until it's up  
743 and operating, we won't know the full extent of it. He thinks it could maybe be mitigated  
744 on the front end.

745 - Mike Roberts, he lives on Shoshone River Drive, just to the southwest of the proposed  
746 site. He thinks a dog kennel is a great business idea with a great demand. He thinks this  
747 is the wrong spot for it. It's an inappropriate spot. He believes in property rights and knows  
748 they are not absolute. He has neighbors, if I looked to obtain a permit for a dog kennel,  
749 shooting range, etc., you should shut me down due to significant impact to neighbors. The  
750 order of development, the order things happen in, matters. If I applied for and got a permit  
751 to build a dog kennel in the middle of nowhere, and after that people built houses around  
752 it, they know what they are getting into. You can hear the racket coming out of the kennel  
753 and obviously you don't mind so that's cool. What we have here is the opposite situation.  
754 We have houses, quite a few in this area, already built. When we built there, there was no  
755 kennel. If you approve, I feel there is a bait and switch there that isn't fair to current property  
756 owners. A few of his neighbors complained to him after they had seen the proposal last  
757 week, who were unable to be here, they live a lot closer than he does. He lives a 1/3 of a  
758 mile away – that is not far enough. In the summer when they have their windows open,  
759 they already hear dogs barking from farther away. If you've been around a dog kennel,  
760 you know they are loud, not just when the dogs are outside in the dog runs. Even in an  
761 insulated building you hear that racket coming through the walls. Dogs don't have quiet  
762 hours that they respect. When one dog barks, they all bark. He heard 25-50 dogs. That's  
763 a good racket. He doesn't think that's appropriate in a place where you have this many  
764 houses. If he counted right, there are 20 houses within a quarter mile of the proposed site.  
765 If you ask him, that's too many, too close. That's gonna be a lot of traffic right at County  
766 Road 20 and the highway intersection. He does think this is not a good location for this  
767 kind of a facility and it is his hope that it is not approved.

768 - Prudence Gustafson, she is a less-than-6-months owner at 11 Lane 20. She used to live  
769 1/3 of a mile from a kennel that housed 13 indoor/outdoor runs and housing areas for  
770 dogs. She can tell you a third of a mile is not enough. She heard dogs morning, noon and  
771 night. She had an easement through her property to that kennel. She can see this property  
772 diagonally from her house. Her heart is skipping beats when she heard 20 kennels and a  
773 large amount of dogs. She is hearing that there is no overnight stay. But she is confused  
774 that it is until 9pm, but it is called a doggy daycare. She would like clarification. We have  
775 a railroad track, a church across the highway. It is a very busy and dangerous intersection.  
776 Since she has lived there, she has seen ambulances and fire trucks, there have been  
777 some substantial auto accidents. Right where you would go to these folks, there is a line  
778 of mailboxes. She doesn't think that she has yet stopped for her mail and not had a car  
779 come that she had to be careful with. She also knows from more than 20 years of living  
780 next to a kennel. Every time there is a drop-off, every dog wants to greet them and make  
781 their presence known. There is a lot of noise at drop off and pickup times. She is  
782 disappointed that she has to stand up and speak. She is a person who loves to see a  
783 younger generation succeed. She doesn't want to be a Debbie downer, but like previous  
784 comments she feels this is in the wrong place, the railroad tracks and busy highway. She

## Planning & Zoning Commission Minutes

February 14, 2024

785 chose a place to live where she doesn't see traffic driving behind her and big lights. She  
786 had an airport near her, she was eminent domain. She is done with being inconvenienced.  
787 She wants peace and quiet, in a residential area. She would ask them to please consider  
788 all the factors. Safety is one, not just for the people, but for the animals too. It's a really  
789 busy highway and the railroad tracks are there too.

790 - Scott Gustafson is Prudence's husband. 30 years of living relatively close to a dog kennel  
791 was not a lot of fun. He's traveled the world; he was an explosives engineer. There  
792 probably isn't a community in the world that if somebody goes in a subdivision and  
793 someone says all of the sudden, they want to raise pigs, the world would come down on  
794 them. Every aspect of agriculture or animals has downsides, but here is a time and a place  
795 for every one of them. The noise is a problem. I'll leave it at that.

796  
797 Chairman Bonine said they are a recommending body only. Regardless of what happens here  
798 today, the applicant can go forward to the Board to seek approval.

799  
800 Chairman Bonine asked Commission members if they had questions.

801 - Chairman Bonine asked the applicant if they wanted to respond. Stephen said he could  
802 not think of anything more than he already said. It is a busy highway and near the railroad.  
803 The access is a short area. He's not real sure how it'll work out. He's lived on the road for  
804 the past 15 years or longer. He doesn't know. As far as it being a busy intersection, he  
805 agrees. But take any one of the intersections, same area. They are just as busy. I don't  
806 know how you mitigate that. He is open to ideas. If there is anything else he can look into.

807 - Commissioner Brandon-Wintermote asked the applicant to explain the process. Stephen  
808 said it will be daycare and overnight. There will be drop-offs.

809 - Commissioner Brandon-Wintermote asked since the applicant and his wife are the only  
810 two employees, what would happen if they were to go out of town. Stephen said he never  
811 leaves town, their whole family is in Cody. His wife said they would plan ahead and close  
812 down if they needed to. Commissioner Brandon-Wintermote asked if they have a fallback  
813 in case of an emergency. Stephen's wife said she has a person on back-up to cover in  
814 case of emergency.

815 - Commissioner Brandon-Wintermote asked about their plans for fencing. Stephen said  
816 cedar, solid all the way around, cannot see-through, no openings.

817 - Commissioner Brandon-Wintermote asked how they plan on disposing of the waste.  
818 Stephan said through private companies.

819 - Commissioner Brandon-Wintermote confirmed 20-50 dogs. The wife said there are only  
820 20 kennels, 50 dogs maximum. Some kennels may have more than one dog, if an owner  
821 has two dogs, they may kennel in one space. She said their kennels are large.

822 - The Planning Director mentioned the possibility for the applicant to obtain a review from  
823 WYDOT regarding the potential increase in traffic. It is not required but may help address  
824 the traffic concerns expressed by the public.

825

826 Commissioner Brandon-Wintermote made a MOTION to close the hearing at 5:08pm;  
827 Commissioner Eastman SECONDED the motion. All in favor. Motion carried.

828

829 Chairman Bonine asked Commission members if they had any discussion.

830 - Commissioner Brandon-Wintermote said she doesn't think this is a bad operation, but this  
831 may not be the proper location. It is very close to a lot of residences. She lives next door  
832 to someone with hound dogs and it's not good. Hound dogs are loud. She can't sleep with  
833 her windows open anymore. One time the dogs got loose and ran down to the river bottom.

## Planning & Zoning Commission Minutes

February 14, 2024

- 834 What would if these dogs get loose right there on the highway. Hopefully, that never  
835 happens.
- 836 - Commissioner Peters said he also has concerns about the noise in area. He wishes there  
837 could be more answers to the questions from the applicant than they presented. He  
838 doesn't have an answer to noise. He doesn't think the presented idea is going to help  
839 noise in the neighborhood.
- 840 - Commissioner Eastman said he is kind of in line with Commissioner Peters. There could  
841 probably be some solutions to a lot of this, they just have not been presented. To flat go  
842 out like it is this would be pretty stressful on the neighbors. It is an extra busy highway and  
843 railroad which creates a lot of noise, but it is probably not as constant potentially especially  
844 at night and on weekends as a dog kennel would be.
- 845 - Commissioner Brandon-Wintermote said when she initially read the application, she  
846 thought doggie daycare with five maybe ten animals. This has surpassed her expectation  
847 of this use. If this isn't a cottage industry, what would it be, this is like a major commercial  
848 use. The Planning Director shared that staff put it under cottage industry because it is  
849 specified in the rules.
- 850 - Commissioner Peters said maybe should we recommend a condition about not exceeding  
851 a certain decibel level. Chairman Bonine asked how that would be enforced. The Planning  
852 Director responded that staff is required to measure noise where a noise nuisance occurs.  
853 Noise levels are very difficult to measure and enforce. It would be especially difficult to  
854 measure in this location with the highway and railroad so close by. Noise is an issue here,  
855 but the traffic safety may be a greater concern. It is already a known problem intersection,  
856 and the traffic concerns are valid.
- 857 - Commissioner Peters said he is not sure if there is support for a continuance to give the  
858 applicants time to better support the application. Chairman Bonine said the hearing is  
859 already closed. Commissioner Brandon-Wintermote stated that even if denial is  
860 recommended today the application could still go before the Board, this isn't the final  
861 stopping place. The Planning Director stated that the Commission can re-open the hearing  
862 and continue it to a time and date certain if they choose. Chairman Bonine said there is  
863 potential for more information with a continuance, but the intersection isn't going to  
864 change, the railroad isn't going to change, the highway isn't going to change, the proximity  
865 to the neighbors isn't going to change. Commissioner Brandon-Wintermote said the  
866 harmony is not going to change. Chairman Bonine said he feels there is not enough  
867 potential for a different answer that justifies a continuance.
- 868
- 869 Commissioner Brandon-Wintermote made a MOTION to recommend DENIAL of the Dog House  
870 Inn SUP-258 by Resolution 2024-09 on the basis of safety issues and lack of harmony with the  
871 neighborhood. Commissioner Eastman SECONDED the motion. All in favor. Motion carried.  
872 Chairman Bonine notified the applicants that they can still move forward if they wish.
- 873
- 874 Chairman Bonine delivered the Chair's report.
- 875
- 876 The Planning Director delivered a report for the Planning and Zoning Department.
- 877

**Planning & Zoning Commission Minutes**

February 14, 2024

878 There being no other business, Commissioner Brandon-Wintermote made a MOTION to adjourn  
879 the meeting at 5:27pm. Commissioner Eastman SECONDED the motion. All in favor. Motion  
880 carried.

