

1 **Planning & Zoning Commission Minutes**

2 August 21, 2024

3
4 This is a regular meeting of the Park County Planning & Zoning Commission held at 1:00pm in
5 the EOC Room of the County Courthouse at 1002 Sheridan Ave., Cody, WY.

6
7 **Commission Members Present:**

8 Duncan Bonine, Chairman
9 Brian Peters, Vice Chairman
10 Kimberly Brandon-Wintermote
11 Guy Eastman
12 Randy Mair
13

14 **Staff Present:**

15 Joy Hill, Planning Director
16 Jenfer Cramer, Planner II
17 Erika Decker, Planner I
18

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

20
21 **APPROVAL OF MINUTES**

22
23 Chairman Bonine asked the Commission for comments or changes to the July 17, 2024 meeting
24 minutes. Commissioner Brandon-Wintermote made a MOTION to approve the minutes;
25 Commissioner Mair SECONDED the motion to approve the minutes as presented. All in favor.
26 Motion carried.
27

28 **CONSENT AGENDA**

29
30 Chairman Bonine introduced the commission members and staff, acknowledged that a public
31 hearing was not required, and addressed Consent Agenda item qualifications.
32

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

38 Commissioner Brandon-Wintermote made a MOTION to approve the consent agenda.
39 Commissioner Eastman SECONDED the motion. All in favor. Motion carried. See Resolution
40 2024-26, attached hereto and incorporated herein.
41

42 **Scott SS-321 Sketch Plan:** Ronald Lee Scott requests approval of the application and Sketch
43 Plan for the Scott Simple Subdivision (SS-321). The proposed subdivision will create two 1.80-
44 acre lots for residential use, out of a 77-acre parcel. The subdivision will result in a 73.4-acre
45 remainder parcel. The proposed subdivision is located within Lots 54-C and 54-D of Lot 54, T55N
46 R99W of the 6th P.M., Park County, WY. The property is located in a GR-P zoning district in the
47 Powell and Cody/Powell Rural Planning Areas, approximately 1500 feet east of the intersection
48 of County Lane 11 and County Road 13, on the south side of County Lane 11, with an address of
49 1266 Lane 11, Powell, Wyoming.
50

51 Commissioner Brandon-Wintermote read the conditions of approval (by Resolution 2024-26) for

Planning & Zoning Commission Minutes

August 21, 2024

52 the Scott SS-321 Sketch Plan:

- 53 1. The applicant shall provide all easements as requested by applicable utilities and
54 special districts, irrigation districts or public agencies providing services. The width of
55 any utility easement shall be sufficient to allow adequate maintenance of the system,
56 but in no case shall such utility easement be less than 20 feet in width. Easements must
57 be identified on the final plat;
- 58 2. The applicant shall place the following note on the final plat: "Due to shallow
59 groundwater, engineered small wastewater systems are required.";
- 60 3. The applicant shall place the following note on the final plat: "Any proposed water wells
61 on these subdivision lots shall be permitted by the Wyoming State Engineer's Office
62 prior to installation";
- 63 4. Prior to final plat review by the Board of County Commissioners, the applicant shall
64 provide a formal response from Park County Public Works;
- 65 5. Prior to final plat review by the Board of County Commissioners, the applicant shall
66 provide a response from the Shoshone Irrigation District;
- 67 6. Prior to final plat review by the Board of County Commissioners, the applicant shall
68 provide an approved water distribution plan to the Planning & Zoning Department;
- 69 7. Prior to final plat review by the Board of County Commissioners, the applicant shall
70 place the a notice of the Wyoming Right to Farm and Ranch Act of 1991 on the final
71 plat;
- 72 8. Prior to final plat review by the Board of County Commissioners, the applicant shall
73 submit a completed *Affidavit of Subdivider's Compliance with W.S. 18-5-319* to the
74 Planning and Zoning Department;
- 75 9. The applicant shall otherwise comply with standards in the Park County
76 Development Regulations and the minimum subdivision requirements as set forth in
77 Wyoming Statute 18-5-306.

