

1 **PARK COUNTY PLANNING & ZONING DEPARTMENT**
2 Staff Report – Board of County Commissioners
3 Booher Minor Subdivision-80 (MS-80) – Public Hearing
4 Sketch Plan Review
5

6 **Staff:** Jennifer Cramer and Joy Hill

Hearing Date: April 16, 2024 @ 9:35am

7 **Applicant:** Rudi & Carla Booher

Zoning: General Rural Powell (GR-P)

8 **Tax ID#:** 01559807012003

Planning Area: Powell

9
10 **Application:** Rudi and Carla Booher submitted a Minor Subdivision Application
11 **(attached)** on February 2, 2024, including payment, sketch plan, a copy of the Notice of
12 Intent to Subdivide and other supporting documentation. A revised sketch plan was
13 received on February 12, 2024 (see Figure 1).
14

15 **Requested Action:** The applicants request approval of a three-lot subdivision consisting
16 of one 12.20-acre lot, one 12.26-acre lot and one 12.43-acre lot, each for residential use.
17

18 **Ownership:** Ownership is affirmed by Warranty Deed (dated July 23, 2020 Doc. #2020-
19 4472) to Rudi M. Booher and Carla R. Booher, husband and wife, as tenants by the
20 entirety, from Paul Edward Green and Charity Rose Green, husband and wife.
21

22 **Applicable Regulations (portions of which are referenced herein):** *Park County,*
23 *Wyoming, 2015 Development Standards and Regulations* adopted September 15, 2015
24 (“regulations”).
25

26 **Classification of Subdivision:** A minor subdivision is the division of a tract of record into
27 not more than five (5) lots, each lot being smaller than 35 acres. An existing subdivision
28 lot may be divided using the minor subdivision process so long as the division creates no
29 more than five (5) lots each smaller than 35 acres within the existing subdivision or tract
30 of record. Minor subdivision lots shall be configured to create a contiguous developed
31 area. Minor subdivisions must comply with the Minor Subdivision Review Process.
32

33 **Zoning District and Purpose:** **The property is located within a General Rural Powell**
34 **(GR-P) zoning district.** The GR-P district allows low and moderate-intensity land uses.
35 Lots with on-site septic systems shall have a one-acre minimum lot size. Otherwise, no
36 other minimum lot sizes are specified. Subdivision densities will be set in the subdivision
37 review process based on consideration of site and area characteristics and the land use
38 guidelines of the Land Use Plan. A variety of uses are permitted in this district in
39 recognition of the varied land uses typical of rural areas. This district is also intended to
40 promote the retention of open space, agricultural land, wildlife habitat, riparian habitat and
41 scenic areas and prevent development on unstable geologic features. **The lot sizes as**
42 **proposed are consistent with the GR-P zoning district.**
43

44 **Legal Description:** A 36.88-acre parcel described as: Lot 70-G and 70-L, excepting Two
45 Tree SS-290 and excepting a parcel in the N1/2 of Lot 70-G and 18.55-acres in the
46 southwest corner of Lot 70-L, Lot 70, Township 55 North, Range 98 West, Park County,
47 Wyoming.

