

1 **Planning & Zoning Commission Minutes**

2 March 13, 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 Guy Eastman
11 Randy Mair

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13 **Commission Members Absent:**

14 Kimberly Brandon-Wintermote

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16 **Staff Present:**

17 Joy Hill, Planning Director
18 Jenny Cramer, Planner I
19 Erika Decker, Office Assistant III
20 Mary McKinney, Weed and Pest

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22 Chairman Bonine opened the meeting at 1:00pm.

23
24 **APPROVAL OF MINUTES**

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26 Chairman Bonine asked the Commission for comments or changes to the February 14, 2024
27 meeting minutes. Commissioner Eastman made a MOTION to approve the minutes;
28 Commissioner Peters SECONDED the motion to approve the minutes as presented. All in favor.
29 Motion carried.

30
31 **CONSENT AGENDA**

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33 Chairman Bonine introduced the commission members and staff, acknowledged that a public
34 hearing was not required and addressed Consent Agenda item qualifications.

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

40
41 Commissioner Peters made a MOTION to approve the consent agenda. Commissioner Eastman
42 SECONDED the motion. All in favor. Motion carried. See Resolution 2024-10 attached hereto
43 and incorporated herein.

44
45 **JLSessions SS-319 Sketch Plan:** Lynn and Jim Sessions, on behalf of owner NDTCO, requests
46 approval of the application and Sketch Plan for the JLSessions Simple Subdivision (SS-319). The
47 proposed subdivision will create one 16.93-acre lot and one 16.94-acre lot, from a 33.87-acre
48 parcel for residential use. The proposed subdivision is within Lot 63-E, Resurvey, T55N, R98W
49 of the 6th P.M., Park County, WY. The unaddressed property is located in the Powell Planning
50 Area, approximately 1.7 miles east of the City of Powell on the east side of County Road 6,
51 approximately 1400 feet south of Highway 14A, in a General Rural - Powell (GR-P) zoning district.

52
53 Commissioner Peters read the conditions of approval (by Resolution 2024-10) for the JLSessions
54 SS-319 Sketch Plan:

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1. The applicants shall provide all easements as requested by applicable utilities and special districts, irrigation districts or public agencies providing services. The width of any utility easement shall be sufficient to allow adequate maintenance of the system, but in no case shall such utility easement be less than 20 feet in width. Easements must be identified on the final plat;
2. The applicants shall place the following note on the final plat: "Any proposed water wells on these subdivision lots shall be permitted by the Wyoming State Engineer's Office prior to installation";
3. Prior to final plat review with the Board of County Commissioners, the applicants shall provide a response from the Shoshone Irrigation District;
4. Prior to final plat review with the Board of County Commissioners, the applicants shall provide a formal response from Park County Public Works;
5. Prior to final plat review by the Board of County Commissioners, the applicants shall provide a response from Rocky Mountain Power;
6. Prior to final plat review by the Board of County Commissioners, the applicants shall complete a subsurface evaluation on the property and have the results sent to the Planning & Zoning Department;
7. The applicants shall place the following note on the final plat: "**NO WATER ANALYSIS WAS CONDUCTED AND THE AVAILABILITY AND QUALITY OF POTABLE WATER IS UNKNOWN. CISTERNS MAY BE REQUIRED**".
8. The applicants shall either provide a shared driveway maintenance agreement for Lot 1 and Lot 2, to be recorded with the final plat, or the applicant shall place a note on the Final Plat and state in the Notarized Disclosure Statement how maintenance of the shared driveway will be achieved by owners of Lot 1 and Lot 2;
9. 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);
10. If applicable, following Board approval of the sketch plan and prior to the Board's review of the final plat, the applicants shall submit an appropriate Subdivision Improvements Agreement addressing all applicable required improvements (e.g., fencing) for review by staff and approval of the County Attorney and the Board;
11. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991; and
12. The applicants shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306.

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REGULAR AGENDA

PUBLIC HEARING – Mountain View Meadows Subdivision Sketch Plan: Rusty Blough of Morrison-Maierle, on behalf of Dan and Sherri Willette, requests approval of the application and Sketch Plan for Mountain View Meadows Subdivision. The applicant proposes to re-subdivide Lot 2 of the Gillett North MS-66 subdivision, thereby creating an 8-lot major subdivision comprised of six 2.50-acre lots and two 3.50-acre lots for residential use. The property is described as Lot 2, Gillette North MS-66, a 22-acre parcel in T55N, R99W of the 6th P.M., Park County, WY. The unaddressed property is located approximately 1 1/2 miles south of Powell, on the east side of Road 10, in the Powell Planning Area, in the General Rural-Powell (GR-P) zoning district.

Chairman Bonine reviewed the rules of a public meeting and opened the public hearing at 1:09pm.

There being no comments from Commission members, Joy Hill, Planning Director, presented the Staff Report. Since the time the staff report was provided to the Commission, Park County Weed & Pest provided a response. The Long-Term Noxious Weed Management Plan for Gillett North MS-66 will apply to this property and subdivision. The findings and conditions shall reflect this change. The Planning Director added that due to the fact that this is a Major Subdivision and will require DEQ review of water and sewer, staff requests that the applicant shall be clear in their application materials to the DEQ if they are planning for septic systems to serve more than single family residences. Based on lot sizes it is possible they could have accessory housing units, if that is not something that is prohibited by the covenants or in some other way, we request that their application to DEQ fulfill the request that there could be additional housing units in the subdivision.

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

- Commissioner Eastman asked about the finding stating that sidewalks and street lighting are proposed. The Planning director stated that was an error in the staff report. None are proposed.
- Mary McKinney, Weed and Pest, said the property is currently in ag production. As the lots are developed, it will make it hard for anyone doing production in the hay field to continue to do so.

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

- Rusty Blough, applicant's representative from Morrison-Maierle, said the applicants are willing to put in the covenants or HOA that accessory housing units would be prohibited if necessary. Otherwise, they are in communication with the irrigation district and there is a large drain that needs to be crossed from Road 10 to access the property. They are working on a permit and culvert sizing. The DEQ report is in progress and has not yet been submitted. The Planning Director clarified for the applicant that we are not requiring them to restrict accessory housing units. If accessory housing units are allowed the application to DEQ needs to indicate the potential for accessory housing units.

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

- Commissioner Mair asked what the width of the road would be. Rusty said 60-foot width. Commissioner Mair asked about the turn around at the end of the road. Rusty said that it meets Park County cul-de-sac standards for right of way width.

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

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- 144 • Mary Baumann, lives in Powell, said she has general and specific concerns. Powell was
145 an agricultural and affordable community 30 years ago when she moved here. They own
146 a small hay farm and have been alarmed at the removal of productive farmland, the cost
147 of real estate, and the rise of property taxes. As of today, there are 48 lots, subdivisions
148 and to be developed listings on our county on Zillow. Many of the larger tracts, between
149 30 and 255-acres are in the Powell area. It seems like every public notice in the Powell
150 Tribune has either an intent to subdivide or a meeting notice about a pending subdivision.
151 She said the price of land and homes for sale has skyrocketed. She addressed average
152 income and poverty. Who can afford to purchase a house and land here. Service workers
153 can't afford to live here. People are moving here from elsewhere with deeper pockets.
154 Houses are selling for \$400k-\$800k along with increasing prices for older homes. The
155 consequences for those of us who were either born here or have lived here for a long time
156 are increases in property taxes and degradation of farmland. Although she understands
157 people's desire to live in the country, she grew up in a farming/ranching family, many don't
158 understand that they are living in subdivisions with nearby neighbors. She has
159 experienced, in her subdivision, burning garbage, barking dogs, gun shots, motorbikes,
160 junk, bright yard lights dimming the night skies, and finally the chopping up and
161 overgrazing of land. She is appalled that realtors are selling 1 to 3-acre lots as horse
162 properties. The worst thing you can do to a horse is keep it in a small pen or stall. Unless
163 a horse is exercised daily, raising them in confinement is detrimental to their physical and
164 mental health. Both the horse and the land suffer. The next worse thing is to have them
165 on a small property where they invariably eat it down to dirt producing dust and weeds.
166 The proposed lots are too small to graze and too large for a lawn. She has lived next to
167 this field for 30 years; she knows it to be productive farmland. They have seen 8-foot-tall
168 corn in that field. Ideally if it was divided into two or three properties, it could remain
169 productive land. She wonders if there will be restrictions and covenants on burning
170 garbage, unshaded yard lights, and number and type of livestock including dogs.
171 Unshaded yard lights blast all over the place, shaded lights only light what you need to be
172 lit. Will all the properties have septic tanks and wells? She believes they will. Will they be
173 required to install a sprinkler systems and water their property? Will there be a
174 watermaster? Will we be subjected to the noise and dust from home construction for
175 years? How will the development impact our property taxes? This question applies to all
176 the developing subdivisions in this area. They share these concerns; this is not just about
177 this subdivision but about the agricultural roots of the community. They are worried about
178 county wide sprawl and losing open spaces.
- 179 • Dan Willett, the applicant, is the owner of the property. He said they bought the property
180 with the intent to subdivide, and they certainly can respect and understand the Baumann's
181 concerns about the property. They have their CC&Rs partially written, they are not
182 complete yet. They have addressed several of the issues Ms. Baumann mentioned
183 (burning garbage, number of livestock, shooting, lighting). There will be a watermaster as
184 required. They plan on living on the property. This is the first time they have ever done
185 this, they are not developers. They are just doing it to be able to afford to build their house.
186 They plan to do as much as possible to make this process smooth with the neighbors –
187 they have met several neighbors so far. They want to be good neighbors and they will do
188 all that they can to address their concerns.

189
190 Chairman Bonine asked if any Commission members had additional questions for Staff, the public
191 or the applicant.