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Planning & Zoning Commission Minutes

August 21, 2024

80 REGULAR AGENDA

81

82 PUBLIC HEARING – River Rock Estates MS-84 Sketch Plan: David & Debbie Vardiman on
83 behalf of Jeremiah & Rachel Vardiman, landowners, request approval of the application and
84 Sketch Plan for River Rock Estates Minor Subdivision (MS-84). The proposed subdivision will
85 create one 1.00-acre lot, from a 102.02-acre parcel. The creation of the subdivision will result in
86 a 101.02-acre exempt remainder parcel. The property is within Lot 2 of Sec 21; Lot 2, Lot 3 and
87 the N1/2NW1/4 of Sec 28; Lot 1 and Lot 2 of Sec 29; and Tract 1 of Lot 77; Resurvey, T55N,
88 R98W of the 6th P.M., Park County, WY. The property is located in a GR-P zoning district in the
89 Cody/Powell Rural Planning Area, approximately 3.5 miles southeast of the City of Powell, west
90 of County Road 5 and north of County Lane 11H, with an address of 1104 Road 5, Powell,
91 Wyoming.

92

93 Chairman Bonine reviewed the rules of a public meeting and opened the public hearing at
94 1:08pm.

95

96 There being no comments from Commission members, Jennifer Cramer, Planner II, presented
97 the Staff Report. Jennifer mentioned that finding #1 in the staff report needs to be corrected to
98 reflect an application receipt date of July 12, 2024. Finding #43 should reflect that we have
99 received a complete water test indicating safe drinking water. Jennifer recommended deleting
100 condition #6 regarding a water quality test (since a test has been conducted and results were
101 received).

102

103 Chairman Bonine asked if any Commission members had questions for Staff. There were none.

104

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

- 106 • Rachel Vardiman, applicant, and Nick Hummel, EA Associates, approached the Board.
107 Nick addressed some of the letters that are missing. USPS has been slow to respond. He
108 anticipates no water distribution plan will be required from Elk-Lovell Water Users since
109 none have been required in the past. This lot is completely surrounded by the remainder
110 and they will not require a fence. Rachel said she spoke with the irrigation folks and they
111 should be sending a statement in writing soon. She asked about obtaining a form for the
112 fencing.

113

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

116

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

119

120 Commissioner Brandon-Wintermote fixed the first finding as noted. Finding #45 struck “with the
121 exception...”. Condition #6 (as stated by staff) was eliminated.

122

123 Commissioner Eastman made a MOTION to close the hearing at 1:24pm; Commissioner Peters
124 SECONDED the motion. All in favor. Motion carried.

125

126 Commissioner Eastman made a MOTION to recommend approval of the River Rock Estates
127 MS-84 Sketch Plan by Resolution 2024-27 based on the findings presented and including the
128 following conditions:

129

1. The applicants shall provide all easements as requested by applicable utilities and

Planning & Zoning Commission Minutes

August 21, 2024

- 130 special districts, irrigation districts or public agencies providing services. The width of any
131 utility easement shall be sufficient to allow adequate maintenance of the system, but in
132 no case shall such utility easement be less than 20 feet in width. Easements must be
133 identified on the final plat;
- 134 2. Prior to Sketch Plan Review by the Board of County Commissioners, the applicants shall
135 provide a response from USPS to the Planning and Zoning Department;
- 136 3. Prior to Sketch Plan Review by the Board of County Commissioners, the applicants shall
137 provide a response from Park County Public Works to the Planning and Zoning
138 Department;
- 139 4. Prior to Sketch Plan Review by the Board of County Commissioners, the applicant shall
140 provide a review and recommendations from the Elk-Lovell Water Users Association to
141 the Planning & Zoning Department;
- 142 5. The applicant shall place the following note on the final plat: "High groundwater may be
143 present and engineered systems may be required.";
- 144 6. Prior to Final Plat Review by the Board of County Commissioners, the applicant shall
145 address shared maintenance of the driveway in the Notarized Disclosure Statement and
146 do one of the following: 1) state how driveway maintenance responsibility will be shared
147 on the Final Plat and Disclosure Statement, or 2) provide a Driveway Maintenance
148 Agreement to be recorded with the Final Plat;
- 149 7. Prior to Final Plat Review by the Board of County Commissioners, the applicant shall
150 provide evidence of 1) an existing legal perimeter fence as prescribed by W.S. 11-28-
151 102; 2) written consent from all adjacent landowners a perimeter fence is not necessary;
152 or 3) plans to construct a perimeter fence as required by statute and in accordance with
153 W.S. 18-5-306(a)(xiii);
- 154 8. Prior to Final Plat Review by the Board of County Commissioners, the applicants shall
155 submit an appropriate Subdivision Improvements Agreement, if applicable, addressing
156 all required improvements (i.e., utilities, fencing, etc.) for review by staff and approval of
157 the County Attorney and the Board;
- 158 9. Prior to Final Plat Review by the Board of County Commissioners, the applicants shall
159 place the following note on the final plat: "Any proposed water wells on these subdivision
160 lots shall be permitted by the Wyoming State Engineer's Office prior to installation";
- 161 10. Prior to Final Plat Review by the Board of County Commissioners, the applicants shall
162 place a notice of the Wyoming Right to Farm and Ranch Act of 1991 on the plat; and
- 163 11. The applicants shall otherwise comply with standards in the Park County
164 Development Regulations and the minimum subdivision requirements as set forth in
165 Wyoming Statute 18-5-306.
- 166
167 Commissioner Peters **SECONDED** the motion. All in favor. Motion carried. See Resolution 2024-
168 27 attached hereto and incorporated herein.
- 169
170 Chairman Bonine gave a short report. The Planning Director followed with a department report.
171
- 172 The Commission discussed draft bylaws.
173
- 174 Commissioner Peters made a **MOTION** to adjourn at 3:03pm. **SECONDED** by Commissioner
175 Brandon-Wintermote. All in favor. Motion carried.
176
- 177 Respectfully submitted,

Planning & Zoning Commission Minutes

August 21, 2024

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Kim Lee Hardage
Kim Lee Hardage, Secretary

**RESOLUTION 2024 - 26
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
SCOTT SIMPLE SUBDIVISION SS-321 (SS-321) SKETCH PLAN**

WHEREAS, Ronald Lee Scott (applicant) proposes to create two 1.80-acre lots for residential use, from an existing 76.61-acre parcel, in a GR-P zoning district, in the Powell and Cody/Powell Rural Planning Areas;

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 August 21, 2024 to consider the request and made findings as follows:

1. Ronald Lee Scott (applicant), submitted a Simple Subdivision Permit Application on July 12, 2024;
2. The applicant requests approval of the sketch plan to create two 1.80-acre lots for residential use, from an existing 76.61-acre parcel;
3. Applicable regulations are the *Park County, Wyoming, 2015 Development Standards and Regulations*, adopted September 15, 2015;
4. The proposed subdivision is classified as a simple subdivision;
5. Ownership of the property is affirmed by Warranty Deed dated July 11, 2023, to Ronald Lee Scott, from Dianna Lee Baker and Ronald Lee Scott, Co-Trustees, of the Charles W Scott Trust dated June 21, 1995, (Document #2023-2748);
6. The proposed subdivision is located within Lots 54-C and 54-D of Lot 54, T55N R99W of the 6th P.M., Park County, WY;
7. The parcel is located approximately 1.5 miles east of Ralson and east of County Road 13, in between County Lane 11 and County Lane 11 ½;
8. The property has an address of 1266 Lane 11, Powell;
9. Neighboring land uses are agricultural, residential, and residential vacant land;