881

882 Respectfully submitted,

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

**RESOLUTION 2024 - 05  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE PARK COUNTY FIRE DISTRICT #2  
SUNLIGHT ADDITION  
SPECIAL USE PERMIT-255 (SUP-255)**

**WHEREAS**, Park County Fire District #2, with consent of the United States Forest Service as landowner, submitted a Special Use Permit Application requesting review and approval of a Special Use Permit to construct and operate an addition to an existing fire station;

**WHEREAS**, the property is located approximately ¼ mile southwest of the intersection of Highway 296 and County Road 7GR, 24 miles northwest of the City of Cody and is addressed as 27 Road 7GR, Cody, Wyoming;

**WHEREAS**, this project is defined by Park County Development Standards and Regulations as a Minor community use: Public and quasi-public buildings and land uses operated by a governmental agency or non-profit community organization including non-residential schools, churches, cemeteries, meeting halls, parks, fairgrounds, animal shelters, governmental offices, fire, sheriff, and ambulance stations, and post offices, where the size of all buildings on site is less than 5,000 square feet and less than one acre of land is developed in association with the use;

**WHEREAS**, the application and supporting documents are in substantial compliance with Park County Development Standards and Regulations pertaining to special use permits;

**WHEREAS**, the applicant submitted a statement on how compatibility can be achieved as required for a Special Use Permit – the proposed use will result in minimal noise and visual impacts, and is consistent with surrounding uses in this area, and adequate services and infrastructure are available, or will be made available, to serve the use;

**WHEREAS**, the Planning & Zoning Commission held a duly noticed public hearing on February 14, 2024, to consider the Special Use Permit application and made findings as follows:

1. A Special Use Permit Application, including payment, an Application Letter, a USFS Decision Memo, a Site Plan, and a Building Plan, was received from Park County Fire District #2, on December 19, 2023;
2. The applicant requests approval to construct and operate a 640-sq.ft. addition to a 1,280-sq.ft. fire station. The addition will include a meeting room, restroom and shower, storage space and handicapped access;
3. The fire station is situated on approximately 0.75 acres of USFS-managed land. The fire station is available to serve area emergency situations 365 days per year, 24/7;
4. Applicable regulations are the *Park County, Wyoming, 2015 Development Standards and Regulations*, adopted September 15, 2015;

5. The use is classified as a minor community use;
6. The fire station is located on USFS land operated by rights under an existing USFS permit, issued to Park County Fire District #2;
7. The Clarks Fork Ranger District of the Shoshone National Forest issued a Decision Memo, dated April 1, 2022 authorizing the proposed addition, installation of a septic system and a domestic well at the proposed location;
8. The project is within the NE1/4NW1/4, O.S. (Lot 1, Resurvey) of Section 7, T55N R104W, 6<sup>th</sup> P.M., Park County, Wyoming;
9. The proposed use is located approximately ¼ mile southwest of the intersection of Highway 296 and County Road 7GR, 24 miles northwest of the City of Cody and is addressed as 27 Road 7GR, Cody, Wyoming;
10. The proposed use is located on USFS land which is not zoned by the County. Private development activities on federal land are subject to County regulations and these activities shall be reviewed according to the zoning district of the majority of adjoining properties;
11. The closest zoning district that applies to the majority of adjoining properties is the General Rural 20-Acre (GR-20) zoning district;
12. GR-20 zoning districts require SUP approval for minor community uses;
13. Neighboring land uses are exempt USFS lands and residential lands. The Mountain West Subdivision bounds the western line of the property;
14. The property is developed with an existing fire station structure with no domestic water source or septic system; however, it is equipped with a composting toilet. The structure is unpermitted, but it has been operating and serving the Sunlight area since 2003;
15. A water cistern for fire suppression is in a fenced area just southwest of the existing structure to equip the fire engines;
16. The topography of the project area itself has a slight change in elevation. The Forest Service lands to the north of the station show a significant increase in elevation, and just south of the project site is a steep canyon carved out by Sunlight Creek. State Highway 296 is designated the Chief Joseph Scenic Byway;
17. Legal notice requirements have been met, including notice to property owners within 660 ft. of the property boundary;
18. The application was forwarded to relevant agencies as required;
19. Wyoming DEQ summarized the notifications, permits, and certificates required for various activities that may impact surface or groundwater;
20. Wyoming Game & Fish Department stated the project area is located entirely within crucial deer and elk winter range. The Department recommends avoidance of human activity, including construction activities, from November 15 – April 30;
21. Rocky Mountain Power has capacity to serve the proposed addition;
22. Park County Weed & Pest will not require a Long-Term Noxious Weed Management Plan;

23. One access point exists from Park County Road 7GR, a County maintained road, and is adequate to serve the proposed use;
24. Neither a geotechnical report or a drainage and erosion control plan will be required at this time by Park County Public Works. The site is not on a slope that is 30% or steeper in grade;
25. All improvements shall comply with the Park County Development Standards and Regulations, including but not limited to required setbacks, right-of-way permitting and addressing;
26. The Wyoming Department of Fire Prevention and Electrical Safety has not responded;
27. No public comments have been received;
28. The applicant made a statement of how compatibility will be achieved;
29. The addition is to provide a meeting room with a restroom and shower for the area firefighters. It will also be available to serve as a meeting place for any type of emergency incident such as a wildland fire;
30. The seven volunteer firefighters will meet at the station twice a month for training. The addition will be used for fire emergencies, which vary month to month but typically occur more frequently during summer months;
31. The fire station houses two engines that are the size of a brush truck (no large engines.) During a fire call the available volunteer firefighters from the area report to the station and respond to the scene in one of the engines. The response from this station is the same whether it is a small or large incident and the department in town also responds to each call in the Sunlight/Crandall area;
32. A well will be drilled for domestic water (under SEO permit #216656) and a septic system (as permitted by Park County) will be installed to serve the use;
33. The fire station has been in place and in use since 2003;
34. Through the addition, PCFD#2 is providing the necessary safety precautions for area firefighters, due to the increased awareness of cancer concerns for firefighters and the need for separation from equipment and gear;
35. A total of five parking spaces will be provided to serve the fire station, consisting of four standard spaces and a handicap parking space;
36. Two outdoor lights are on the exterior of the existing building and the addition will have two outside lights. All outdoor lights will be down-directed and have motion sensors;
37. The existing station and the proposed addition measures approximately 120' from the center of the County Road as measured on the Park County Map Server; therefore, it appears the building setback from a county road right of way has been met;
38. No covenants are proposed or existing;
39. There are no known nonconformities on the property;
40. No nuisances have been reported at this location;



41. The USFS reported soils in the project area are prone to rutting and compaction. They provided project design recommendations to minimize effects to soils, botany invasives and watershed health to align with Forest Plan Standards and Guides;
42. Since the USFS has reviewed soils information and provided their recommendations, a soils report from the conservation district is not necessary;
43. Access is proposed from County Road 7GR, by an existing access;
44. A new water well is proposed to serve domestic water for the use;
45. A water well sample was collected from a nearby well at 100 The Way West Road on December 27, 2023. The water results indicate the water meets the USEPA safe drinking water standards;
46. Total Coliform and E-Coli Coliform were absent from the water well sample;
47. Nitrate + Nitrite as N was reported at 9.8 mg/L in the water well sample which is just under the maximum contaminant level of 10.0 mg/L. This is considered above normal levels and annual monitoring for changes is recommended. More regular monitoring is indicated if infants under the age of 1 year are consuming the water;
48. Elevated levels of Total Dissolved Solids, Sulfate and Iron were detected in the water well sample. While the results indicate water quality appears to be safe for human consumption, treatment such as reverse osmosis is recommended;
49. The use is not located within any irrigation district, nor do any irrigation water rights exist on the project site;
50. The fire station will be 1,920 square feet with the proposed addition, requiring five parking stalls;
51. Five parking spaces are proposed to serve the use and adequate space exists;
52. Prior to construction and commencement of the use, the applicant will be required to obtain the required permit for a small wastewater system from Park County Planning & Zoning;
53. Based on data obtained from other nearby small wastewater system permits, soils will likely adequately support a conventional system for the use;
54. Electricity is provided by Rocky Mountain Power;
55. An existing propane tank will continue to serve the fire station;
56. A sign identifying the fire station exists on the current structure. No new signs are proposed for the addition;
57. Solid waste disposal services are available through private companies;
58. Adequate utilities, public services and infrastructure appear to be available for the proposed use, or will be provided by the applicant;
59. No specific criteria are identified for this use;
60. The proposed use is not in any Overlay District; and
61. Site plan review is not required.