- 192
193 • Commissioner Mair asked how a Homeowners Association works here. It's easy to have
194 written in that you have a Homeowners Association, but if people don't participate and pay

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195 dues, it's pretty much defunct. He wonders in this County what weight one holds. Once
196 it's formed, it is up to the homeowners to enforce that. The County no longer has
197 participation. Chairman Bonine stated that is his understanding, he doesn't believe that
198 the county takes any position on enforcement of covenants.

- 199 • The Planning director stated that is correct, the county doesn't enforce covenants. As far
200 as an HOA, if the County requires it, it has to remain enforced. If we require specific items
201 to be in the HOA as a condition of the subdivision, those items must remain. In that regard
202 we would have enforcement ability over the HOA. Commissioner Mair asked if there are
203 any HOA requirements recommended by Staff. The Planning Director said that an HOA
204 will be required for any shared infrastructure, for instance the road that will be built to serve
205 the subdivision, if they have a central irrigation system it will need to be included, if fencing
206 were to be required that will be shared in any way that would need to be addressed. If the
207 board is to impose other covenants or restrictions those would have to be included as well
208 if they are a condition of the subdivision approval. In the rules there are provisions for
209 those types of things to be required. For instance, the nuisance concerns, fencing and
210 things like that, the Commission and Board can actually require fencing or they can require
211 some sort of nuisance abatement. Some way to control those things, garbage, lighting,
212 etc. The County does have nuisance restrictions for lighting, lights have to be shielded
213 and down directed. If the County receives a complaint that a neighbor has lighting that is
214 not shielded or down directed, we would have to enforce that. Ms. Baumann stated that is
215 good to know because it's not enforced. The Planning Director said once we know about
216 a problem we can enforce it.
- 217 • Commissioner Mair asked about the progress on the covenants. Mr. Willett said he has
218 many different examples that he is using and taking pieces from each one to create the
219 HOA. It's all new to him and he's not sure how the enforcement works either. He has
220 addressed lighting, the amount of bare dirt to be allowed on the property, irrigating the full
221 parcels, livestock, and domestic pets. He is not certain about enforcement; he assumes
222 one of the owners would have to take it to the HOA board who would then probably talk
223 to an attorney. He is going to be working with an attorney, he needs to gather all the
224 information they would need to include first. It's hard to think of everything.
- 225 • Chairman Bonine said his understanding is that enforcement of covenants is generally a
226 civil matter between an HOA and a property owner.

227
228 Commissioner Mair made a MOTION to close the hearing at 1:40pm; Commissioner Eastman
229 SECONDED the motion. All in favor. Motion carried.

230
231 Chairman Bonine asked Commission members if they wished to have any discussion.

- 232 • Chairman Bonine mentioned the conditions that were already read and the change in the
233 staff report regarding Weed and Pest having responded.
- 234 • Commissioner Eastman asked if they should modify the DEQ condition. Chairman Bonine
235 said no, staff would be handling follow-up on that.

236
237 Commissioner Mair made a MOTION to recommend approval of the Mountain View Meadows
238 Subdivision Sketch Plan by Resolution 2024-11 based on the findings presented and including
239 the following conditions:

- 240
241 1. The applicant shall provide all easements as requested by applicable utilities and special
242 districts, irrigation districts or public agencies providing services. The width of any utility
243 easement shall be sufficient to allow adequate maintenance of the system, but in no case

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- 244 shall such utility easement be less than 20 feet in width. Easements must be identified on
245 the final plat;
- 246 2. Prior to Preliminary Plat Review by the Planning & Zoning Commission, the applicant shall
247 submit a response from Park County Public Works to the Planning & Zoning Department;
- 248 3. Prior to Preliminary Plat Review by the Planning & Zoning Commission, the applicant shall
249 submit evidence that a report has been submitted to DEQ evaluating the adequacy and
250 safety of the proposed wastewater and domestic water to serve the subdivision lots;
- 251 4. Prior to Final Plat Review by the Board of County Commissioners, the applicant shall
252 submit a Water Distribution Plan that has been reviewed and approved by the Shoshone
253 Irrigation District and the State Engineers Office;
- 254 5. Prior to Final Plat Review by the Board of County Commissioners, the applicant shall
255 provide evidence of 1) an existing legal perimeter fence as prescribed by W.S. 11-28-102;
256 2) written consent from all adjacent landowners a perimeter fence is not necessary; or 3)
257 plans to construct a perimeter fence as required by statute and in accordance with W.S.
258 18-5-306(a)(xiii);
- 259 6. Prior to Final Plat Review by the Board of County Commissioners, the applicant shall
260 submit an appropriate Subdivision Improvements Agreement addressing all applicable
261 required improvements (ex. utilities, fencing etc.) for review by staff and approval of the
262 County Attorney and the Board;
- 263 7. Prior to Final Plat Review by the Board of County Commissioners, the applicant shall
264 submit an HOA to address maintenance of shared facilities (ie. road, irrigation
265 infrastructure) to the Planning & Zoning Department;
- 266 8. The applicant shall otherwise comply with standards in the Park County Development
267 Regulations and the minimum subdivision requirements as set forth in Wyoming Statute
268 18-5-306.

269
270 Commissioner Peters SECONDED the motion. All in favor. Motion carried. See Resolution 2024-
271 11 attached hereto and incorporated herein.

272
273 **PUBLIC HEARING – Ollokot MS-79 Sketch Plan:** Mighty Rock Properties LLC requests
274 approval of the application and Sketch Plan for Ollokot Minor Subdivision (MS-79). The proposed
275 four lot subdivision will create one 20.23-acre lot, one 20.13-acre lot and two 20.21-acre lots, from
276 an 80.78-acre parcel, each for agricultural and residential use. The proposed subdivision is
277 described as the E1/2SE1/4 of Section 27, T57N, R102W of the 6th P.M., Park County, WY. The
278 property is located in the Clark Planning Area, approximately 2.5 miles west/southwest of the
279 intersection of the Belfry Highway and County Road 1AB, east of the terminus of Jackrabbit Lane,
280 in a General Rural 20-acre (GR-20) zoning district. The property is unaddressed at this time.

281
282 Chairman Bonine opened the public hearing at 1:47pm.

283
284 There being no comments from Commission members, Jennifer Cramer, Planner I, presented the
285 Staff Report. Since the time the staff report was provided to the Commission, Park County Weed
286 and Pest responded that a Long-Term Noxious Weed Management Plan will be required. Also,
287 staff received a water analysis for a water sample taken from a nearby property. Water quality
288 appears to be adequate. The findings and conditions shall reflect these changes.

289
290 Chairman Bonine asked if any Commission members had questions for Staff.

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- 291 • Commissioner Peters asked about the BLM land next to the subdivision regarding fencing.
292 Who decides if a fence is to be put in. Jennifer said it is our understanding that the BLM
293 would need to provide consent. The Planning Director mentioned a recent subdivision that
294 has BLM land adjacent. There is land on multiple sides that is BLM. BLM indicated that
295 they would not consent, that will most likely be true for this subdivision as well. To get a
296 government entity to consent to an exception can be a little bit difficult. In particular since
297 the BLM is well known for its grazing allotments. It will be the responsibility of the applicant
298 to get some kind of confirmation from BLM if they are going to consent or not as to a fence
299 being required. Commissioner Peters asked if the BLM is on the side of, they would have
300 the individuals creating the subdivision put a fence up to protect their property. The
301 Planning Director confirmed that was the answer from BLM on a previous subdivision.
302 Their answer was more so that they can't require a fence, but they also feel that the fence
303 is not unnecessary. Their rules don't tell them to require it, but they would recommend it.
304 They are not giving the consent that it's not necessary because they are more favoring a
305 fence. The fence would have to be constructed on the landowners property, not on BLM
306 property. Jenny added that it's her understanding that the applicant is planning to put up
307 a perimeter fence in this case.
- 308 • Commissioner Mair asked about the width of Yellowknife Trail and is it private or a county
309 road. Jennifer said it is private, but she is unsure of the actual road width, but there is
310 easement for 60 feet the entire way. The BLM is also 60 feet. Jennifer has seen the
311 application to the BLM. Commissioner Mair asked if the agreement includes maintenance
312 with the other subdivision on Yellowknife Trail. Jennifer said we cannot require anyone
313 outside of the proposed subdivision to enter into an agreement. Public Works will likely
314 state that if there is an existing agreement, this subdivision should become part of it. We
315 can only require that they state their maintenance responsibility and that they have a road
316 maintenance agreement covering their subdivision lots.
- 317 • Mary McKinney, Weed and Pest, said she has spoken with the applicant regarding the
318 subdivision. There are going to be covenants and she will encourage limiting disturbances
319 in the area because it will encourage annual weed growth. She mentioned cost share on
320 perennial grass seeds. She will work with the applicant and new lot owners with any
321 issues.

322
323 Chairman Bonine asked if the applicant had any questions or comments.

- 324 • Nate Hoffert, agent for the landowner/applicant, said everything is mostly covered in the
325 staff report. He is doing things step by step and is new to the process. He does intend to
326 put a fence around the property because he does not foresee the neighbors not wanting
327 one. He's already got an estimate on a fence. He is awaiting approval before he makes
328 further improvements. They have easement for the road. He said they plan on having an
329 HOA and covenants on the properties and having a discussion with the neighboring
330 properties for road maintenance fees. They recently improved the road to bring the
331 standard up. He plans to bring Yellowknife Trail back up to same or better standards after
332 construction. He proposes Ollokot Trail as the road name. They are just trying to figure
333 out where they stand with the County on approval before going too much further. He
334 believes the HOA will cover snow removal and maintenance of the new section of road
335 and tie in with imp[roving and helping maintain Yellowknife Trail. They are interested in
336 being good neighbors and doing a subdivision that does not tie up farmland.

337
338 Chairman Bonine asked if any Commission members had questions for the applicant.