10. The property is not located within one mile of a municipality; therefore, municipal review is not required;
11. Proposed Lot 1 has a permitted residence, accessory structures, a septic system and a domestic water well. Proposed Lot 2 is undeveloped and used primarily for agricultural purposes.
12. The property topography shows little change in elevation;
13. The proposed subdivision is in a General Rural Powell (GR-P) zoning district;
14. The lot sizes as proposed are consistent with the GR-P zoning district;
15. Notice of Intent to Subdivide was published June 27, 2024 and July 5, 2024 in the *Powell Tribune*;
16. Simple subdivisions are exempt from public hearing requirements and may be eligible for approval under the Consent Agenda;
17. Relevant agencies were notified as required;
18. Montana Dakota Utilities stated they have a 2" natural gas main line on the north side of County Lane 11 and they can provide service to the proposed lots;
19. Park County Fire District #1 stated they can provide fire suppression, provided accesses are constructed to accommodate fire equipment;
20. Garland Light & Power Co. stated they are able to serve the proposed subdivision;
21. Powell-Clarks Fork Conservation District identified one primary soil type on the property, Clifsand gravelly loam which is considered "not limited" for dwellings and small commercial buildings; "not prime farmland"; and is considered "very limited" in regard to septic tank absorption fields due to filtering capacity and seepage;
22. Park County School District #1 can provide bus service to the proposed subdivision;
23. The US Postal Service can deliver mail to the proposed subdivision;
24. Park County Weed & Pest inspected the property and found noxious weeds, therefore, a Long-Term Noxious Weed Management Plan is required and has been received;
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. Wyoming Game & Fish Department stated they have not terrestrial wildlife

comments and offered their standard subdivision recommendations;

27. The Park County Treasurer stated that taxes are paid in full;
28. 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-sight to one of their towers. TCT also requested a utility easement to assist with deployment of fiber optics to the lots in the future;
29. Park County Public Works has not provided a response;
30. Shoshone Irrigation District has not provided a response;
31. No public comments have been received;
32. A pre-application meeting occurred on June 17, 2024, and was attended by the applicant, the applicant's representative, and the Planning Department staff;
33. A title report dated July 10, 2024, has been provided by the applicant;
34. There are no new roads or shared driveways proposed as a part of this subdivision;
35. Solid waste disposal service can be provided by private service providers;
36. Simple subdivisions are not required to install utilities;
37. No known landslides, rockfalls, high danger from fire or explosion or other hazardous features exist on the property, however, there are shallow groundwater conditions;
38. A sketch plan was provided with the application;
39. Application submission requirements for sketch plan review have been met;
40. Percolation test results on proposed Lot 2 indicated a perc rate of 9.2 mpi;
41. The excavation cut on proposed Lot 2 revealed groundwater at a depth of 3 feet;
42. Engineered septic systems will be required due to high groundwater;
43. Wastewater requirements pertaining to sketch plan review have been met;
44. Domestic water will be provided by wells to be permitted and approved by the Wyoming State Engineer's Office;
45. A well water sample was collected from an existing well on proposed Lot 1 on August 1, 2024 and the results indicate the water quality is adequate. Nitrogen, Nitrate + Nitrate as N was detected at a level of 3.75 mg/L, which is under the maximum contaminant level of 10 mg/L, annual monitoring is recommended. All other tested elements were reported at satisfactory levels;

46. Domestic water requirements pertaining to sketch plan review have been met;
47. Agricultural impacts pertaining to sketch plan review have been addressed though the applicant did not address pests, litter or domestic pets;
48. The applicant is expected to comply with any requirements from the Irrigation District and County Weed and Pest;
49. The applicant provided written consent from all adjacent landowners that a perimeter fence is not necessary;
50. This parcel is located in an Agricultural Overlay District;
51. Notice of the Wyoming Right to Farm and Ranch Act of 1991 must be stated on the final plat;
52. Existing irrigation facilities have been identified on the property;
53. Agricultural impacts have been addressed;
54. Shoshone Irrigation District has been notified of this proposed subdivision. A review and recommendations from the District will be required, along with an approved water distribution plan;
55. No stream/river passes within or adjacent to the proposed subdivision lots;
56. Water rights requirements pertaining to sketch plan review have been met;
57. Lot standard requirements have been met;
58. No common maintenance of facilities is proposed;
59. All easement standards apply;
60. No roads, drainage, sidewalks, street lighting, alleys or open spaces are proposed or required; and
61. 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 Scott SS-321, 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 applicant shall place the following note on the final plat: "Due to shallow groundwater, engineered small wastewater systems are required.";
3. The applicant shall place the following note on the final plat: "Any proposed water wells on these subdivision lots shall be permitted by the Wyoming State Engineer's Office prior to installation";
4. Prior to final plat review by the Board of County Commissioners, the applicant shall provide a formal response from Park County Public Works;
5. Prior to final plat review by the Board of County Commissioners, the applicant shall provide a response from the Shoshone Irrigation District;
6. Prior to final plat review by the Board of County Commissioners, the applicant shall provide an approved water distribution plan to the Planning & Zoning Department;
7. Prior to final plat review by the Board of County Commissioners, the applicant shall place the a notice of the Wyoming Right to Farm and Ranch Act of 1991 on the plat;
8. Prior to final plat review by the Board of County Commissioners, the applicant shall submit a completed *Affidavit of Subdivider's Compliance with W.S. 18-5-319* to the Planning and Zoning Department;
9. 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 21st day of August, 2024.