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

**WHEREAS**, the Planning & Zoning Commission concludes the following:

1. The use is in harmony and compatible with surrounding land uses and with the neighborhood and will not create a substantial adverse impact on adjacent properties with conditions;
2. Adequate services and infrastructure are available to serve the use, or adequate services and infrastructure will be provided;
3. The use complies with all specific criteria stated in these regulations for the use;
4. The use complies with additional requirements of overlay districts, if applicable.

**NOW, THEREFORE, BE IT RESOLVED** having heard and weighed the evidence, the Planning & Zoning Commission hereby recommends approval of the special use permit for the Park County Fire District #2 Sunlight Addition Special Use Permit-255 subject to the following conditions:

1. Park County noise, lighting, and other nuisance regulations shall apply;
2. The applicant shall submit a formal response from the Wyoming Department of Fire Prevention and Electrical Safety, prior to review by the Board of County Commissioners;
3. Prior to construction and commencement of the use, the applicant will be required to obtain the required permit for a small wastewater system from the Park County Planning & Zoning Department;
4. Prior to construction and commencement of the use, the applicant will be required to obtain the required permit for the addition to the existing structure, from the Park County Planning & Zoning Department; and
5. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

**ADOPTED** by the Planning & Zoning Commission this 14<sup>th</sup> day of February, 2024.

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

**ATTEST:**

  
\_\_\_\_\_  
Duncan Bonine, Chairman

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

**RESOLUTION 2024 - 06  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE  
CHRISTIANSON MINOR SUBDIVISION-78 (MS-78) SKETCH PLAN**

**WHEREAS**, Craig and Brittany Christianson propose to create a subdivision consisting of one 30.99-acre lot and two 2.00-acre lots, each for agricultural and residential use. The subdivision is in the Powell planning area, 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 February 14, 2024 to consider the sketch plan application and made findings as follows:

1. A Minor Subdivision Application, including payment, was received on December 26, 2023;
2. A revised sketch plan was received on January 4, 2024;
3. The applicants request approval of a three-lot subdivision consisting of one 30.99-acre lot and two 2.00-acre lots, each for agricultural and residential use;
4. Ownership is affirmed by Warranty Deed (dated August 1, 2023 Doc. #2023-3235) to Craig Christianson and Brittany Christianson, husband and wife;
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 property is in a GR-P zoning district;
8. The lot sizes as proposed are consistent with the GR-P zoning district;
9. The parcel is located within the NE1/4SE1/4 of Section 6, T55N-R99W, 6<sup>th</sup> P.M., Park County, Wyoming, according to the Original Government Survey, now being in Lot 85-B of Lot 85 of said township and range according to the Government Resurvey;
10. The proposed subdivision is located approximately two miles northwest of Powell, on the west side of County Road 12 and north of County Lane 8, on an unaddressed parcel;

11. The proposed subdivision is currently irrigated crop land;
12. The property topography is relatively flat;
13. Neighboring land uses are primarily a combination of agricultural and residential, with some residential vacant lands in near proximity. The Bales SS-162 borders the west line of proposed Lot 1;
14. This property is not located within one mile of any municipality; therefore, municipal review is not required;
15. Public notice requirements have been met;
16. Relevant agencies were notified as required;
17. Garland Light & Power has the capacity to serve the proposed subdivision and has provided estimates to bring the power adjacent to each lot;
18. Northwest Rural Water District does not currently have the capacity to serve the proposed subdivision, but may be able to provide taps next year (2024);
19. Park County School District #1 stated they will have bus stops at all exit points onto County Road 12;
20. TCT stated they have terrestrial wireless service available in this area and may be able to provide internet and VOIP phone to his location, depending on line-of-site to one of their towers;
21. Park County Fire Protection District #1 stated they can provide fire protection, provided accesses are constructed to accommodate fire equipment;
22. Powell Clarks Fork Conservation District identified two soil types on the proposed subdivision; Las animas-like sandy loam (27% of area) and youngston-like-lostwells-like complex (73% of the area);
23. Soil types are rated "very limited" with regard to dwellings with or without basements and small commercial buildings. Limitations are due to depth to saturated zone, flooding and shrink-swell;
24. Soil types are rated "very limited" regarding septic tank absorption fields. Limitations are due to depth to saturated zone, flooding and slow water movement;
25. Soil types are not considered to be prime farmland;
26. Shoshone Irrigation District will require a Water Distribution Plan;
27. Approval of a petition to remove the water rights from Lots 2 & 3 and move them to other areas of Lot 1 will also be required by the State Engineer's Office;
28. USPS stated they are able to deliver mail for the new addresses;
29. Montana-Dakota Utilities Company stated they have capacity to serve the proposed subdivision from an existing main on the west side of Road 12, from which gas service lines can be installed once a structure is erected that will use natural gas and service is requested;

30. The Park County Treasurer stated the first half of property taxes have been paid and the second half will be due on May 10, 2024;
31. Wyoming DEQ provided agency contacts and information for permitting associated with various construction activities;
32. Wyoming Game & Fish stated they have no major concerns with this subdivision, but provided their standard subdivision considerations;
33. Park County Weed & Pest found noxious weed species in their initial inspection and a Long-Term Noxious Weed Management Plan will be required;
34. Park County Public Works confirmed legal access to the proposed lots is by direct frontage to Road 12, a County maintained roadway;
35. Road 12 is classified as a "Local Access Road" and the proposed subdivision is not expected to alter the classification of the roadway;
36. Lots 2 & 3 have direct frontage to Road 12 and will require new accesses and right-of-way permits from Park County Public Works;
37. Lot 1 also has two direct frontages and potential access points from Road 12 and will require new access and right-of-way permits. The southernmost access could potentially be used for a roadway (to County standards, >60 feet) if/when Lot 1 is further divided in the future;
38. All future addressing for each of the lots will be from Park County Road 12 and can be obtained with proof of an approved building permit and submission of an address request application from Park County Public Works;
39. Park County Public Works will not require an erosion and drainage control plan at this time. However, in no case shall development result in an increase in stormwater runoff to the County ROW or adjacent properties;
40. No public comments have been received;
41. A pre-application meeting was held on August 3, 2023;
42. A title report dated June 30, 2023 has been submitted;
43. No new roads or driveways are proposed;
44. Solid waste disposal services are available through private companies;
45. No known landslides, steep slopes, rockfalls or other hazardous features are known to exist on the property;
46. Access to each lot will be directly from County Road 12;
47. Application submission requirements for sketch plan have been met;
48. Percolation test data were collected on each of the proposed lots on August 17, 2023. Percolation rates ranged from 10 mpi to 40 mpi;
49. Excavation cuts were made on each of the proposed lots on August 14, 2023 to a depth of 10' feet. No groundwater or impermeable layers were