- 339 • Commissioner Mair said Jackrabbit Lane comes almost to the property. Is there is a
340 reason why the road is coming the way it is, through the BLM? Nate said Public Works
341 would not approve any subdivision along that lane due to it having only 30 feet of

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342 easement. They did not think they would be able to convince the neighbors along there to
343 give them an additional 30 feet. Commissioner Mair said that BLM roads make him
344 nervous as they can rescind those without much notice.

345 • Commissioner Peters said it sounds like they are willing to handle the fence issue. Are
346 they planning to put a cattle guard in just to make sure there is a barrier in between the
347 BLM and the private lots. With four landowners it's unlikely the gate would always be shut.
348 Nate said correct.

349 • Commissioner Peters asked if they already attempted to come through Jackrabbit and
350 those folks were not negotiable. Nate said correct.

351

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

353 • Wendy Annis, a full-time resident of Clark, along with her husband owns five 20-acre lots
354 in Chief Joseph Estates Subdivision and they hold the 30 year right of way lease on the
355 BLM property running to Yellowknife Trail. The current Ollokot subdivision proposal states
356 the construction of a new BLM spur road to be used by four new lot owners to travel over
357 an antelope feeding and migration area to gain access to the Yellowknife Trail. She said
358 Yellowknife has been maintained solely by the residents of the Chief Joseph Estates
359 Subdivision for almost 30 years. No provisions in the current Ollokot proposal allows for
360 the new subdivision to pay their fair share to maintain Yellowknife Trail. Additionally, the
361 proposed subdivision is 200 feet from an existing road and maybe a half mile from a
362 County maintained road. The use of these existing roads would certainly reduce
363 environmental impact. Any approval of a subdivision should be an improvement or
364 enhancement to the community. The proposed subdivision would only be a burden to the
365 community. She asks that the subdivision be postponed until a more community-friendly
366 proposal is submitted.

367

368 Chairman Bonine asked Commission members if they had questions or wanted discussion.

369 • Commissioner Mair asked about the existing roads, he can see the impact of a new
370 subdivision going through it and he would like assurance that there will be help from the
371 newly applied subdivision to help maintain that road. Jennifer Cramer said the applicant
372 will be required to provide maintenance and have an agreement that covers the shared
373 portion with Chief Joseph Estates Subdivision as well as their new portion of the road.
374 Commissioner Mair asked if Chief Joseph Estates Subdivision has a HOA. Wendy stated
375 they do not currently have a HOA. Jennifer stated that we cannot require the Chief Joseph
376 Estates Subdivision enter into an agreement, but we can require the new subdivider to
377 ensure that they have an agreement in place to address road maintenance.

378 • Chairman Bonine asked Mr. Hoffert to address the concerns regarding the new
379 subdivision sharing in the costs of road maintenance. Nate said he is waiting to see how
380 things go before he proceeds with doing further research and engaging the other
381 landowners in a discussion about road maintenance and sharing the burden. There are
382 several vacant lots in the other subdivision still. Once the road is built, we want to make
383 sure we fix the existing road (Yellowknife Trail) as part of our new road build at no cost to
384 the existing landowners. Our HOA will include maintenance of Yellowknife.

385 • Chairman Bonine asked if the Commission would condition the agreement to be reached,
386 would they leave it to Public Works. Jennifer said we have a proposed condition about an
387 HOA to address the road maintenance. Public Works will also have input. She's not sure
388 if there is an existing road maintenance agreement for Chief Joseph Estates Subdivision.

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389 Ms. Annis said they just dissolved their HOA. It's been on a contribution honor system
390 where residents are using their time and equipment. Within the last 4 years, on average
391 with 10 families contributing, it's been \$1300/year for the last four years to improve and
392 maintain the road. They are not against subdivision, but they are not going to take the
393 burden for the new subdivision. Jennifer said she expects Public Works to address road
394 maintenance, though we could add a condition now. Otherwise, the HOA condition will
395 include the entire road as part of the maintenance plan.

- 396 • Chairman Bonine asked for clarification on who we can ask to enter into a road
397 maintenance agreement. The Planning Director stated road maintenance can be
398 complicated. We cannot require parties outside of the subdivision to participate in an
399 agreement. We can require the subdivider to have responsibility for shared maintenance
400 of the road outside of the subdivision. To address HOAs, Ms. Annis mentioned that there
401 was an HOA dissolution on a subdivision. If the HOA was required for the subdivision,
402 then the HOA they couldn't just dissolve the HOA. If the County required the HOA, the
403 portions of the HOA that were required by the County would have to stay enforced.
- 404 • Commissioner Mair asked about the BLM road and if it can be brought up to a 60-foot
405 standard. Is that permissible in the BLM permit? Jennifer said that is her understanding.
406 The right-of-way itself is required by BLM for approval to build/improve a road. The
407 Planning director would caution anyone that was going to improve a road on BLM even if
408 they have easement to confirm with the BLM what their requirements are for the
409 improvement. Land being disturbed legally may require different studies to be done.
- 410 • Commissioner Peters said they need to figure out how to tie a condition to this to make
411 sure it is addressed. What if we approve this subdivision and they can't build a road. Is
412 Yellowknife Trail already a good enough road to support the additional traffic. Jennifer said
413 we are not sure, and we hope to have clarification from Public Works when they respond.
414 She knows that BLM's right-of-way allows them to construct, but they will not issue a right-
415 of-way if they have not done the studies that would allow them to disturb that area.
416 Commissioner Peters asked if the NEPA on that 60 foot right-of way had already been
417 done and they cleared the way for full construction. Jennifer said yes. Nate said Public
418 Works has required them to improve the road from Moccasin Trail up to the subdivision,
419 bring it up to the County's road standard. They will have to spend quite a bit of money to
420 improve that portion of Yellowknife from the get-go.

421
422 Chairman Bonine asked if the Commission wanted further discussion.

- 423 • Commissioner Peters wanted to discuss the topic of future road maintenance.
- 424 • Chairman Bonine said his thoughts are a condition for the applicant to enter into an
425 agreement with the property owners of Chief Joseph Estates Subdivision for their share
426 of maintenance of Yellowknife Trail. The Planning Director stated that is what we were
427 trying to clarify earlier. We cannot make a condition that requires Chief Joseph Estates to
428 do anything. We cannot therefore require the applicant to enter into an agreement with
429 them because they may not choose to enter into that agreement. The applicant can
430 approach Chief Joseph Estates and if those landowners agree that would be ideal, but we
431 cannot condition or require them to enter into that agreement. We cannot bind Chief
432 Joseph Subdivision to do that. Chairman Bonine asked for clarification on what condition

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433 would be appropriate. The Planning Director said we could make the Ollokot Subdivision
434 owners have responsibility for maintenance of the road. They themselves would have to
435 show that they would partake in some portion of maintenance on that road. Then how
436 much should the Ollokot Subdivision contribute to road maintenance, especially since the
437 Chief Joseph Subdivision HOA has been dissolved and are on the honor system, there is
438 no guarantee that they will bring anything to the table. The condition should reflect that
439 the applicant shows evidence that they attempted to approach the Chief Joseph
440 Subdivision landowners to partake in a shared maintenance agreement and if that didn't
441 work out then the subdivider will have to show evidence on how they intend to take on
442 some portion of responsibility for future maintenance of that road. Jennifer read a
443 statement from another subdivision, the lot owners of the subdivision shall be a willing
444 party to any existing or future road maintenance agreement with other landowners served
445 by Yellowknife Trail. We can state that Ollokot should be a party to any existing or future
446 agreement without requiring there to be an agreement involving Chief Joseph Estates.

- 447 • Commissioner Peters said if we recommend for anything going forward with this
448 subdivision they have to, on their own, be able to get in and out of there and have some
449 agreement to maintain this road because they themselves carry an easement over this
450 other easement. Someone has to care for this road one way or another and the whole
451 burden shouldn't be on the new subdivider either.
- 452 • Commissioner Mair said his biggest concern is public safety. We have firetrucks,
453 ambulances and other types of public services who need to be able to gain access and
454 he wants the roads to be good enough for that.
- 455 • Chairman Bonine wondered if they could condition that any road maintenance agreement
456 additionally include maintenance of Yellowknife Trail whether it is in conjunction with any
457 other property owners or subdivisions outside of this subdivision. The Planning Director
458 stated that the Road and Bridge standards say that you can require improvement of a road
459 to a subdivision and our subdivision rules discuss how a subdivision improvement
460 agreement would be required for that type of off subdivision improvement as well. We are
461 in a gray area of the maintenance side. Public Works could help with language and their
462 rules as well. If this is too much of a struggle with conditional language, it's fair to have
463 Staff bring this concern back to Public Works. We could also continue the hearing until we
464 receive the information that we are looking for.
- 465 • Commissioner Mair recommended we continue this hearing until we get an adequate
466 response from Public Works.

467
468 At 2:36pm, Commissioner Mair made a MOTION to continue the hearing to April 10, 2024 at
469 1:00pm; Commissioner Peters SECONDED the motion. All in favor. Motion carried.

470
471 **PUBLIC HEARING – Mountain View Mouldings SUP-259:** John Hershberger requests approval
472 of the Special Use Permit (SUP) Application for Mountain View Mouldings (SUP-259). The
473 applicant is proposing a cottage industry use to operate a moulding business out of an existing
474 3,680-square-foot shop and a proposed 1,280-square-foot storage building. The proposed use is
475 within a 37.46-acre parcel owned by John R. & Iva H. Hershberger, located approximately five
476 miles southeast of Powell on the north side of County Lane 10 1/2. The parcel is located within
477 Lot 49A, Resurvey, T55N, R98W of the 6th P.M., Park County, Wyoming. The parcel is addressed

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478 as 275 Lane 10 ½, Powell, and is within the General Rural Powell (GR-P) zoning district in the
479 Cody/Powell Rural Planning Area.

480
481 Chairman Bonine opened the public hearing at 2:46pm.