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



Duncan Bonine, Chairman

ATTEST:



Kim Lee Hardage, Secretary

**RESOLUTION 2024 - 27
PARK COUNTY PLANNING & ZONING COMMISSION**

**TITLE: RECOMMENDATION TO APPROVE
RIVER ROCK ESTATES MINOR SUBDIVISION-84 (MS-84) SKETCH PLAN**

WHEREAS, David & Debbie Vardiman (applicant), on behalf of Jeremiah & Rachel Vardiman (landowners) propose to create a one-lot subdivision resulting in one 1.00-acre lot for residential use and an approximately 101.02-acre exempt remainder parcel;

WHEREAS, a minor subdivision 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 August 21, 2024 to consider the sketch plan application, and made findings as follows:

1. David & Debbie Vardiman, on behalf of Jeremiah & Rachel Vardiman, submitted a Minor Subdivision Application on July 12, 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 August 5, 2024;
3. The applicants request approval of one, 1.00-acre lot for residential use, from an existing 102.02-acre parcel. The subdivision will result in an approximately 101.02-acre remainder parcel;
4. Applicable Regulations for this development are the *Park County, Wyoming, 2015 Development Standards and Regulations* adopted September 15, 2015 (“Regulations”);
5. Ownership is affirmed by Warranty Deed, dated January 20, 2021, (Document #2021-489) to Jeremiah David Vardiman and Rachel RaNae Vardiman, husband and wife, as tenants by entireties, not as joint tenants or tenants in common;
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 within Lot 2 of Section 21; Lot 2, Lot 3 and the N1/2NW1/4 of Section 28; Lot 1 and Lot 2 of Section 29; and Tract 1 of Lot 77; Resurvey, Township 55 North, Range 98 West, 6th P.M., Park County, Wyoming, being described in and shown and labeled as a 102.02-acre Parcel on the Record of Survey in Warranty Deed recorded in the office of the Park County Clerk, Document No. 2021-489;
10. The proposed subdivision is located approximately 3.5 miles southeast of the City of Powell, on the west side of County Road 5, north of County Lane 11H, with an address of 1104 Road 5, Powell;
11. In April of this year, the Planning & Zoning Department issued permits to construct a residence and small wastewater system on proposed Lot 1;
12. The remainder parcel is developed with a permitted residence, accessory structures, a septic system and a domestic water well. The majority of the remainder parcel is irrigated and productive cropland;
13. The property topography is relatively flat;
14. Neighboring land uses are residential, residential vacant and agricultural, with some exempt, Bureau of Reclamation lands nearby. Harshman SS-268, Roop SS-137, and Gunnar MS-77 bound the property and other small subdivisions are in close proximity;
15. This property is not located within one mile of a municipality; therefore, municipal review is not required;
16. Public notice requirements have been met;
17. Relevant agencies were notified as required;
18. Park County Fire Protection District #1 can provide fire suppression to the proposed subdivision and request that all access points are constructed to accommodate the fire equipment;
19. Park County School District #1 stated they will have bus stops at all exit points onto County Road 5;
20. TCT stated they have terrestrial wireless service available in this area and may be able to provide internet and VOIP phone to his location, depending on line-of-sight to one of their towers;
21. Powell Clarks Fork Conservation District identified two soil types on the proposed subdivision: Fluvaquents, 0 to 6 percent slopes, occasionally

flooded (0.1% of the area), and Clifsand gravelly loam, 0 to 3 percent slopes (99.9% of the area);