- discovered;
50. Conventional septic systems will likely be sufficient should this subdivision be approved and development occur;
  51. Wastewater requirements pertaining to sketch plan review have been met;
  52. Domestic water will be provided by individual on-site wells to be permitted and approved by the Wyoming State Engineer's Office;
  53. A water analysis from a well within ½ mile of the proposed subdivision is required from the applicant, or if one is not available, a note on the final plat regarding the potential for cisterns will be required;
  54. Domestic water requirements pertaining to sketch plan review have not been met;
  55. The applicants have not proposed any changes expected to impact neighboring agricultural activities. The applicant will be required to comply with the recommendations of County Weed and Pest regarding the control of weeds. The subdivision, with existing and future residential uses, is not expected to cause further disturbances of weed development, pests and litter or domestic pets;
  56. This parcel is not located in an Agricultural Overlay District;
  57. Agricultural impacts have been addressed;
  58. The proposed subdivision is within the Shoshone Irrigation District; a water distribution plan is required and has been reviewed by the District;
  59. No stream or river is within or adjacent to the proposed subdivision;
  60. The water rights will be removed from proposed Lots 2 and 3, however they will be moved to proposed Lot 1, therefore all existing water rights on the property will be retained within the subdivision. This will require petition to and approval of the State Engineer's Office to move the water rights within the property;
  61. All water rights requirements pertaining to sketch plan have been met, except approval is required from the State Engineer's Office to move the existing water rights within the property;
  62. Electric service is not yet adjacent to each lot;
  63. Natural gas is available from an existing gas main;
  64. Utility requirements pertaining to sketch plan have been met, with the exception that power service is not adjacent to each lot; therefore, a Subdivision Improvements Agreement will be required;
  65. Proposed Lot 1 has two sections of frontage to County Road 12; one 40.01' section and one 75.02' section of frontage;
  66. Lot standards have been met;
  67. Common maintenance of facilities is not proposed;

68. No sidewalks, street lighting, alleys, or open spaces are proposed;
69. An HOA will not be required unless common facilities maintained by lot owners are proposed;
70. 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;
71. 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);
72. The subdivision is not within any Overlay District;
73. The proposed subdivision has been designed to retain the majority of productive ag lands;
74. No open spaces, natural areas, schools, or parks are proposed or required; and
75. All approval standards requirements pertaining to sketch plan review have been 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 Christianson Minor Subdivision-78 (MS-78), 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 an approved Long-Term Noxious Weed Management Plan to the Planning and Zoning Department, prior to final plat review by the Board of County Commissioners;
3. The applicants shall provide a letter of approval from the State Engineer's Office regarding the movement of water rights within the property, to the Planning & Zoning Department, prior to final plat review by the Board of County Commissioners;
4. The applicants shall provide a Water Distribution Plan that has been approved



by the Shoshone Irrigation District to the Planning and Zoning Department, prior to final plat review by the Board of County Commissioners;

5. The applicants shall place the following condition on the final plat: "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 the Park County Public Works Department";
6. Prior to final plat review by the Board of County Commissioners, the applicants shall provide water test results from a well within 1/2 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"**;
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. 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, if applicable, addressing all applicable required improvements (ie. 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 notice of the Wyoming Right to Farm and Ranch Act of 1991; and
11. 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 14<sup>th</sup> day of February, 2024.

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

**ATTEST:**



Duncan Bonine, Chairman



Erika Decker, Secretary

**RESOLUTION 2024 - 07  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE DIAMOND SPEAR PIT  
SPECIAL USE PERMIT-256 (SUP-256)**

**WHEREAS**, Diamond Spear, LLC, with consent of the landowner Anthony Jolovich, submitted a Special Use Permit Application requesting review and approval of a Special Use Permit to operate a gravel mining pit. The applicant, or other private gravel mining companies and/or governmental agencies will operate the mine;

**WHEREAS**, the property is located on an unaddressed parcel approximately seven miles northeast of Cody, north of County Lane 18, on the east side of Highway 14A;

**WHEREAS**, this project is defined by Park County Development Standards and Regulations as a rock products mine, large: Removal of sand, gravel, rock, limestone, and topsoil for use or sale off site exceeding 2,000 cubic yards per year, including washing, screening, crushing, and other processing of material produced on-site; includes locations where material produced off-site is processed (washed, screened, crushed, processed and/or made into asphalt). Irrigation Districts and unorganized ditches are exempt for topsoil and sand removal for use or sale off site;

**WHEREAS**, the application and supporting documents are in substantial compliance with Park County Development Standards and Regulations pertaining to special use permits;

**WHEREAS**, the applicant submitted a statement on how compatibility can be achieved as required for a Special Use Permit – the proposed use will result in minimal noise and visual impacts, and is consistent with surrounding uses in this area, and adequate services and infrastructure are available, or will be made available, to serve the use;

**WHEREAS**, the Planning & Zoning Commission held a duly noticed public hearing on February 14, 2024, to consider the Special Use Permit application and made findings as follows:

1. A Special Use Permit Application, including payment, a Site Plan, a plat showing access easement and pit location, and an Application Letter, was received on December 29, 2023. Additional correspondence was submitted by the applicant thereafter to supplement the application material;
2. The application was signed by Anthony J. Jolovich, as the landowner;
3. The applicant requests approval of a Special Use Permit and Site Plan Review to operate a gravel mining pit;
4. The applicant, or other private gravel mining companies and/or governmental agencies, will operate on approximately 14.99-acres of a 157.56-acre parcel. The gravel pit is proposed to be operational intermittently throughout the year as needed, between the hours of 7am and 7pm;

5. Applicable regulations are the *Park County, Wyoming, 2015 Development Standards and Regulations*, adopted September 15, 2015;
6. The use is classified as a rock products mine, large;
7. Ownership is affirmed by Warranty Deed dated November 7, 2006 to Anthony J. Jolovich, as sole owner (Document #2006-9139);
8. The property is described as that portion of Lot 26 lying east of the centerline of the Cody-Powell Highway, Lot 39-J, Lot 39-L, Lot 39-F, Lot 39-G, and Lot 30, Resurvey, all in Section 30 of Township 54 North, Range 100 West, 6<sup>th</sup> P.M., Park County Wyoming;
9. The proposed use is located approximately 7 miles northeast of Cody, north of County Lane 18, on the east side of Highway 14A on an unaddressed property;
10. The western leg of the property is within a General Rural 5-acre (GR-5) zoning district, but the use will primarily operate on the portion of the property within a General Rural 20-acre (GR-20) zoning district;
11. Large Rock Products Mine uses are permitted in both the General Rural 5-acre (GR-5) and the General Rural 20-acre (GR-20) zoning districts provided a Special Use Permit is approved;
12. Neighboring land uses are agricultural and residential on the north, west and south boundaries of the property. The Shoshone River and exempt, Bureau of Reclamation lands bound the property to the east;
13. The M Bar W LLC Large Rock Products Mine is located directly west of the proposed gravel pit and the Park County Road & Bridge Large Rock Products Mine is just southwest of the property. Both mining operations appear to be inactive and the special use permits have expired;
14. The majority of the property is unirrigated, vacant dryland. Portions of the west leg of the property are currently irrigated, productive farmland. Floodplain exists on a small portion on the north end of the property, and on the eastern boundary along the river, but it will not be impacted by the proposed use;
15. The topography of the project site has little change in elevation, however just to the east of the site, the land slopes steeply downward to the river;
16. Legal notice requirements have been met, including notice to property owners within 660 ft. of the property boundary;
17. The application was forwarded to relevant agencies as required;
18. Wyoming Game & Fish has confirmed the project is located outside of habitat designated as sage-grouse core area and is not within the 2-mile buffer of a non-core, occupied, sage-grouse lek. The project, as proposed, is in compliance with the SGEO;
19. The project is located outside of habitat designated as a big game migration corridor. The project, as proposed is in compliance with the MCEO;

20. Wyoming Game & Fish confirmed the proposed gravel pit is located entirely within crucial deer winter range and recommends avoiding human activity in designated Elk, Moose, Bighorn Sheep, Mule Deer, or Pronghorn crucial winter range (CRUWIN) and crucial winter-yearlong (CRUWYL) from November 15<sup>th</sup> – April 30<sup>th</sup>;
21. WYDOT has granted a commercial highway access permit to the applicant for gravel pit related activities;
22. Wyoming DEQ summarized the notifications, permits, and certificates required for various activities that may impact surface or groundwater;
23. Heart Mountain Irrigation District has reviewed the project proposal and the gravel pit operation should not affect any District infrastructure and no permits or agreements will be required based on the information provided to them;
24. The Park County Treasurer stated the property taxes have been paid in full for this parcel;
25. The Corbett Tunnel crosses the property and is crossed by the access road, however Shoshone Irrigation District has reviewed the project proposal and has no concern at this time with the project;
26. Soil features are moderately favorable to support vegetation plantings in temporary disturbance areas and for reclamation;
27. Soil features are moderately favorable for shallow excavations and unpaved local roads and streets. Limiting features include unstable excavation walls, excessive dust and frost action;
28. The Cody Conservation District recommends the applicant take erosion control measures during ground disturbing activities to prevent runoff from entering the River, including a vegetated buffer of at least 100' along the eastern boundary of the project site;
29. The Wyoming Department of Fire Prevention and Electrical Safety will require review of plans for fuel storage and containment, if applicable. At this time the applicant does not plan to store fuel onsite;
30. Park County Weed & Pest will require a Long-Term Noxious Weed Management Plan;
31. The 2800' section of existing driveway extending from Highway 14A to the proposed gravel pit shall be improved with a 6" thick gravel surface that has a minimum travel surface width of 20' to ensure all weather access while minimizing dust emissions. The gravel surface shall be established within 2-years of the issuance date of the Special Use Permit;
32. A drainage and erosion control plan shall be submitted to Wyoming DEQ for review and approval. A copy of the site drainage and erosion control plan shall be submitted to Park County Public Works for future reference;
33. The site plan submitted as part of the application indicates two high powered transmission lines extending over and across the subject property to be developed.