482
483 There being no comments from Commission members, Jennifer Cramer, Planner I, presented the
484 Staff Report.

485
486 Chairman Bonine asked if any Commission members had questions for Staff.

- 487 • Chairman Bonine asked to clarify the difference between work hours and hours of
488 operation. Jennifer asked if clarification could be sought from the applicant.
- 489 • Mary McKinney, Weed and Pest, said this is very interesting and led to a couple weeks of
490 research with the State of Wisconsin. The material is coming from a quarantine county in
491 Wisconsin. The raw material is actually coming out of Colorado. The State of Wyoming
492 could require a phytotoxicity report from Wisconsin, but the County is unlikely to ask for
493 that. She feels the applicant is providing a service to the area and they don't want to hinder
494 that. She felt it was her due diligence to do the research.
- 495 • Commissioner Peters said he appreciated the extra work Mary did on the import issue.

496
497 Chairman Bonine asked if the applicant had any questions or comments.

- 498 • John Hershberger, the applicant, said operating hours are 7am to 5pm. As far as what
499 Mary did on the research, the material that they get in should be heat-treated.

500
501 Chairman Bonine asked if any Commission members had questions for the applicant.

- 502 • Commissioner Mair asked about the byproduct and what the applicant will do with it. The
503 applicant stated that the shavings are the by-products, they get bailed sold.

504
505 Chairman Bonine asked if there were comments from any members of the public. There were no
506 comments from those in attendance.

507
508 Chairman Bonine asked Commission members if they had any discussion.

509
510 Commissioner Eastman made a MOTION to close the hearing at 3:00pm; Commissioner Peters.
511 SECONDED the motion. All in favor. Motion carried.

512
513 Commissioner Eastman made a MOTION to recommend approval of the Mountain View
514 Mouldings SUP-259 by Resolution 2024-12 based upon the findings presented and including the
515 following conditions:

- 516
517 1. Park County noise, lighting, and other nuisance regulations shall apply;
- 518
519 2. Prior to review by the Board of County Commissioners, the applicant shall submit a
520 formal response from Park County Public Works to the Planning and Zoning
Department;
- 521
522 3. Prior to commencement of the use, the applicant shall provide evidence of site plan
523 approval from the State Fire Marshal's Office to the Planning and Zoning Department;
and
- 524
525 4. The applicant shall otherwise comply with standards in the Park County Development
Standards and Regulations.

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526

527 Commissioner Mair SECONDED the motion. All in favor. Motion carried. See Resolution 2024-12
528 attached hereto and incorporated herein.

529

530 **PUBLIC HEARING – Heart Mountain School SUP-260:** Adrian Troyer on behalf of landowners
531 Herman & Lucinda Stutzman requests approval of the Special Use Permit (SUP) Application for
532 the Heart Mountain School SUP-260. The applicant is proposing a Minor Community Use to
533 operate a Christian Parochial School. The applicant proposes to build a 2,220-square-foot
534 building to serve as the school, within a 39.50-acre parcel located approximately five miles
535 southeast of Powell with an address of 251 Lane 10 ½. The site is located in the General Rural
536 Powell (GR-P) zoning district within the Cody/Powell Rural Planning Area, on the north side of
537 County Lane 10H, within Lot 47E, Resurvey, T55N, R98W of the 6th P.M., Park County, Wyoming.

538

539 Chairman Bonine opened the public hearing at 3:01pm.

540

541 There being no comments from Commission members, Jennifer Cramer, Planner I, presented the
542 Staff Report. Elk Water Users Association responded; the construction and use will not impede
543 any water rights or any of their infrastructure.

544

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

546

547 • Chairman Bonine noted a change to findings #13, #39, and #52 as they all appear to be
548 redundant.

549

549 • Mary McKinney, Weed and Pest, said that the landowner is responsible for any noxious
550 weeds on the property and to do bare ground control around the buildings.

550

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

552

553 • Adrian Troyer, the applicant, said he doesn't have anything to add other than that he
554 contacted the State Engineer's Office on the well permit and hadn't heard back.

554

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

557

558 Chairman Bonine asked if there were comments from any members of the public. There were no
559 comments from those in attendance.

560

561 Commissioner Mair said the road access appears to come into the property from the east, is that
562 correct? Jennifer Cramer said it is not, though it does appear that way on the MapServer.

563

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

565

566 Commissioner Peters made a MOTION to close the hearing at 3:13pm; Commissioner Eastman
567 SECONDED the motion. All in favor. Motion carried.

568

569 Commissioner Peters made a MOTION to recommend approval of the Heart Mountain School
570 SUP-260 by Resolution 2024-13 based upon the findings presented and including the following
571 conditions:

572

573

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

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- 574 2. Prior to review by the Board of County Commissioners, the applicant shall
575 submit a formal response from Park County Public Works and the Fire District
576 to the Planning and Zoning Department;
- 577 3. Prior to commencing the use, the applicant shall obtain a well permit for the
578 enlarged use, approved by the State Engineer's Office, and provide a copy of
579 the permit to the Planning and Zoning Department; and
- 580 4. The applicant shall otherwise comply with standards in the Park County
581 Development Standards and Regulations.

582
583 Commissioner Eastman SECONDED the motion. All in favor. Motion carried. See Resolution
584 2024-13 attached hereto and incorporated herein.

585 **PUBLIC HEARING – Booher MS-80 Sketch Plan:** Rudi & Carla Booher request approval of
586 the application and Sketch Plan for Booher Minor Subdivision (MS-80). The proposed subdivision
587 is comprised of three lots: one 12.20-acre lot, one 12.26-acre lot and one 12.43-acre lot, each for
588 residential use. The proposed subdivision is within an approximately 36.89-acre parcel described
589 as Lots 70-G and 70-L (Excepting Two Tree SS-290, and a parcel in the N1/2 of Lot 70-G, and
590 18.55-acres in the southwest corner of Lot 70-L), Resurvey of T55N, R98W of the 6th P.M., Park
591 County, WY. The property is located approximately two miles east of Powell, north of Lane 10, on
592 the west side of Road 6. The property is in the Powell Planning Area, in the General Rural Powell
593 (GR-P) zoning district, with an address of 960 Road 6, Powell.

594
595
596 Chairman Bonine opened the public hearing at 3:15pm. Chairman Bonine said he has a working
597 relationship with the Booher with regards to the sale of their real estate including specific
598 conversations about this proposed subdivision and the potential sale of the lots after or
599 contingent upon approval. He recused himself from the public hearing and turned the meeting
600 over to Commissioner Peters to act as chairman.

601
602 There being no comments from Commission members, Joy Hill, Planning Director, presented the
603 Staff Report.

604
605 Acting Chairman Peters asked if any Commission members had questions for Staff.
606 • Mary McKinney, Weed and Pest, said there are significant weed issues on the property.
607 Some weeds may be toxic to horses and cattle. A weed plan is important, and it should
608 be noted on the plat that a weed plan is in effect. She will work with the landowners.

609
610 Acting Chairman Peters asked if the applicant had any questions or comments.
611 • Cody Schatz, represents the applicant, said he can answer any questions the commission
612 may have.

613
614 Acting Chairman Peters asked if any Commission members had questions for the applicant.
615 There were none.

616
617 Acting Chairman Peters asked if there were comments from any members of the public. There
618 were no comments from those in attendance.

619
620 Acting Chairman Peters asked if there were additional questions. There were none.
621

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622 Commissioner Eastman made a MOTION to close the hearing at 3:29pm; Commissioner Mair
623 SECONDED the motion. All in favor. Motion carried.

624

625 Commissioner Eastman made a MOTION to recommend approval of the Booher MS-80 Sketch
626 Plan by Resolution 2024-14 based upon the findings presented and including the following
627 conditions:

628

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

634 2. Prior to Sketch Plan Review by the Board of County Commissioners, the applicants
635 shall provide responses from Park County Fire Protection District #1, Shoshone
636 Irrigation District, USPS and Park County Public Works to the Planning and Zoning
637 Department;

638 3. Prior to Final Plat Review by the Board of County Commissioners, the applicants
639 shall provide a water distribution plan that has been reviewed and approved by the
640 Shoshone Irrigation District to the Planning and Zoning Department;

641 4. Prior to Final Plat Review by the Board of County Commissioners, the applicants
642 shall place the following note on the final plat: "Due to slow soil percolation rates,
643 engineered small wastewater systems may be required";

644 5. Prior to Final Plat Review by the Board of County Commissioners, the applicant shall
645 place a note on the final plat: "Water quality appears to be safe for human
646 consumption; however, treatment such as reverse osmosis is recommended for
647 more palatable water.";

648 6. Prior to Final Plat Review by the Board of County Commissioners, the applicant shall
649 provide evidence of 1) an existing legal perimeter fence as prescribed by W.S. 11-
650 28-102; 2) written consent from all adjacent landowners a perimeter fence is not
651 necessary; or 3) plans to construct a perimeter fence as required by statute and in
652 accordance with W.S. 18-5-306(a)(xiii);

653 7. Prior to Final Plat Review by the Board of County Commissioners, the applicants
654 shall submit an appropriate Subdivision Improvements Agreement, if applicable,
655 addressing all applicable required improvements (ie. utilities, fencing, etc.) for review
656 by staff and approval of the County Attorney and the Board;

657 8. Prior to Final Plat Review by the Board of County Commissioners, the applicants
658 shall place the following note on the final plat: "Any proposed water wells on these
659 subdivision lots shall be permitted by the Wyoming State Engineer's Office prior to
660 installation";

661 9. Prior to Final Plat Review by the Board of County Commissioners, the applicants

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662 shall place a notice of the Wyoming Right to Farm and Ranch Act of 1991 on the
663 plat;

664 10. Prior to recording the final plat, the applicants shall provide an approved Long-Term
665 Noxious Weed Management Plan to the Planning and Zoning Department; and

666 11. The applicants shall otherwise comply with standards in the Park County
667 Development Regulations and the minimum subdivision requirements as set forth
668 in Wyoming Statute 18-5-306.