- The primary soil type is rated “not limited” and the secondary soil type is rated “very limited” regarding dwellings with or without basements and small commercial buildings. The limitations are due to flooding, and depth to saturated zone;
 - Both soil types are rated “very limited” regarding septic tank absorption fields. Limitations are due to flooding, depth to saturated zone, seepage and filtering capacity;
 - The soil types are not considered prime farmland;
22. Wyoming Game & Fish have no big game concerns regarding the proposed subdivision;
 23. Montana-Dakota Utilities Company has natural gas service available by a 3/4” gas line within the proposed access and utility easement that can serve Lot 1. Service line installations can be initiated once a structure is erected that will use natural gas;
 24. Wyoming DEQ provided agency contacts and information for permitting associated with various construction activities;
 25. The Park County Treasurer confirmed property taxes have been paid in full;
 26. Garland Light & Power has the capacity to serve the proposed subdivision and power service is adjacent to the proposed Lot 1;
 27. Park County Weed & Pest has inspected the property and is not requiring a Long-Term Noxious Weed Management Plan;
 28. USPS has not provided comment;
 29. Elk-Lovell Water Users Association has not provided comment;
 30. Park County Public Works has not provided comment;
 31. No public comments have been received;
 32. A pre-application meeting was held on June 17, 2024;
 33. A title report has been received;
 34. A shared access and driveway is proposed across the remainder parcel. The applicant stated maintenance will be shared 50/50 between the owner of Lot 1 and the remainder parcel, who will share use of the driveway;
 35. Solid waste disposal services are available through private companies;

36. High groundwater is present on the property, however no other hazardous features are known to exist on the property;
37. Access to the subdivision is by an existing 60' easement from County Road 5, across Triple KB Ranch, LLC lands and a 30' access and utility easement across the remainder parcel;
38. Application submission requirements for sketch plan have been met;
39. A percolation test was completed on proposed Lot 1 on April 9, 2024. The percolation rate was 13mpi;
40. A groundwater exploration cut was made to a depth of approximately 9'6" on proposed Lot 1 on April 9, 2024. Groundwater was discovered at 8 feet below the surface;
41. Wastewater requirements pertaining to sketch plan review have been met and because the groundwater cut was conducted during the off-season for irrigation, and still evidenced high groundwater at 8 feet, the applicant shall place the following note on the final plat: "High groundwater may be present and engineered systems may be required.";
42. Domestic water will be provided by individual on-site wells to be permitted and approved by the Wyoming State Engineer's Office;
43. The applicant provided four water quality result reports of water samples taken from a well located on the remainder parcel:
 - (1) Test Results from Energy Laboratories dated September 16, 2022
 - Total Coliform was present in the sample.
 - Certain elements were missing from the analysis and staff requested the applicant re-test for coliform bacteria and also for the missing elements.
 - (2) Test Results from Engineering Associates dated July 26, 2024
 - Engineering Associates tested the water for Total Coliform and E-Coli Coliform. Coliform was reported absent from the sample.
 - (3) Test Results from Energy Laboratories dated August 1, 2024
 - pH was reported at 8.6, which is just above the satisfactory range of 6.5 – 8.5.
 - Total Dissolved Solids were reported at 560 mg/L. A result higher than 500 mg/L is considered objectionable; however, high TDS do not generally pose a serious health risk.
 - Nitrogen, Nitrate + Nitrite as N was detected at a level of 0.05 mg/L which is below the maximum contaminate level of 5 mg/L.
 - Arsenic was not detected in the water sample.