- A total of three (3) large poles that support the transmission lines are situated within the designated mining area as indicated on the site plan;
34. The applicant will need to provide additional information from the power companies or a Wyoming licensed professional engineer determining the minimum separation distance from all excavation/mining operations from the power poles that will adequately protect the structural integrity of the poles;
  35. Any and all improvements shall comply with the latest edition of the *Park County Development Standards and Regulations*, including but not limited to requirements pertaining to setbacks, Right-of-Way (ROW) permitting, and addressing;
  36. Park County Fire District #2 has not provided a response;
  37. Rocky Mountain Power has not provided a response;
  38. Two written public comments were received: one from a nearby resident expressing concern about noise and disturbance to neighboring residences and wildlife, fugitive dust and signage for safety reasons at the ingress and egress points to Highway 14A; and another from an adjacent landowner expressing support of the project, but requesting restrictions on approval to address limited days and hours of operation, dust control, 5-year permit expiration and pit reclamation within one year of the SUP expiration;
  39. The applicant made a statement of how compatibility will be achieved;
  40. The use will require permitting from the Wyoming Department of Environmental Quality for the mining operation;
  41. Two other gravel pits operated within one mile of the project site in the past;
  42. The operation includes mining and processing sand and gravel products. No permanent buildings will be constructed. Activities will include the operation of heavy machinery to mine, move, crush and haul raw materials on-site and haul processed sand and gravel out of the project location;
  43. Operations will be intermittent throughout the year. Daily hours of operation are proposed to be 7:00a.m. to 7:00p.m., and limited to daylight hours, when activities are taking place;
  44. The crushing and mining operations will take place below the elevation of the surrounding properties, so that noise will be buffered by the walls of the pit, to mitigate noise impacts;
  45. Dust will be controlled by the application of water and minimized on haul roads by virtue of crushed base surfacing;
  46. Sewage and wastewater will be disposed of by rental of portable, commercial toilet facilities and will be located in an area that is not visible to neighboring lands;
  47. No utilities will be required for the use. Two high voltage power lines cross the project area and the applicant has applied for encroachment permits from the utilities;
  48. Solid waste will be stored in on-site trash containers and disposed of through private waste disposal companies;

49. The applicant intends to reclaim the area as the mined materials are depleted to provide improved plant growth, grazing and wildlife habitat;
50. No new buildings or structures are proposed;
51. No covenants are proposed or existing;
52. No on-site lighting is proposed;
53. There are no known nonconformities on the property;
54. No nuisances have been reported at this location;
55. A soils report has been provided from the conservation district;
56. Access is proposed from State Highway 14A. The applicant has obtained a commercial access permit to serve the use from WYDOT;
57. Water will be provided by haul truck for dust suppression purposes;
58. For purposes of considering parking to serve the use, no structures/floor area are proposed; however, the applicant has stated that parking will be available within the project area;
59. The applicant has proposed a portable toilet to serve the use and will be required to properly anchor the portable toilet and have it serviced regularly, as recommended by the service provider;
60. Utilities are not necessary to serve the use;
61. Signs are proposed and will be required to be permitted by the County;
62. Solid waste disposal services are available through private companies;
63. Adequate utilities, public services and infrastructure appear to be available for the proposed use;
64. No specific criteria are identified for this use;
65. The project area is not within the Flood Overlay, however a portion of the property is within mapped floodplain. No development is proposed within the floodplain and development is not allowed in the floodplain without first obtaining a Floodplain Development Permit;
66. The proposed use is in an Agricultural Overlay District;
67. No aspects of the proposed use are expected to impact surrounding agricultural uses;
68. The proposed use should not be negatively impacted by agricultural practices in the vicinity;
69. The project is proposed on a marginal area of agricultural land. The portion of the property that is in ag production will remain in ag production;
70. Site plan review is required for this use.
71. No hazardous substances are expected to be produced, stored, or handled on this property;

72. Wyoming DEQ Water Quality Division will review the project and address any potential impact on lakes, reservoirs, or streams;
73. The use is not expected to impact any federal wetlands;
74. A runoff and erosion control plan will be required;
75. Air quality permits may be required by Wyoming DEQ;
76. Nuisance regulations shall apply;
77. The applicant is not proposing construction of buildings along any highways;
78. The applicant has met the requirements for site plan review and site plan standards have been adequately addressed and met;
79. The proposed use is in the Cody Local Planning Area, therefore special site plan review is not required;
80. The noise generated by the crushing operation will be impactful to neighboring properties and therefore hours and days should be further limited;
81. The recommendation from the Wyoming Game & Fish Department regarding avoidance of human activity between November 15<sup>th</sup> and April 30<sup>th</sup> of each year is too restrictive for this type operation and should not be a requirement of approval;
82. During the public hearing, Brian Edwards, County Engineer stated that he is familiar with DEQ permitting requirements. He believes that requiring road improvements – to abate dust and for other reasons – is a good idea;
83. During the public hearing, two neighboring property owners expressed concerns that the use would create nuisances including, but not limited to, dust and noise from rock crushing equipment, traffic and trucks. The individuals were concerned that the use would be allowed to operate for an excessive number of hours per day, and for an excessive number of days per week; and
84. During the public hearing, another neighboring property owner indicated that he was in favor of the use provided certain conditions are met, including, but not limited to:
  - Limit operations to Monday through Friday, not on holidays, and during certain hours of the day;
  - Limit time allowed for crushing operations more than the time allowed for general operations;
  - Require a dust control condition, in particular for the access road which is not regulated by DEQ;
  - Permit expiration at five years with the option to extend another five years;
  - Require reclamation once the use is discontinued; and
  - Expire the permit upon transfer of ownership.

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



**WHEREAS**, the Planning & Zoning Commission concludes the following:

1. The use is in harmony and compatible with surrounding land uses and with the neighborhood and will not create a substantial adverse impact on adjacent properties with conditions;
2. Adequate services and infrastructure are available to serve the use, or adequate services and infrastructure will be provided;
3. The use complies with all specific criteria stated in these regulations for the use;
4. The use complies with additional requirements of overlay districts, if applicable.

**NOW, THEREFORE, BE IT RESOLVED** having heard and weighed the evidence, the Planning & Zoning Commission hereby recommends approval of the special use permit for the Diamond Spear Pit Special Use Permit-256 subject to the following conditions:

1. Park County noise, lighting, and other nuisance regulations shall apply;
2. The applicant shall submit a written response from Park County Fire District #2, prior to review by the Board of County Commissioners;
3. The applicant shall provide evidence they have obtained all required permits (or written confirmation that permits are not needed) from the Land, Air, and Water Quality Divisions of the Wyoming DEQ, to the Planning & Zoning Department, prior to commencement of the use;
4. The applicant may have one (1) portable toilet onsite to serve the use;
5. The applicant shall anchor the portable toilet, have it serviced regularly, and screen it or place it in an area that naturally screens it from view;
6. The applicant shall improve and maintain the existing driveway extending from Highway 14A to the gravel pit operation with a six-inch-thick gravel surface that has a minimum travel surface width of 20 feet prior to commencement of the use;
7. The applicant shall provide a drainage and erosion control plan that has been approved by Wyoming DEQ, to Park County Public Works, prior to commencement of the use;
8. The applicant shall provide evidence of encroachment permits from the utility companies for the high voltage power line easements, to the Planning & Zoning Department, prior to commencement of the use;
9. The applicant shall provide written documentation from the utility companies that own the high voltage power lines, or from a Wyoming licensed professional engineer, stating the minimum separation distance between all excavation and mining operations and the power poles/lines;
10. Prior to construction and commencement of the use, the applicant will be required to obtain any necessary permits for signs from the Park County Planning & Zoning Department;