669

670 Commissioner Mair SECONDED the motion. All in favor. Motion carried. See Resolution 2024-14
671 attached hereto and incorporated herein.

672

673 Chairman Bonine delivered the Chair's report.

674

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

676

677 There being no other business, Commissioner Peters made a MOTION to adjourn the meeting at
678 4:37pm. Commissioner Eastman SECONDED the motion. All in favor. Motion carried.

679

680 Respectfully submitted,

681

682

683



Erika Decker, Secretary

**RESOLUTION 2024 - 10
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
JL SESSIONS SIMPLE SUBDIVISION SS-319 (SS-319) SKETCH PLAN**

WHEREAS, Lynn and Jim Sessions (applicants), on behalf of owner NDTCO, propose to create one 16.93-acre lot and one 16.94-acre lot for residential use, from an existing 33.87-acre parcel, in a GR-P zoning district, in the Powell Planning Area;

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

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

WHEREAS, the Planning & Zoning Commission held a duly noticed meeting on March 13, 2024 to consider the request and made findings as follows:

1. Lynn and Jim Sessions (applicants), on behalf of owner NDTCO, submitted a Simple Subdivision Permit Application on February 2, 2024, including payment, a copy of the Notice of Intent to Subdivide, a copy of the sketch plan, and other supporting documentation;
2. A revised sketch plan was received on February 9, 2024;
3. The applicants request approval of the sketch plan to create one 16.93-acre lot, and one 16.94-acre lot for residential use, from an existing 33.87-acre parcel;
4. Applicable regulations are the *Park County, Wyoming, 2015 Development Standards and Regulations*, adopted September 15, 2015;
5. The proposed subdivision is classified as a simple subdivision;
6. Ownership of the property is affirmed by Warranty Deed (dated March 27, 2023) to NDTCO as Trustee, FBO Lynn A. Sessions IRA, from Brant Gimmeson and Lorelee Gimmeson, Trustees of the Brant & Lorelee Gimmeson Revocable Trust dated February 12, 2020, Restatement dated October 26, 2022, (Document #2023-1178);
7. The proposed subdivision is in Lot 63-E, RS, T55N, R98W, of the 6th PM, Park County, Wyoming;
8. The parcel is located approximately two miles east of Powell, north of County

- Lane 8H, and east of County Road 6. The property has no address;
9. The neighboring land uses are agricultural, residential, and residential vacant land;
 10. The property is not located within one mile of any municipality; therefore, municipal review is not required;
 11. The proposed lots are undeveloped and used primarily for agricultural purposes. The property topography shows little change in elevation;
 12. The proposed subdivision is in a General Rural Powell (GR-P) zoning district;
 13. The lot sizes as proposed are consistent with the GR-P zoning district;
 14. Notice of Intent to Subdivide was published February 1, 2024 and February 8, 2024 in the *Powell Tribune*;
 15. Simple subdivisions are exempt from public hearing requirements and may be eligible for approval under the Consent Agenda;
 16. Agency referral requirements have been met;
 17. MDU stated they have service lines on the west side of Road 6 and the north side of Lane 8H, and they can provide service to the proposed lots;
 18. The USPS can deliver mail to the proposed subdivision;
 19. TCT has the availability and capacity to provide wireless internet and VOIP phone service to the simple subdivision;
 20. Park County Public Works commented that the lots appear to have legal access;
 21. Wyoming Game & Fish Department stated they see no issues regarding big game or terrestrial wildlife concerns;
 22. Park County School District #1 can provide bus service to the proposed subdivision;
 23. Powell-Clarks Fork Conservation District identified three primary soil types on the property;
 24. Soils are “not limited” for dwellings, varied from “Prime farmland if irrigated” to “not prime farmland”, and are considered “somewhat limited” to “very limited” in regards to septic tank absorption fields due to slow water movement;
 25. Wyoming Department of Environmental Quality provided a general list of activities and named associated permits required to conduct the stated activities for subdivisions in Wyoming;

26. The Park County Treasurer confirmed the first half property tax has been paid and the second half will be due in May;
27. Park County Weed & Pest conducted an initial inspection and found the presence of noxious weeds, as a result, a Long-Term Noxious Weed Management Plan is required;
28. No comments have been received from Rocky Mountain Power. However, the applicants have indicated that power is adjacent to the subdivision along Road 6;
29. Park County Fire District #1 has not provided any comments;
30. Shoshone Irrigation District has not provided a response;
31. No public comments have been received;
32. A pre-application meeting occurred on December 21, 2023, and was attended by the applicants' surveyor (the applicants' representative), and the Planning Department staff;
33. A title report dated March 16, 2023, has been provided by the applicants;
34. There are no new roads proposed as a part of this subdivision. Access to the subdivision is proposed by way of a 30' wide access and utility easement across proposed Lot 1;
35. Maintenance responsibility for this driveway will be addressed in either a driveway maintenance agreement or in the form of a plat note and statement on the disclosure statement;
36. Solid waste disposal service can be provided by private service providers;
37. Simple subdivisions are not required to install utilities;
38. A 100' Shoshone Irrigation District easement crosses both proposed lots. No known landslides, rockfalls, high danger from fire or explosion or other hazardous features exist on the property;
39. A sketch plan was provided with the application;
40. Application submission requirements for sketch plan review have been met;
41. The applicants stated that a subsurface evaluation will be completed as soon as possible. The delay appears to be weather-related;
42. Wastewater requirements pertaining to sketch plan review have not been met;
43. Domestic water will be provided by wells to be permitted and approved by the Wyoming State Engineer's Office;

44. The applicants stated the property does not have an existing well and that neighbors have not confirmed they could obtain a sample from their wells; therefore, water quality results are not available;
45. On-site wells must comply with the requirements of the Wyoming State Engineer's Office;
46. Domestic water requirements pertaining to sketch plan review have been met, with the exception that the water quality sampling is incomplete;
47. The applicant has not proposed any changes that would be expected to impact neighboring agricultural activities or related uses;
48. The subdivision is not expected to cause further disturbances of weed development, pests, litter, or domestic pets;
49. The applicants are expected to comply with any requirements from the Irrigation District and Weed & Pest;
50. Pursuant to Wyoming Statute §18-5-319, the applicant will be required to construct a perimeter fence, or obtain adjacent landowners' consent that a fence is not necessary;
51. This parcel is not within an Agricultural Overlay District;
52. Notice of the Wyoming Right to Farm and Ranch Act of 1991 must be stated on the final plat;
53. Existing irrigation facilities have been identified on the property;
54. Agricultural impacts have been addressed;
55. The Irrigation District has been notified of this proposed subdivision. A review and recommendations from the District will be required. An irrigation water distribution plan will be required.
56. No stream/river passes within or adjacent to the proposed subdivision lots;
57. Water rights requirements pertaining to sketch plan review have been met;
58. Lot standard requirements have been met;
59. No common maintenance of facilities is proposed; however, a driveway will be shared by Lot 1 and Lot 2;
60. A driveway maintenance agreement is recommended, and the Final Plat and Disclosure Statement will need to state how maintenance responsibility will be shared;
61. All easement standards apply;

62. No roads, drainage, sidewalks, street lighting, alleys or open spaces are proposed or required;
63. 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;
64. 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);
65. The proposed subdivision is not located within any Overlay District; and
66. No open spaces, natural areas, schools, or parks are proposed or required;

WHEREAS, the Planning & Zoning Commission concludes the proposed subdivision is generally consistent with the goals and policies of the Park County Land Use Plan and is consistent with the standards and procedures of the *2015 Park County, Wyoming, 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 JL Sessions SS-319, 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 place the following note on the final plat: "Any proposed water wells on these subdivision lots shall be permitted by the Wyoming State Engineer's Office prior to installation";
3. Prior to final plat review with the Board of County Commissioners, the applicants shall provide a response from the Shoshone Irrigation District;
4. Prior to final plat review with the Board of County Commissioners, the applicants shall provide a formal response from Park County Public Works;
5. Prior to final plat review by the Board of County Commissioners, the applicants shall provide a response from Rocky Mountain Power;

6. Prior to final plat review by the Board of County Commissioners, the applicants shall complete a subsurface evaluation on the property and have the results sent to the Planning & Zoning Department;
7. The applicants shall place the following note on the final plat: **“NO WATER ANALYSIS WAS CONDUCTED AND THE AVAILABILITY AND QUALITY OF POTABLE WATER IS UNKNOWN. CISTERNS MAY BE REQUIRED”**.
8. The applicants shall either provide a shared driveway maintenance agreement for Lot 1 and Lot 2, to be recorded with the final plat, or the applicant shall place a note on the Final Plat and state in the Notarized Disclosure Statement how maintenance the shared driveway will be achieved by owners of Lot 1 and Lot 2;
9. 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);
10. If applicable, following Board approval of the sketch plan and prior to the Board’s review of the final plat, the applicants shall submit an appropriate Subdivision Improvements Agreement addressing all applicable required improvements (e.g., fencing) for review by staff and approval of the County Attorney and the Board;
11. The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991; and
12. The applicants shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306.

ADOPTED by the Park County Planning & Zoning Commission this 13th day of March, 2024.