- Lead was reported at 0.002 mg/L and is considered a satisfactory result.
- (4) Test Results from Energy Laboratories dated July 26, 2024
- Total Coliform and E-Coli Coliform. Coliform was reported absent from the sample
44. Domestic water requirements pertaining to sketch plan review have been met;
 45. Agricultural impacts to the subdivision have been addressed, as well as impacts of surrounding agricultural activities on the subdivision, with the exception of addressing the control of pests or litter and the confinement of domestic pets;
 46. The proposed subdivision is within the Elk-Lovell Water Users Association boundary and a water distribution plan may be required;
 47. No stream or river is within or adjacent to the proposed subdivision;
 48. Water rights requirements pertaining to sketch plan have been met;
 49. Electric service is adjacent to the proposed lot;
 50. Natural gas is available to serve the subdivision once a structure is constructed and service is requested;
 51. Utility requirements pertaining to sketch plan have been met;
 52. Lot standards have been met;
 53. The applicant will be required to state how driveway maintenance responsibility will be shared on the Final Plat and Disclosure Statement or provide a Driveway Maintenance Agreement, to be recorded with the Final Plat;
 54. No sidewalks, street lighting, alleys, or open spaces are proposed;
 55. An HOA will not be required unless common facilities maintained by lot owners are proposed;
 56. 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;
 57. 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);

58. The subdivision is within an Agricultural Overlay District;
59. A note regarding the Wyoming Right to Farm & Ranch Act of 1991 will be placed on the final plat;
60. The proposed subdivision will not result in a significant reduction in land available for agricultural use;
61. The proposed lots appear to be adequately sized to allow for development;
62. No open spaces, natural areas, schools, or parks are proposed or required; and
63. 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 River Rock Estates Minor Subdivision-84 (MS-84), 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 a response from USPS to the Planning and Zoning Department;
3. Prior to Sketch Plan Review by the Board of County Commissioners, the applicants shall provide a response from Park County Public Works to the Planning and Zoning Department;
4. Prior to Sketch Plan Review by the Board of County Commissioners, the applicant shall provide a review and recommendations from the Elk-Lovell Water Users Association to the Planning & Zoning Department;
5. The applicant shall place the following note on the final plat: "High groundwater

may be present and engineered systems may be required.”;

6. Prior to Final Plat Review by the Board of County Commissioners, the applicant shall address shared maintenance of the driveway in the Notarized Disclosure Statement and do one of the following: 1) state how driveway maintenance responsibility will be shared on the Final Plat and Disclosure Statement, or 2) provide a Driveway Maintenance Agreement to be recorded with the Final Plat;
7. 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);
8. 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 (i.e., utilities, fencing, etc.) for review by staff and approval of the County Attorney and the Board;
9. 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”;
10. 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; 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.

By the Park County Planning & Zoning Commission this 21st day of August, 2024.

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



Duncan Bonine, Chairman

ATTEST:



Kim Hardage, Secretary



Park County Planning & Zoning Department

1002 Sheridan Avenue, Suite #109

Cody, Wyoming

(307) 527-8540

PARK COUNTY PLANNING & ZONING COMMISSION

Meeting **1:00 P.M., Wednesday, August 21, 2024** in the Alternate Emergency Operating Center (EOC Room), basement of the Courthouse Addition
1002 Sheridan Ave. 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 July 17, 2024, regular meeting.

CONSENT AGENDA

[Scott SS-321 Sketch Plan](#)

REGULAR AGENDA

[Public Hearing: River Rock Estates MS-84 Sketch Plan](#)

OTHER BUSINESS

1. Chair's Report
2. Planning Director's Report
3. Regulation Amendments Work Session

ADJOURN

PLEASE SIGN IN
PLANNING and ZONING COMMISSION
REGULAR MEETING
August 21, 2024

		Scott SS-321 Sketch Plan	
		Rock River Estates MS-84 Scetch Plan	
	Please PRINT your name	Name of the HEARING OF INTEREST	DO YOU WISH TO SPEAK
1	Rachel Vardiman	River Rock Estates	if needed
2	Edward Reed	Scott - 321	if needed
3	DAVID VARDIMAN	RIVER ROCK ESTATES	IF NEEDED
4	Debbie Vardiman	" " "	NO
5	NICHOLAS Hummel	" "	IF NEEDED
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