11. The applicant shall provide an approved Long-Term Noxious Weed Management Plan to the Planning & Zoning Department, prior to review by the Board of County Commissioners;
12. Hours of crushing and screening operations shall be limited to daylight hours, not to exceed 8am to 5pm, Monday through Friday, excluding federal holidays;
13. Hours of general operations shall be limited to daylight hours, not to exceed 7am to 7pm, Monday through Friday, excluding federal holidays;
14. This Special Use Permit, should it be approved by the Board of County Commissioners, shall expire seven (7) years from date of approval; and
15. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

**ADOPTED** by the Planning & Zoning Commission this 14<sup>th</sup> day of February, 2024.

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

**ATTEST:**

  
\_\_\_\_\_  
Duncan Bonine, Chairman

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

**RESOLUTION 2024 - 08  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE MILLBORN SEEDS  
SPECIAL USE PERMIT-257 (SUP-257)**

**WHEREAS**, Millborn Seeds, Inc., with consent of the landowner Jack Creek Land Company, LLC, submitted a Special Use Permit Application requesting review and approval of a Special Use Permit to operate a seed cleaning and packaging facility;

**WHEREAS**, the property is located on an unaddressed parcel approximately 10 miles west of Powell, and ½ mile east of the intersection of County Road 20 and County Lane 10, on the north side of County Lane 10;

**WHEREAS**, this project is defined by Park County Development Standards and Regulations as a Value-Added Agricultural Business: Business or industry converting agricultural products into more finished products;

**WHEREAS**, the application and supporting documents are in substantial compliance with Park County Development Standards and Regulations pertaining to special use permits;

**WHEREAS**, the applicant submitted a statement on how compatibility can be achieved as required for a Special Use Permit – the proposed use will result in minimal noise and visual impacts, and is consistent with surrounding uses in this area, and adequate services and infrastructure are available, or will be made available, to serve the use;

**WHEREAS**, the Planning & Zoning Commission held a duly noticed public hearing on February 14, 2024, to consider the Special Use Permit application and made findings as follows:

1. A Special Use Permit Application, including payment, a Site Plan, a plat showing A Special Use Permit Application, including payment, an application letter, a Site Plan, and a Building Plan, was received from Millborn Seeds, on January 8, 2024;
2. A revised application, application narrative letter, building floor plan and site plan were received on January 24, 2024 due to minor changes in the proposed facility and the addition of a separate office building;
3. The applicant requests approval of a Special Use Permit to operate a seed cleaning and packaging facility;
4. The applicant will operate on approximately seven acres of a 101.39-acre parcel in a 9,600-sq. ft. building, consisting of a 1,600-sq. ft. receiving facility, a 3,200-sq. ft. production area, and a 4,800-sq. ft. flat storage space for seed that is fully processed before it is shipped out of the facility by truck. A separate 1,500-sq. ft. office building is also proposed;
5. Applicable regulations are the *Park County, Wyoming, 2015 Development Standards and Regulations*, adopted September 15, 2015;

6. The use is classified as a Value-Added Agricultural Business;
7. Ownership is affirmed by Warranty Deed dated December 15, 2023 to Jack Creek Land Company, LLC, a Wyoming limited liability company (Document #2024-29);
8. The proposed use is located on a 101.39-acre parcel within that part of Farm Unit "F", according to the Farm Unit Plat, Lot 7, Section 14, T55N, R101W, 6<sup>th</sup> P.M., Park County, Wyoming;
9. The proposed use is located approximately 10 miles west of Powell, and ½ mile east of the intersection of County Road 20 and County Lane 10, on the north side of County Lane 10. The property is currently unaddressed;
10. The property is in a General Rural Powell (GR-P) zoning district;
11. Value-added agricultural business uses are permitted in the General Rural Powell (GR-P) zoning district provided a Special Use Permit is approved;
12. Neighboring land uses are agricultural and residential;
13. The property is currently irrigated, productive farmland. The topography of the property and the surrounding area has little change in elevation;
14. Legal notice requirements have been met, including notice to property owners within 660 feet of the property boundary;
15. The application was forwarded to relevant agencies as required;
16. Black Hills Energy can serve the project from either a 2" PE running east-west or a 2" PE running north-south along Lane 10 and Road 21 respectively. They will need to verify sufficient volume, when estimated loads are known or proposed and a signed agreement and payment will be required prior to the start of construction;
17. Montana Dakota Utilities Company responded that they do not provide services in this area;
18. Heart Mountain Irrigation District stated an adequate culvert will be required at the access point from Lane 10, so that the course of the water in the community return flow ditch crossed will not be obstructed;
19. If the landowner/contractor/lease holder damages a Heart Mountain Irrigation District underground clay drain, costs for repair will be the responsibility of the landowner and the District will need to be notified and a Crossing Agreement initiated;
20. Park County Fire District 1, along with the Powell Volunteer Fire Department can provide fire suppression services to the proposed project, provided sufficient access for their fire apparatus exists;
21. Garland Light & Power has formulated a plan to build power service for this project;
22. Heart Mountain Water Well Services anticipates finding well water on the property, however they cannot guarantee the depth of the aquifer or GPM the well will produce;
23. Wyoming DEQ summarized the notifications, permits, and certificates required for various activities that may impact surface or groundwater;

24. Wyoming Game & Fish Department is managing to reduce elk damage to agriculture and are beginning to experience pronghorn damage within the project area;
25. The Wyoming Department of Fire Prevention and Electrical Safety will require review and approval of building and electrical plans prior to the start of construction;
26. The Park County Treasurer stated the property taxes have been paid in full for this parcel;
27. Park County Weed & Pest will not require a Long-Term Noxious Weed Management Plan; however, they do recommend the applicant follow *Best Management Practices for Controlling the Spread of Noxious Weeds*;
28. Park County Public Works can issue an address once all appropriate building permits have been issued by the Planning & Zoning Department;
29. The additional traffic generated by the proposed use is not expected to result in a change in classification of Lane 10;
30. Any new access shall comply with Park County Road & Bridge Standards and shall require a Right of Way permit from Park County Public Works;
31. The Air Quality Division of Wyoming DEQ should be contacted to verify any permitting requirements;
32. A drainage and erosion control plan, prepared by a Wyoming licensed professional engineer will be required and shall be submitted to the Park County Public Works Department for review and approval, prior to issuance of any building permits by the Planning & Zoning Department;
33. Park County Public Works is not requiring a geotechnical report;
34. Parking will not be allowed within the County ROW and designated parking and staging areas shall include a crushed gravel surface or paving to ensure all weather access and to control fugitive dust emissions;
35. All improvements shall comply with the Park County Development Standards and Regulations, including but not limited to required setbacks, right-of-way permitting and addressing;
36. No public comments have been received;
37. The applicant made a statement of how compatibility will be achieved;
38. The Project is being built in an agricultural area, which compliments the area's adjacent use;
39. Business hours will be Monday through Friday, 8am to 5pm. The seed cleaning facility will operate from July through March. For the remainder of the year, operations will include warehousing and shipping of the packaged the seed from the facility. The facility is capable of handling 2 million pounds of product each year;
40. The applicant anticipates hiring 2-3 full-time employees and 2-3 part-time employees for operation of the facility;

41. A well will be drilled for domestic water and a septic system will be installed for use by the employees and any customers;
42. An equipment-interlocked central dust collection system will ensure the facility remains free from dust and particulates;
43. A total of 28 parking spaces are proposed for the use.
44. The applicant anticipates 70 inbound and outbound truckloads of product from July through March, annually. This material is already being handled by truck traffic in and around the county and the construction of this facility should reduce the distance this material is being transported before being cleaned and processed, and will provide added value to farmers in the area;
45. Trucks will be unloaded in a 20' x 80' receiving area on the south side of the facility. There will not be any stockpiles of seed or bulk storage for uncleaned seed outside of the indoor facility;
46. The facility will be 150' from the center of the County Lane 10;
47. No covenants are proposed or existing;
48. Dusk to dawn lights will be installed next to all exterior doors of the building, so lighting will be on every side of the seed cleaning facility, except the south side. The office building will also feature dusk to dawn lights on the north and south sides of the structure. These lights will be shielded and down-directed. Lighting will also be installed in parking areas;
49. There are no known nonconformities on the property;
50. No nuisances have been reported at this location;
51. A soils report has been received;
52. All factors relating to compatibility and impacts of the use have been sufficiently addressed, with the exception of a soils report, and suggest that the proposed use will be in harmony and compatible with surrounding land uses and with the neighborhood and will not create a substantial adverse impact on adjacent properties.
53. Access is proposed from County Lane 10;
54. A new water well is proposed to serve domestic water for the use;
55. A well water sample from a nearby well, if available, should be submitted for analysis to confirm water quality in the area;
56. The seed cleaning facility will be 9,600 sq. ft. requiring twenty-four parking stalls. The office building will be 1,500 sq. ft. requiring four parking stalls, for a total of twenty-eight parking stalls to serve the proposed project;
57. Twenty-eight parking spaces are shown on the site plan and adequate parking space exists;
58. Prior to construction and commencement of the use, the applicant will be required to obtain the proper permits for a small wastewater system from Park County Planning & Zoning;