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

ATTEST:



Duncan Bonine, Chairman



Erika Decker, Secretary

**RESOLUTION 2024-11
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
MOUNTAIN VIEW MEADOWS SUBDIVISION SKETCH PLAN**

WHEREAS, Rusty Blough of Morrison-Maierle, on behalf of Dan and Sherri Willette proposes to vacate and re-subdivide Lot 2 of Gillett MS-66 into an eight-lot subdivision consisting of six 2.50-acre lots and two 3.50-acre lots, each for residential use, in a General Rural Powell (GR-P) zoning district;

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

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

WHEREAS, the Planning & Zoning Commission held a duly noticed public hearing on March 13, 2024 to consider the sketch plan application for Mountain View Meadows Subdivision, and made findings as follows:

1. On January 11, 2024, Rusty Blough of Morrison-Maierle submitted a Major Subdivision Permit Application, on behalf of Dan and Sherri Willette (applicants);
2. The applicants request approval to vacate and re-subdivide Lot 2 of Gillett MS-66 into an eight-lot subdivision consisting of six 2.50-acre lots and two 3.50-acre lots, each for residential use;
3. Applicable Regulations are the *Park County, Wyoming, 2015 Development Standards and Regulations* adopted September 15, 2015;
4. This subdivision meets the requirements for classification as a Major Subdivision;
5. The subdivision is located in a General Rural Powell (GR-P) zoning district;
6. The lot sizes as proposed are consistent with the GR-P zoning district;
7. Ownership is affirmed by Warranty Deed dated September 28, 2023 to Daniel F. Willette and Sherri D. Willette, husband and wife, as tenants by the entirety, not as joint tenants or tenants in common;
8. The property is described as Lot 2 of Gillett MS-66 in Book "Q" of plats, Page 21, according to the records of the Clerk and Recorder of Park County, State of Wyoming;

9. The proposed subdivision is located approximately 1 ½ miles south of Powell, south of Lane 11, on the east side of Road 10. The property is currently unaddressed;
10. Surrounding land uses are residential, residential vacant and agricultural;
11. Lot 1 of Gillett North MS-66 is on the north boundary of the proposed subdivision. The Dirksen SS-169 is northwest, the Paul and Paul 2 Subdivisions are east/northeast and the Ley Subdivision is southeast of the property;
12. The property is currently vacant, irrigated cropland. The topography is relatively flat with a large irrigation drain running across the west side of the property, parallel with County Road 10;
13. This property is not located within one mile of a municipality; therefore, municipal review is not required;
14. Public notice requirements have been met;
15. Relevant agencies were notified on January 17, 2024;
16. Park County Fire District #1 is able to provide fire protection to the proposed subdivision;
17. TCT has terrestrial wireless available in this area and can possibly provide internet and VOIP phone service to this location, depending upon line of site and tower availability;
18. The United States Postal Service is able to provide mail service;
19. Park County School District #1 was notified and responded that school bus service is available;
20. Powell-Clarks Fork Conservation District provided a soils report;
21. Soil types are considered "not limited" with regard to dwellings and small commercial buildings;
22. Soil types are not considered prime farmland;
23. Soil types are considered "very limited" with regard to septic tank absorption fields due to filtering capacity and slow water movement;
24. Shoshone Irrigation District has been contacted and is working on a water distribution plan with the applicants;
25. Garland Light & Power has the capacity to serve the proposed subdivision and has provided the applicant with estimates to provide power service to each lot line. Easement will be required;
26. Wyoming Department of Environmental Quality provided agency contacts and information for permitting associated with various construction activities;
27. Northwest Rural Water District existing mains are greater than 400 feet from the proposed subdivision;

28. The Park County Treasurer reported the parcel is new for the 2024 tax year and no taxes are due at this time;
29. The Wyoming Game & Fish Department have no terrestrial wildlife comments;
30. Montana-Dakota Utilities Company confirmed they have the capacity to serve the proposed subdivision, however service is not within 400 feet of the property;
31. Park County Weed & Pest will not require a new Long-Term Noxious Weed Management Plan, because the proposed subdivision will be subject to the Gillett North MS-66 Long-Term Noxious Weed Management Plan;
32. Park County Public Works has not provided a response;
33. A neighboring landowner voiced her concerns during the public hearing. Her concerns include the large number of recent subdivisions, unaffordable housing, increased property taxes, degradation of ag lands and losing wide open spaces. She also voiced concern over junk, noise, and light pollution nuisances she has witnessed in other subdivisions;
34. Application submission requirements for sketch plan have been met;
35. A pre-application meeting occurred on October 27, 2023 with the applicants and Planning & Zoning Staff;
36. A notice of intent was published on December 12, 2023 and December 19, 2023;
37. A new road is proposed from County Road 10 to serve each lot;
38. The developer will be required to construct the road to county standards and an HOA will be required to identify maintenance responsibility, including snow removal and drainage facilities;
39. Solid waste disposal services are available from private service providers;
40. The proposed subdivision is not within 400 feet of a municipal wastewater system;
41. The applicant proposes on-site wastewater systems and is required to submit a report to the DEQ evaluating the adequacy and safety of the proposed wastewater system;
42. The applicant proposes on-site domestic water wells and is required to submit a report to the DEQ evaluating the adequacy and safety of the proposed water system;
43. Agricultural impacts to the subdivision have been addressed, as well as impacts of surrounding agricultural activities on the subdivision;
44. A water distribution plan is required, and it will require review and approval from the State Engineers Office and the Shoshone Irrigation District;
45. No stream or river passes within or adjacent to the subdivision;

46. Garland Light & Power will serve the proposed subdivision; however power service is not yet adjacent to each proposed lot;
47. Natural Gas is not within 400 ft. of the proposed subdivision, therefore it will not be required to be stubbed to each lot;
48. A Subdivision Improvements Agreement is required for this subdivision;
49. Lot standards have been met;
50. A new road is proposed and it will be required to meet county standards;
51. Sidewalks, street lighting, alleys or open spaces are not proposed;
52. 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;
53. 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);
54. This subdivision is not located in an overlay district; and
55. Hazardous conditions such as landslides, rock falls, pollutants or danger from fire or explosion or other hazardous features on the property are not known;

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 the Mountain View Meadows Subdivision, subject to the following conditions:

1. The applicant shall provide all easements as requested by applicable utilities and special districts, irrigation districts or public agencies providing services. The width of any utility easement shall be sufficient to allow adequate maintenance of the system, but in no case shall such utility easement be less than 20 feet in width. Easements must be identified on the final plat;
2. Prior to Preliminary Plat Review by the Planning & Zoning Commission, the applicant shall submit responses from Park County Public Works to the Planning & Zoning Department;

3. Prior to Preliminary Plat Review by the Planning & Zoning Commission, the applicant shall submit evidence that a report has been submitted to DEQ evaluating the adequacy and safety of the proposed wastewater and domestic water to serve the subdivision lots;
4. Prior to Final Plat Review by the Board of County Commissioners, the applicant shall submit a Water Distribution Plan that has been reviewed and approved by the Shoshone Irrigation District and the State Engineer's Office;
5. Prior to Final Plat Review by the Board of County Commissioners, 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);
6. Prior to Final Plat Review by the Board of County Commissioners, the applicant shall submit an appropriate Subdivision Improvements Agreement addressing all applicable required improvements (ex. utilities, fencing etc.) for review by staff and approval of the County Attorney and the Board;
7. Prior to Final Plat Review by the Board of County Commissioners, the applicant shall submit an HOA to address maintenance of shared facilities (i.e. road, irrigation infrastructure) to the Planning & Zoning Department;
8. The applicant shall otherwise comply with standards in the Park County Development Regulations and the minimum subdivision requirements as set forth in Wyoming Statute 18-5-306.

ADOPTED by the Park County Planning & Zoning Commission this 13th day of March, 2024.

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

ATTEST:



Duncan Bonine, Chairman



Erika Decker, Secretary

**RESOLUTION 2024 - 12
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE MOUNTAIN VIEW MOULDINGS
SPECIAL USE PERMIT-259 (SUP-259)**

WHEREAS, John Hershberger requests approval of a Special Use Permit to operate a business that will transform timbers into D-Logs for cabin construction;

WHEREAS, the property is located approximately five miles southeast of Powell, directly north of County Lane 10H and approximately 1,500 feet northeast of the intersection of Lane 10H and Road 3. The property has an address of 275 Lane 10H;

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 March 13, 2024, to consider the Special Use Permit application and made findings as follows:

1. John Hershberger (applicant) submitted a Special Use Permit Application on January 30, 2024, including payment, a Site Plan, a Building Plan, and an Application Narrative;
2. The applicant requests approval of a Special Use Permit to operate a business that will transform timbers into D-Logs for cabin construction;
3. The construction activities will occur in a shop building with dimensions of 80' x 46'. The applicant plans to construct a storage structure (30' x 40') that will be used to store materials and supplies. The use will occur on an area of the property that is less than one (1) acre in size. All the construction work will occur inside the shop building. Employees will be residents of the property;
4. Applicable regulations are the *Park County, Wyoming, 2015 Development Standards and Regulations*, adopted September 15, 2015;
5. The use is classified as a cottage industry;
6. Ownership is affirmed by Warranty Deed dated August 4, 2022 to John R. Hershberger and Iva H. Hershberger, as husband and wife (Document #2022-4515);

7. The property is a 37.46-acre parcel within Lot 49A, Resurvey, T55N, R98W, 6th P.M., Park County, Wyoming;
8. The property is approximately five miles southeast of Powell, directly north of County Lane 10H and approximately 1,500 feet northeast of the intersection of Lane 10H and Road 3;
9. The property has an address of 275 Lane 10H;
10. The property is in a General Rural Powell (GR-P) zoning district;
11. Cottage industry uses are permitted in the General Rural Powell (GR-P) zoning district provided a Special Use Permit is approved;
12. Neighboring land uses are primarily agricultural; however, there are properties in the immediate vicinity classified as residential. The State of Wyoming owns several parcels in the area; these are located north and west of the proposed use location;
13. The applicant resides on the northeast portion of the property in a four-bedroom, single-family residence (BZP20220404-1). The residence is served by a permitted small wastewater system (SWWP20220404-1), and there are also several permitted accessory use structures located in the same area of the property as the residence;
14. The topography of the property and the surrounding area has little change in elevation. The Shoshone River borders the north end of the parcel;
15. Legal notice requirements have been met, including notice to property owners within 660 ft. of the property boundary;
16. The application was forwarded to relevant agencies as required;
17. The Elk Water Users Association stated the use is on property serviced by the Association; however, the use will not impede Elk Canal or the Association's ability to service shareholders or deliver water;
18. Wyoming DEQ summarized the notifications, permits, and certificates required for various activities that may impact surface or groundwater;
19. The Park County Treasurer stated that 1st half property taxes are paid;
20. The Fire Inspector for the Big Horn Basin stated the project will require a full plan review through the State Fire Marshal's Office;
21. Wyoming Game & Fish have no terrestrial wildlife comments;
22. Park County Weed & Pest will not require a Long-Term Noxious Weed Management Plan;
23. Park County Fire District #1 has not provided comments;
24. Park County Public Works has not provided comments;
25. No public comments have been received;
26. The applicant made statements of how compatibility will be achieved;
27. Square Timbers (6" x 8") are brought from Wisconsin and put through the applicant's moulding machinery to produce D-Logs for cabins;