59. Based on data obtained from other nearby small wastewater system permits, soils will likely adequately support a conventional system for the use. However, evidence of high groundwater exists, therefore the applicant should conduct site specific testing during irrigation season and if high groundwater is found, an engineered septic system may be required;
60. Electricity will be provided by Garland Light & Power;
61. Natural gas will be provided by Black Hills Energy;
62. Signs are proposed and will be required to be permitted by the County;
63. Solid waste disposal services are available through private companies;
64. Adequate utilities, public services and infrastructure appear to be available for the proposed use, with the exception of confirmation of domestic water quality from a neighboring well;
65. No specific criteria are identified for this use;
66. The proposed use is in an Agricultural Overlay District;
67. No aspects of the proposed use are expected to impact surrounding agricultural uses;
68. The proposed use should not be negatively impacted by agricultural practices in the vicinity;
69. The project is proposed on a marginal area of productive farmland. The majority of the parcel will remain in ag production;
70. Site plan review is required for this use.
71. No hazardous substances are expected to be produced, stored, or handled on this property;
72. The use is not expected to impact any lakes, reservoirs, or streams;
73. The use is not expected to impact any federal wetlands;
74. A runoff and erosion control plan is required;
75. No impacts to air quality are expected by this development;
76. Nuisance regulations shall apply;
77. The applicant is not proposing construction of buildings along any highways;
78. The applicant has met all requirements for site plan review and all site plan standards have been adequately addressed and met, with the exception of proving adequacy of water;
79. The proposed use is in the Cody/Powell Rural Planning Area, therefore special site plan review is not required;
80. During the public hearing, Mary McKinney from Park County Weed & Pest clarified that best management practices in this instance include attention to appropriate bare ground weed control and landscaping. She also stated that the weeds found during her inspection were found along the road;

81. During the public hearing, Tyler Schrader with Millborn Seeds stated that he is working on getting a water sample to a laboratory for analysis; and
82. During the public hearing, a member of the public stated that this facility would be a great asset for area farmers. He encouraged the Planning & Zoning Commission to recommend approval.

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

**WHEREAS**, the Planning & Zoning Commission concludes the following:

1. The use is in harmony and compatible with surrounding land uses and with the neighborhood and will not create a substantial adverse impact on adjacent properties with conditions;
2. Adequate services and infrastructure are available to serve the use, or adequate services and infrastructure will be provided;
3. The use complies with all specific criteria stated in these regulations for the use;
4. The use complies with additional requirements of overlay districts, if applicable.

**NOW, THEREFORE, BE IT RESOLVED** having heard and weighed the evidence, the Planning & Zoning Commission hereby recommends approval of the special use permit for the Millborn Seeds Special Use Permit-257 subject to the following conditions:

1. Park County noise, lighting, and other nuisance regulations shall apply;
2. The applicant shall provide well water sample results from a nearby well, if available, to evidence adequate water quality to the Planning & Zoning Department, prior to review by the Board of County Commissioners;
3. Prior to construction and commencement of the use, the applicant will be required to obtain the proper permits for a small wastewater system from the Park County Planning & Zoning Department;
4. Prior to construction and commencement of the use, the applicant will be required to obtain the proper permits for all structures and signs from the Park County Planning & Zoning Department;
5. The applicant shall contact Wyoming DEQ Air Quality Division to verify permitting requirements, prior to review by the Board of County Commissioners;
6. Prior to construction and commencement of the use, the applicant will be required to obtain the proper permits for a right of way and access from the Park County Public Works Department;
7. Prior to construction and commencement of the use, and prior to issuance of building permits by the Planning & Zoning Department, the applicant will be required to obtain



approval of a drainage and erosion control plan from the Park County Public Works Department;

8. Prior to construction and commencement of the use, the applicant shall obtain approval from the Wyoming Department of Fire Prevention and Electrical Safety of building and electrical plans; and
9. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

**ADOPTED** by the Planning & Zoning Commission this 14<sup>th</sup> day of February, 2024.

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

**ATTEST:**



Duncan Bonine, Chairman



Erika Decker, Secretary

**RESOLUTION 2024 - 09  
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO DENY DOG HOUSE INN  
SPECIAL USE PERMIT-258 (SUP-258)**

**WHEREAS**, Stephen Dallman, submitted a Special Use Permit Application requesting review and approval of a Special Use Permit to operate a dog and cat boarding facility;

**WHEREAS**, the property is located approximately 4.5 miles northeast of Cody, on the west side of Highway 14A, north of County Lane 20 and is addressed as 3 Lane 20, Cody;

**WHEREAS**, this project is defined by Park County Development Standards and Regulations as a Cottage industry: A business located in the proprietor's home or out of other buildings on the same parcel as the proprietor's home with no more than 5,000 square feet of building floor area devoted to the business and no more than five (5) non-resident employees. Dog boarding/kenneling is considered a cottage industry;

**WHEREAS**, the application and supporting documents are in substantial compliance with Park County Development Standards and Regulations pertaining to special use permits;

**WHEREAS**, the applicant submitted a statement on how compatibility can be achieved as required for a Special Use Permit – the proposed use will result in minimal noise and visual impacts, and is consistent with surrounding uses in this area, and adequate services and infrastructure are available, or will be made available, to serve the use;

**WHEREAS**, the Planning & Zoning Commission held a duly noticed public hearing on February 14, 2024, to consider the Special Use Permit application and made findings as follows:

1. A Special Use Permit Application, including payment, a Site Plan, a Floor Plan, and narrative, was received on January 10, 2024;
2. Additional information was provided as requested by staff and a revised site plan changing the access point and parking locations was submitted on January 31, 2024;
3. The applicant requests approval of a Special Use Permit to operate a dog and cat boarding facility;
4. The facility will operate on approximately 0.25 acres of a 5.61-acre parcel in a 2,160-square-foot building and a 3,240-square-foot outdoor courtyard area. The kennel will be operational year-round, between the hours of 7am and 9pm;

5. Applicable regulations are the *Park County, Wyoming, 2015 Development Standards and Regulations*, adopted September 15, 2015;
6. The use is classified as a Cottage Industry;
7. Ownership is affirmed by Personal Representative's Deed, dated September 6, 2011, to Stephen L. Dallman, as sole owner (Document #2011-5065);
8. The property is within Lot 2 of Tract 54, Township 53 North, Range 101 West, 6<sup>th</sup> P.M., Park County Wyoming;
9. The proposed use is located approximately 4.5 miles northeast of Cody, on the west side of Highway 14A, north of County Lane 20 and is addressed as 3 Lane 20, Cody;
10. The property is within a General Rural 5-acre (GR-5) zoning district;
11. Cottage Industry uses are permitted in the General Rural 5-acre (GR-5) zoning district provided a Special Use Permit is approved;
12. Neighboring land uses are primarily a combination of residential and residential vacant;
13. The United Pentecostal Church is across the highway on the east side of the property, and was initially permitted as an Institutional use in 1974; however, due to a new sanctuary addition, it was permitted as a Major Community use in 2022. Heart Mountain Estates and Heart Mountain Estates No. 2 subdivisions are located on the east boundary, Shoshone River Estates is just to the southwest and the Locke Subdivision bounds the west side of the property;
14. The property is unirrigated, residential land. A permitted residence and two small wastewater systems exist on the property. The BNSF railroad runs along the western portion of the parcel and the right-of-way for the railroad is 100' from the track centerline;
15. The topography of the property is relatively flat;
16. Legal notice requirements have been met, including notice to property owners within 660 ft. of the property boundary;
17. The application was forwarded to relevant agencies as required;
18. Park County Fire District #2 can serve the property providing all roads and crossings are constructed to County Road and Bridge specifications for legal weight;
19. Northwest Rural Water District can serve the proposed project with the existing service in place, without any additional requirements;
20. Garland Light & Power can serve the proposed use;
21. A soils report prepared by the Cody Conservation District found the soils are rated moderately favorable for building development, vegetative plantings, and local roads and streets;