28. The applicant anticipates receiving 6 to 8 semi-trailer truckloads per year;
29. The D-Logs are sent to Tri-Star Cabins (a neighboring facility) and to a firm in Nebraska;
30. The D-Logs are delivered to Tri-Star Cabins via a loader or wagon – approximately twice per month;
31. The D-Logs are delivered to Nebraska via semi-trailers – approximately twice per year;
32. The applicant does not expect any increase in traffic except for arrival of timbers and delivery of D-Logs;
33. A diesel generator supplies power for the moulding machinery, saws, and lights;
34. Wood shavings accumulate in a bin. They are later bagged and sold to Poor Boy's Feeds and to some individuals for livestock bedding;
35. The shop is heated with a wood stove. A wash basin is in the shop and a bathroom is located in the residence;
36. The coordination of sales and delivery of materials will be facilitated by the applicant;
37. Work hours will be Monday - Saturday, 7:00 am to 3:30 pm;
38. Customers will not frequent the property;
39. No outdoor lights are proposed and the buildings will have no floor drains;
40. Bottled water or water from the residence will be used for drinking;
41. Three resident employees (including the applicant) will serve the use;
42. Hours of operation will be 7 am to 5 pm, Monday – Friday;
43. The applicant also stated that he plans to conduct a small volume of retail business using 1" x 6" lumber products;
44. The applicant stated that there are no close neighbors that will be negatively impacted by the operation;
45. The applicant stated that there are other, similar, cottage industries located in the area;
46. The future building will not be within 20 feet of a County road right-of-way;
47. No covenants are proposed or existing;
48. No outdoor lighting is proposed;
49. There are no known nonconformities on the property;
50. No nuisances have been reported at this location;
51. Given the nature and circumstances of the use, no soils review is warranted;
52. All factors relating to compatibility and impacts of the use have been sufficiently addressed 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 10H;

54. The building floor area will be almost 5,000 square feet, requiring 13 parking stalls;
55. The use will not require any parking for employees; should customer parking be necessary, sufficient space exists in the area around the structures;
56. The residence has a permitted septic system. The applicant and employees will be the only people using the restroom;
57. Energy will be provided by a diesel generator. No utilities (electricity or natural gas) will serve the use;
58. No signs are proposed or necessary for this use;
59. Solid waste disposal services are available through private companies;
60. Adequate utilities, public services and infrastructure exist for the proposed use or the applicant will provide services to serve the proposed use;
61. No specific criteria are identified for this use;
62. The proposed use is in an Agricultural Overlay District;
63. No aspects of the proposed use are expected to impact surrounding agricultural uses;
64. The proposed use should not be negatively impacted by agricultural practices in the vicinity;
65. There will be a small decrease in marginally-productive agricultural land should this use be approved; and
66. Site plan review is not required for this use;

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 Mountain View Mouldings Special Use Permit-259 subject to the following conditions:

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

2. Prior to review by the Board of County Commissioners, the applicant shall submit a formal response from Park County Public Works to the Planning and Zoning Department;
3. Prior to commencement of the use, the applicant shall provide evidence of site plan approval from the State Fire Marshal's Office to the Planning and Zoning Department; and
4. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

ADOPTED by the Planning & Zoning Commission this 13th day of March, 2024.

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

ATTEST:



Duncan Bonine, Chairman



Erika Decker, Secretary

**RESOLUTION 2024 - 13
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE HEART MOUNTAIN SCHOOL
SPECIAL USE PERMIT-260 (SUP-260)**

WHEREAS, Adrian Troyer, with consent of the landowner Herman Stutzman, requests approval of a Special Use Permit to construct and operate a private school;

WHEREAS, the property is located approximately five miles southeast of Powell, directly north of County Lane 10H and approximately 1,500 feet east of the intersection of Lane 10H and Road 3. The property has an address of 251 Lane 10H;

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 March 13, 2024, to consider the Special Use Permit Application and made findings as follows:

1. Adrian Troyer submitted a Special Use Permit Application (signed by the landowner), including payment, a School Floor Plan, a Project Description, and a Statement of Compatibility on February 2, 2024;
2. The applicant requests approval of a Special Use Permit to operate a private school that will serve up to 22 students;
3. The School Floor Plan shows a 30' x 32' classroom and a 30' x 42' Mud Room. The Mud Room includes a sink, range, and bathrooms;
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. Ownership is affirmed by Warranty Deed dated February 2, 2024 to Herman Joe Stutzman and Lucinda Stutzman (Document #2024-435);

7. The property is a 39.5-acre parcel described as: Lot 47-E, Resurvey, T55N, R98W, 6th P.M., Park County, Wyoming;
8. The property is approximately five miles southeast of Powell, directly north of County Lane 10H and approximately 1,500 feet east of the intersection of Lane 10H and Road 3;
9. The property has an address of 251 Lane 10H;
10. The property is in a General Rural Powell (GR-P) zoning district;
11. Minor community uses are permitted in the General Rural Powell (GR-P) zoning district provided a Special Use Permit is approved;
12. Neighboring land uses are primarily agricultural; however, there are properties in the immediate vicinity classified as residential. The State of Wyoming owns several parcels in the area; these are located northwest and west of the proposed use location;
13. There is an existing well on the property, and the school will be served by an existing permitted small wastewater system (SWWP20211228-3);
14. The topography of the property and the surrounding area has little change in elevation. The Shoshone River borders the north end of the parcel;
15. The applicant submitted a site plan that shows the location of the school building, an outdoor recreation area, parking, access, and the location of the existing drain field.
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 DEQ summarized the notifications, permits, and certificates required for various activities that may impact surface or groundwater;
19. The Park County Treasurer stated that property taxes are paid in full;
20. The State Engineer's Office stated that the property well is only permitted for domestic and stock use, and use is not allowed for a school. Well use for a school would require a use enlargement;
21. The Fire Inspector for the Big Horn Basin stated the project will not require plan review through the State Fire Marshal's Office;
22. The Wyoming Department of Agriculture stated a food permit is not required for the use;
23. Wyoming Game & Fish stated they have no terrestrial wildlife comments;
24. Park County Weed & Pest will not require a Long-Term Noxious Weed Management Plan;
25. Elk Water Users Association stated the construction and use will not impede any water rights or impact any irrigation infrastructure;
26. Park County Fire District #1 has not provided comments;
27. Park County Public Works has not provided comments;

28. No public comments have been received;
29. The applicant made statements of how compatibility will be achieved;
30. The project will not have any engines or motors associated with the use; therefore, disturbances from noise should not be a concern.
31. No vehicle traffic will be associated with the use; therefore, dust should not be a concern.
32. School will be sized to accommodate 20 to 22 students and 2 teachers.
33. Hours of operation will be 8:30 am to 3 pm, September to April.
34. Ages of students will be 6 to 14.
35. Children will travel to the school building using bicycles and horse-drawn buggies.
36. No electricity is required for the use.
37. The building will be heated using radiant floor heat powered by propane or a natural gas boiler.
38. Lights will be powered by batteries.
39. Power for the well pump and gas boiler will be solar-powered or powered by a battery pack.
40. The future building will not be within 20 feet of a County road right-of-way;
41. No covenants are proposed or existing;
42. No outdoor lighting is proposed;
43. There are no known nonconformities on the property;
44. No nuisances have been reported at this location;
45. Given the nature and circumstances of the use, no soils review is warranted;
46. All factors relating to compatibility and impacts of the use have been sufficiently addressed 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;
47. Access is proposed from County Lane 10H;
48. Bottled water and/or well water will be available for students and teachers;
49. The building floor area will be 2,220 square feet, requiring 6 parking stalls;
50. The use will not require any parking for motorized vehicles; parking for bicycles and horse-drawn buggies is adjacent to the structure;
51. The existing septic system is adequately sized to serve the use;
52. Energy will be provided by propane or natural gas. Lights will be battery-powered. No electricity will serve the use;
53. No signs are proposed or necessary for this use;

54. Solid waste disposal services are available through private companies;
55. Adequate utilities, public services and infrastructure exist for the proposed use or the applicant will provide services to serve the proposed use;
56. No specific criteria are identified for this use;
57. The proposed use is in an Agricultural Overlay District;
58. No aspects of the proposed use are expected to impact surrounding agricultural uses;
59. The proposed use should not be negatively impacted by agricultural practices in the vicinity;
60. There will be a small decrease in marginally-productive agricultural land should this use be approved; and
61. Site plan review is not required for this use;

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 Heart Mountain School Special Use Permit-260 subject to the following conditions:

1. Park County noise, lighting, and other nuisance regulations shall apply;
2. Prior to review by the Board of County Commissioners, the applicant shall submit a formal response from Park County Public Works and the Fire District to the Planning and Zoning Department;
3. Prior to commencing the use, the applicant shall obtain a well permit for the enlarged use, approved by the State Engineer's Office, and provide a copy of the permit to the Planning and Zoning Department; and
4. The applicant shall otherwise comply with standards in the Park County Development Standards and Regulations.