22. Careful consideration should be given to locating or enlarging septic tank absorption fields. Soil properties for the project area include slow water movement, complicating the functionality of septic systems with absorption fields. Additional planning and design are likely necessary if alterations to existing septic systems are included in the project;
23. Soil features are not very susceptible to wind erosion;
24. Wyoming DEQ summarized the notifications, permits, and certificates required for various activities that may impact surface or groundwater;
25. Wyoming Department of Fire Prevention and Electrical Safety will require review of formal building and electrical plans for the project;
26. Heart Mountain Irrigation District has reviewed the project proposal and the project should not affect any District infrastructure or easements and no permits or agreements will be required based on the information provided to them;
27. The Park County Treasurer stated the first half of property taxes have been paid and the second half will be due in May;
28. WYDOT will not grant an access to US Highway 14A for this location;
29. BNSF claims a right-of-way of 100' from the railroad track centerline as provided for under the 1900 Act of Congress;
30. Any proposed permanent structures, fencing, parking or access driveways shall be located outside the BNSF easement unless documentation of specific approval from BNSF is provided to Park County Public Works by the Applicant;
31. Park County Public Works will require a Right-of-Way Permit and construction of an access from County Lane 20, if a new access outside of the BNSF right-of-way is necessary;
32. The County will want to maintain the maximum distance possible to any access from the intersection of Lane 20 and Highway 14A, while staying outside the BNSF railroad easement;
33. The proposed use will likely increase traffic on County Lane 20. However, the proposed use will not result in change in roadway classification;
34. Neither a drainage and erosion control plan or a geotechnical report will be required;
35. Parking will not be allowed within the County ROW;
36. All improvements shall comply with the Park County Development Standards and Regulations, including but not limited to required setbacks, right-of-way permitting and addressing;
37. Wyoming Game & Fish have no terrestrial wildlife comments regarding the project;
38. Park County Weed & Pest is not requiring a Long-Term Noxious Weed Management Plan;

39. Two written public comments have been received;
40. A nearby landowner expressed concern over potential noise that will be generated by barking dogs if the proposed kennel is approved;
41. An adjacent landowner wrote in opposition to the proposed kennel due to noise, concerns regarding maintenance of the property and irrigation ditches, and they feel the location is not appropriate for the type of use;
42. The applicant made a statement of how compatibility will be achieved;
43. The facility consists of 20 dog kennels (16 will be indoor/outdoor and 4 will be indoor-only) and 6 indoor-only cat crates;
44. Dog and cat boarding will be offered, as well as dog daycare services. Short walks and leash training will be offered to dogs that are boarding or in daycare;
45. The kennel will be operated by the Dallman family, residents of the property;
46. Pick-up and drop-off hours for customers will be 7am – 12pm and 4pm – 7pm, Monday through Friday and 7am – 10am and 4pm – 6pm on Saturday and Sunday;
47. Dogs will have outdoor access to the courtyard area no earlier than 7am and no later than 9pm daily;
48. The outdoor courtyard area will be entirely enclosed in 7' privacy fence and will be constructed to be jump and dig proof;
49. The kennels and courtyard area will be cleaned several times daily and dog waste will be disposed of in a contained dumpster on-site;
50. 10 parking spaces are shown on the site plan. Additional room for parking is also available;
51. The steel kennel building will be well insulated and ventilated and will be positioned to not impact vision of traffic turning on the highway;
52. The building as shown on the revised site plan, appears to be set back a distance greater than 20 feet from the county road right-of-way;
53. No covenants are proposed or existing;
54. Security motion detector lighting is proposed on all four corners of the building as well as yard lights by all four entrances. The applicant stated it will be down-directed and shielded;
55. There are no known nonconformities on the property;
56. No nuisances have been reported at this location;
57. A soils report has been provided from the conservation district;
58. Access is proposed from County Lane 20. The applicant may need to obtain a ROW permit from the County Public Works Department and construct a new access;
59. Domestic water will be provided by an existing NRWD water tap;

60. The applicant is proposing 10 parking spaces to serve the use which exceeds the required standard;
61. The applicant plans to use an existing, on-site permitted septic system. Wyoming DEQ will co-review with staff to determine if the existing system is adequate to serve the proposed use. If a new system or upgrades to the existing system is necessary, the applicant will be required to install what DEQ has prescribed, prior to commencement of the use;
62. The necessary utilities are available to serve the use;
63. Any signage will require review and permitting by the Planning & Zoning Department, and WYDOT, if necessary;
64. Solid waste disposal services are available through private companies;
65. Adequate utilities, public services and infrastructure appear to be available for the proposed use;
66. No specific criteria are identified for this use;
67. The project area is not within any Overlay District;
68. Site Plan Review is not required;
69. Five members of the public, who live near the proposed kennel, voiced the following concerns over traffic safety and noise generated by a kennel: 1) the access point is in close proximity to the intersection of the Highway and County Lane 20, a busy intersection where accidents have occurred in the past; 2) the railroad tracks further impact the intersection and during train traffic could cause vehicle traffic to backup; 3) the property is in a residential area and the neighboring lands will be negatively impacted by noise; and 4) safety of kenneled dogs due to the kennel being adjacent to the highway, busy County Road and railroad tracks; and
70. Upon review of the facts and hearing concern from neighboring landowners, the Commission finds the proposed use has significant safety issues due to the close proximity to a busy highway and railroad crossing, and finds the proposed use is not in harmony and compatible with surrounding land uses and the neighborhood.

**WHEREAS**, the Planning & Zoning Commission concludes the Special Use Permit Application is consistent with the goals and policies of the *Park County Land Use Plan*, but is not consistent with the standards and procedures of the *Park County, Wyoming 2015 Development Standards and Regulations*;

**WHEREAS**, the Planning & Zoning Commission concludes the following:

1. The use is not in harmony and compatible with surrounding land uses and with the neighborhood and would create a substantial adverse impact on adjacent properties;

2. Adequate services and infrastructure are available to serve the use, or adequate services and infrastructure will be provided;
3. No specific criteria apply to this use;
4. The use complies with additional requirements of overlay districts, if applicable.

**NOW, THEREFORE, BE IT RESOLVED** having heard and weighed the evidence, the Planning & Zoning Commission hereby recommends denial of the special use permit for the Dog House Inn SUP-258.

**ADOPTED** by the Planning & Zoning Commission this 14<sup>th</sup> day of February, 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

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### **PARK COUNTY PLANNING & ZONING COMMISSION** Meeting **1:00 P.M., Wednesday, February 14, 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, 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.

#### **APPROVAL OF MINUTES**

Approve minutes from the January 10, 2024, regular meeting.  
Approve minutes from the January 23, 2024, special meeting.

#### **REGULAR AGENDA**

[Park County Fire District #2 Sunlight Fire Station Addition SUP-255](#)

[Christianson MS-78 Sketch Plan](#)

[Diamond Spear Pit SUP-256](#)

[Millborn Seeds SUP-257](#)

[Dog House Inn SUP-258](#)

#### **OTHER BUSINESS**

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

#### **ADJOURN**



# PLEASE SIGN IN

## PLANNING and ZONING COMMISSION

### REGULAR MEETING

February 14, 2024

		Park County Fire District #2 Sunlight Fire Station Addition SUP-255	
		Christianson MS-78 Sketch Plan	
		Diamond Spear Pit SUP-256	
		Millborn Seeds SUP-257	
		Dog House Inn SUP-258	
	Please <b>PRINT</b> your name	Name of the <b>HEARING OF INTEREST</b>	DO YOU WISH TO SPEAK
1	Stephen + Alley Dullman	DOG HOUSE INN SUP	NO
2	Joseph W Childers	Christianson	
3	Tammy Cristagne	DOG HOUSE INN SUP	NO
4	Tyler Schroeder	Millborn Seeds	IF needed
5	Bill Ozbin	Dog House	if needed
6	Serry Parker	Station	
8	Lina & John Crick	Diamond Spear	NO
9	Brau Beck	Diamond Spear	IF needed
10	Travis Smith	Dog House Inn	yes
11	C. Bassett	Dog House Inn	no
12	LARRY Lambolt	Diamond Spear	IF needed
13	Miko Roberts	Dog House Inn	Yes
14	Julie Frisby	→	
15	Brian Dunck	Millborn Seed	yes
16	Mary McKinney	all	✓
17	Prudy Gustafson	Dog Boarding	-
18	Scott Gustafson	" "	no
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**PLEASE SIGN IN**  
**PLANNING and ZONING COMMISSION**  
**REGULAR MEETING**  
**February 14, 2024**

		Park County Fire District #2 Sunlight Fire Station Addition SUP-255	
		Christianson MS-78 Sketch Plan	
		Diamond Spear Pit SUP-256	
		Millborn Seeds SUP-257	
		Dog House Inn SUP-258	
	<b>Please PRINT your name</b>	<b>Name of the HEARING OF INTEREST</b>	<b>DO YOU WISH TO SPEAK</b>
1	Dave Shultz	Diamond Spear Pit	N
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