ADOPTED by the Planning & Zoning Commission this 13th day of March, 2024.

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

ATTEST:



Duncan Bonine, Chairman



Erika Decker, Secretary

**RESOLUTION 2024 - 14
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
BOOHER MINOR SUBDIVISION-80 (MS-80) SKETCH PLAN**

WHEREAS, Rudi and Carla Booher propose to create a three-lot subdivision consisting of one 12.20-acre lot, one 12.26-acre lot and one 12.43-acre lot, each for 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 March 13, 2024 to consider the sketch plan application and made findings as follows:

1. Rudi and Carla Booher submitted a Minor Subdivision Application on February 2, 2024, including payment, sketch plan, a copy of the Notice of Intent to Subdivide and other supporting documentation;
2. A revised sketch plan was received on February 12, 2024;
3. The applicants request approval of a three-lot subdivision consisting of one 12.20-acre lot, one 12.26-acre lot and one 12.43-acre lot, each for residential use;
4. Ownership is affirmed by Warranty Deed (dated July 23, 2020 Doc. #2020-4472) to Rudi M. Booher and Carla R. Booher, husband and wife, as tenants by the entirety;
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 Lot 70-G and 70-L, Lot 70, Township 55 North, Range 98 West 6th P.M., Park County, Wyoming;
10. The proposed subdivision is located approximately two miles east of Powell, north of Lane 10, on the west side of Road 6. It is addressed as 960 Road 6, Powell;

11. Proposed Lot 1 is developed with a permitted residence, accessory structures, a septic system and a domestic water well. Proposed Lots 2 and 3 are vacant, irrigated lands;
12. The property topography is relatively flat;
13. Neighboring land uses are primarily a combination of agricultural and residential, with some residential vacant lands nearby. Two Tree SS-290 borders the south line of proposed Lot 3 and Jensvold SS-259 is east of the proposed subdivision;
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. 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;
18. Park County School District #1 stated they will have bus stops at all exit points onto County Road 6;
19. Garland Light & Power has the capacity to serve the proposed subdivision and has provided estimates to bring the power adjacent to each lot;
20. Montana-Dakota Utilities Company provided an estimate to extend a natural gas main to two residential lots;
21. Park County Weed & Pest found noxious weed species in their initial inspection and a Long-Term Noxious Weed Management Plan will be required;
22. Powell Clarks Fork Conservation District identified two soil types on the proposed subdivision; Stutzman-like silty clay loam, 0 to 3 percent slopes (97% of area) and Sale-Frisite complex, 4 to 15 percent slopes (3% of the area);
23. The primary soil type is rated "very limited" regarding dwellings with or without basements and small commercial buildings. Limitations are due to shrink-swell;
24. Both soil types are rated "very limited" regarding septic tank absorption fields. Limitations are primarily due to slow water movement;
25. Soil types are not considered to be prime farmland;
26. Wyoming DEQ provided agency contacts and information for permitting associated with various construction activities;
27. Wyoming Game & Fish stated they have no terrestrial wildlife comments for this subdivision;
28. The Park County Treasurer stated property taxes have been paid in full;

29. Park County Fire Protection District #1 has not provided a response;
30. Shoshone Irrigation District has not provided a response;
31. USPS has not provided a response;
32. Park County Public Works has not provided a response;
33. A concerned neighboring property owner submitted a public comment regarding future visual nuisances such as mobile homes and junk accumulating on the lots, if covenants are not proposed;
34. A pre-application meeting was held on November 2, 2023;
35. A title report dated February 27, 2024 has been received;
36. No new roads or driveways are proposed;
37. Solid waste disposal services are available through private companies;
38. No known landslides, steep slopes, rockfalls or other hazardous features are known to exist on the property;
39. Access to each lot will be directly from County Road 6;
40. Application submission requirements for sketch plan have been met, with the exception of responses from Park County Fire District 1 and USPS;
41. A percolation test was completed on proposed Lot 1 on August 27, 2020 and on Lot 2 on January 4, 2024. The percolation rates were consistently determined to be 80mpi in both locations;
42. Due to slow percolation rates, engineered septic systems may be required should this subdivision be approved and development occur;
43. A groundwater exploration cut was made to a depth of approximately 8 feet on proposed Lot 1 on August 14, 2020 and an exploration cut was made to a depth of 9 feet on proposed Lot 2 on January 3, 2024. Groundwater was not discovered in either excavation;
44. Wastewater requirements pertaining to sketch plan review have been met;
45. Domestic water will be provided by individual on-site wells to be permitted and approved by the Wyoming State Engineer's Office;
46. A water quality test revealed high total dissolved solids, high sulfate and elevated manganese and sodium;
47. Domestic water requirements pertaining to sketch plan review have been met;
48. 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;

49. This parcel is not located in an Agricultural Overlay District;
50. Agricultural impacts have been addressed;
51. The proposed subdivision is within the Shoshone Irrigation District; a review and recommendations of the water distribution plan by the District is required;
52. No stream or river is within or adjacent to the proposed subdivision;
53. All water rights requirements pertaining to sketch plan have been met, except a review and recommendations of the water distribution plan by the District will be required;
54. Electric service is not yet adjacent to each lot;
55. Natural gas is available however it will require extension of a gas main to proposed Lot 2 and Lot 3;
56. Utility requirements pertaining to sketch plan have been met, with the exception that power service is not adjacent to each lot and natural gas has not been stubbed to each lot line; therefore, a Subdivision Improvements Agreement will be required;
57. Lot standards have been met;
58. Common maintenance of facilities is not proposed;
59. No sidewalks, street lighting, alleys, or open spaces are proposed;
60. An HOA will not be required unless common facilities maintained by lot owners are proposed;
61. 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;
62. 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);
63. The subdivision is not within any Overlay District;
64. The proposed lots appear to be adequately sized to allow for development;
65. No open spaces, natural areas, schools, or parks are proposed or required; and
66. 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 Booher Minor Subdivision-80 (MS-80), 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. Prior to Sketch Plan Review by the Board of County Commissioners, the applicants shall provide responses from Park County Fire Protection District #1, Shoshone Irrigation District, USPS and Park County Public Works to the Planning and Zoning Department;
3. Prior to Final Plat Review by the Board of County Commissioners, the applicants shall provide a water distribution plan that has been reviewed and approved by the Shoshone Irrigation District to the Planning and Zoning Department;
4. Prior to Final Plat Review by the Board of County Commissioners, the applicants shall place the following note on the final plat: "Due to slow soil percolation rates, engineered small wastewater systems may be required";
5. Prior to Final Plat Review by the Board of County Commissioners, the applicant shall place a note on the final plat: "Water quality appears to be safe for human consumption; however, treatment such as reverse osmosis is recommended for more palatable water.";
6. Prior to Final Plat Review by the Board of County Commissioners, the applicant shall provide evidence of 1) an existing legal perimeter fence as prescribed by W.S. 11-28-102; 2) written consent from all adjacent landowners a perimeter fence is not necessary; or 3) plans to construct a perimeter fence as required by statute and in accordance with W.S. 18-5-306(a)(xiii);
7. Prior to Final Plat Review by the Board of County Commissioners, 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;

8. Prior to Final Plat Review by the Board of County Commissioners, 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";
9. Prior to Final Plat Review by the Board of County Commissioners, the applicants shall place a notice of the Wyoming Right to Farm and Ranch Act of 1991 on the plat;
10. Prior to recording the final plat, the applicants shall provide an approved Long-Term Noxious Weed Management Plan to the Planning and Zoning Department; 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 13th day of March, 2024.

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

ATTEST:

Brian Peters

Brian Peters, Acting Chairman

Erika Decker

Erika Decker, Secretary



Park County Planning & Zoning Department

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

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

PARK COUNTY PLANNING & ZONING COMMISSION
Meeting 1:00 P.M., Wednesday, March 13, 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 February 14, 2024, regular meeting.

CONSENT AGENDA

[JLSessions SS-319 Sketch Plan](#)

REGULAR AGENDA

[Mountain View Meadows Major Subdivision Sketch Plan](#)

[Ollokot MS-79 Sketch Plan](#)

[Mountain View Mouldings SUP-259](#)

[Heart Mountain School SUP-260](#)

[Booher MS-80 Sketch Plan](#)

OTHER BUSINESS

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

ADJOURN

PLEASE SIGN IN

PLANNING and ZONING COMMISSION REGULAR MEETING March 13, 2024

		JLSessions SS-319 Sketch Plan	
		Mountain View Meadows Major Subdivision Sketch Plan	
		Ollokot MS-79 Sketch Plan	
		Mountain View Mouldings SUP-259	
		Heart Mountain School SUP-260	
		Booher MS-80 Sketch Plan	
	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	Wendy Annis	Ollokot MS-79	Yes
2	Bruce Annis	Ollokot MS-79	NO
3	Mary Baumann	Mt View Meadow Major Subd.	Yes
4	Nale Hoffert	Ollokot MS-79	
5	Geoff Baumann	Neal & Ken Lydos	No
6	Lady Schatz	JL Sessions and Booher MS-80	If needed
8	DAN WILLETTE	MOUNTAIN VIEW MEADOWS	IF NEEDED
9	Sherri Willette	Mt View Meadows	NO
10	RUSTY BLOUGH	' '	IF NEEDED
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PLEASE SIGN IN
PLANNING and ZONING COMMISSION
REGULAR MEETING
March 13, 2024

		JLSessions SS-319 Sketch Plan	
		Mountain View Meadows Major Subdivision Sketch Plan	
		Ollokot MS-79 Sketch Plan	
		Mountain View Mouldings SUP-259	
		Heart Mountain School SUP-260	
		Booher MS-80 Sketch Plan	
	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	<i>May McKinley</i>	<i>all</i>	<input checked="" type="checkbox"/>
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