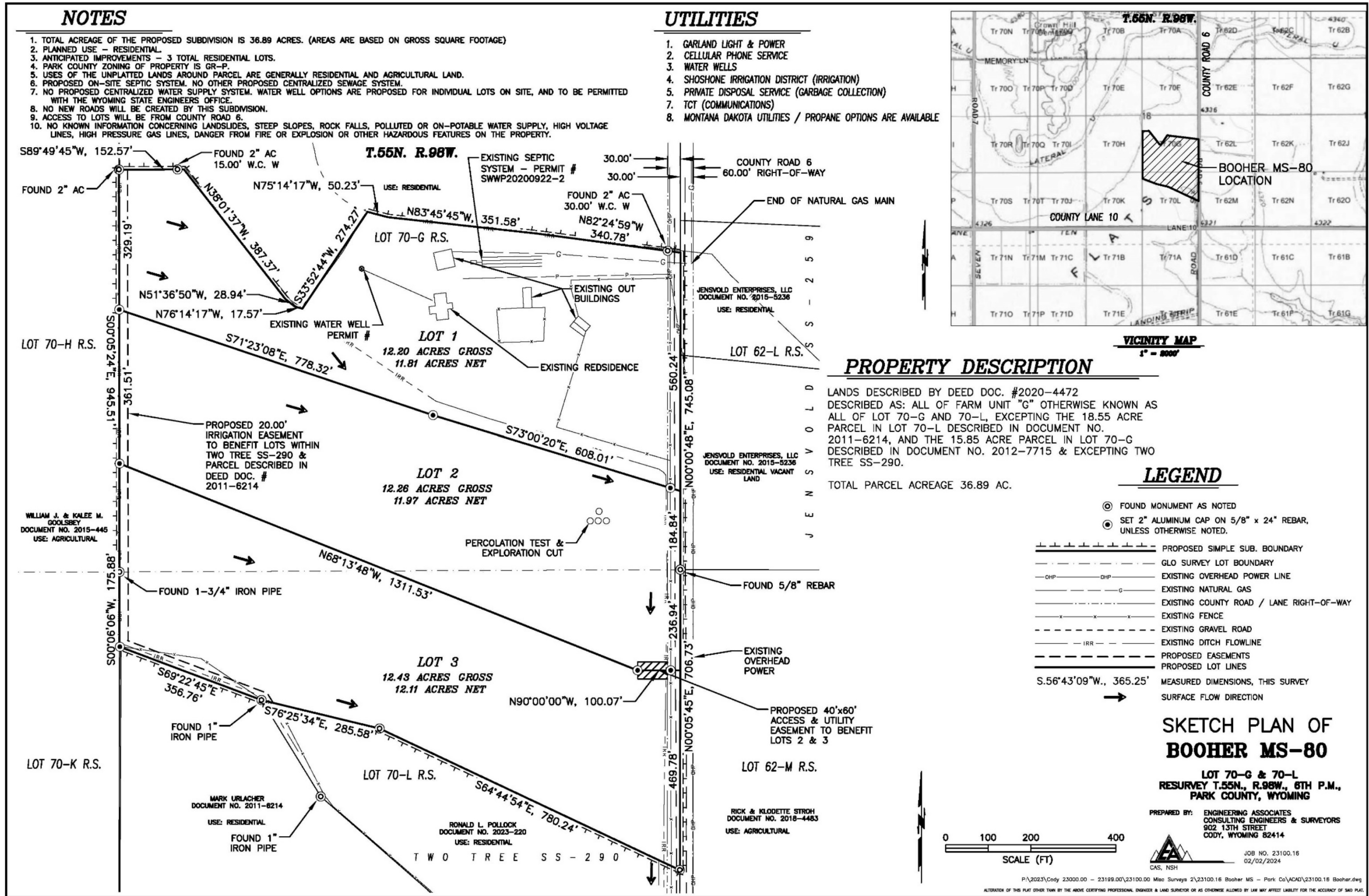


Figure 1: Booher MS-80 Sketch Plan

49 **Location:** As shown in Figure 2, the proposed subdivision is located approximately two
50 miles east of Powell, north of Lane 10, on the west side of Road 6. It is addressed as 960
51 Road 6, Powell.

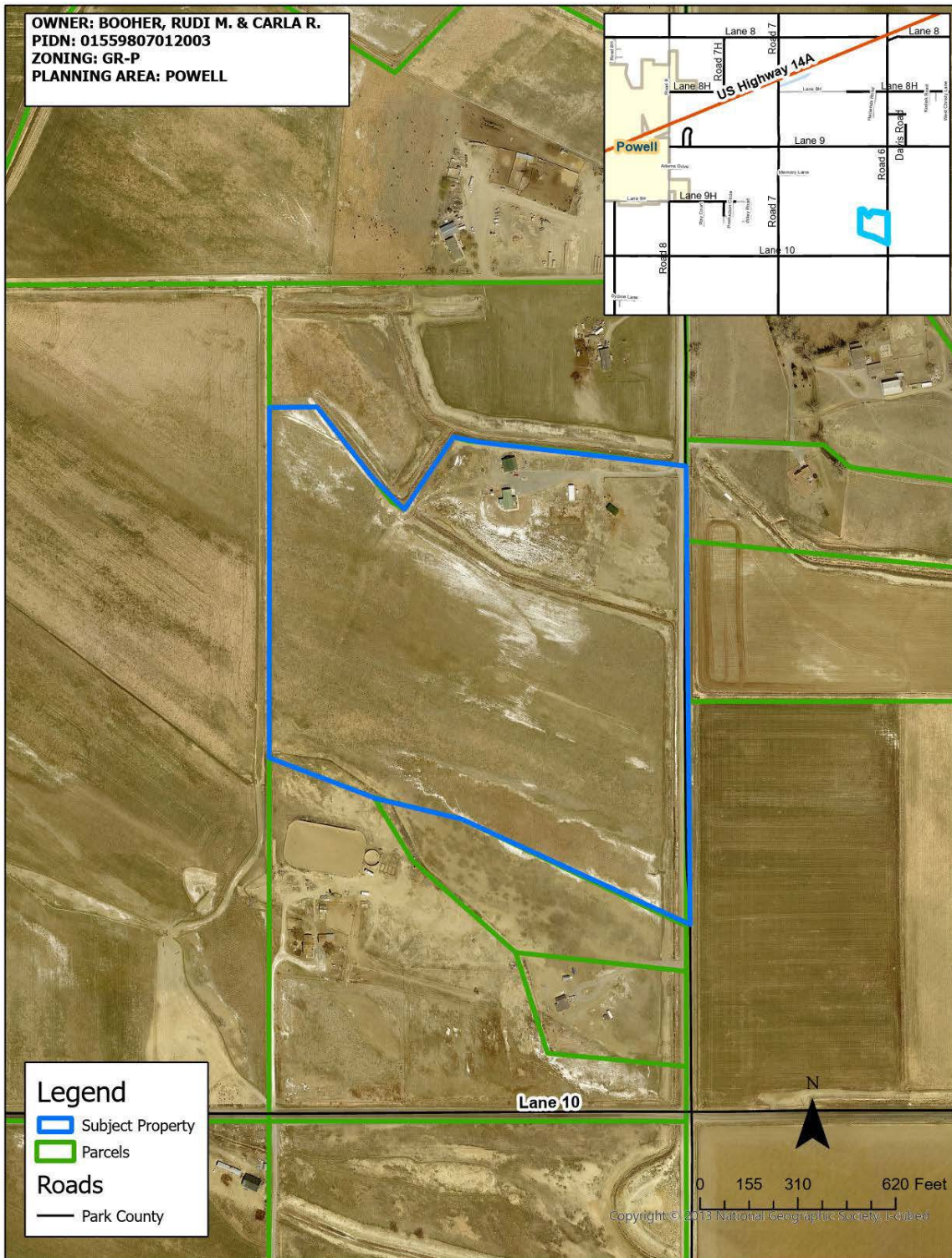


Figure 2: Booher MS-80 Location

53 **Site Characteristics:** Proposed Lot 1 is developed with a permitted residence,
54 accessory structures, a septic system and a domestic water well. Proposed Lots 2 and
55 3 are vacant, irrigated lands. As shown in Figure 3, the property topography is relatively
56 flat.
57

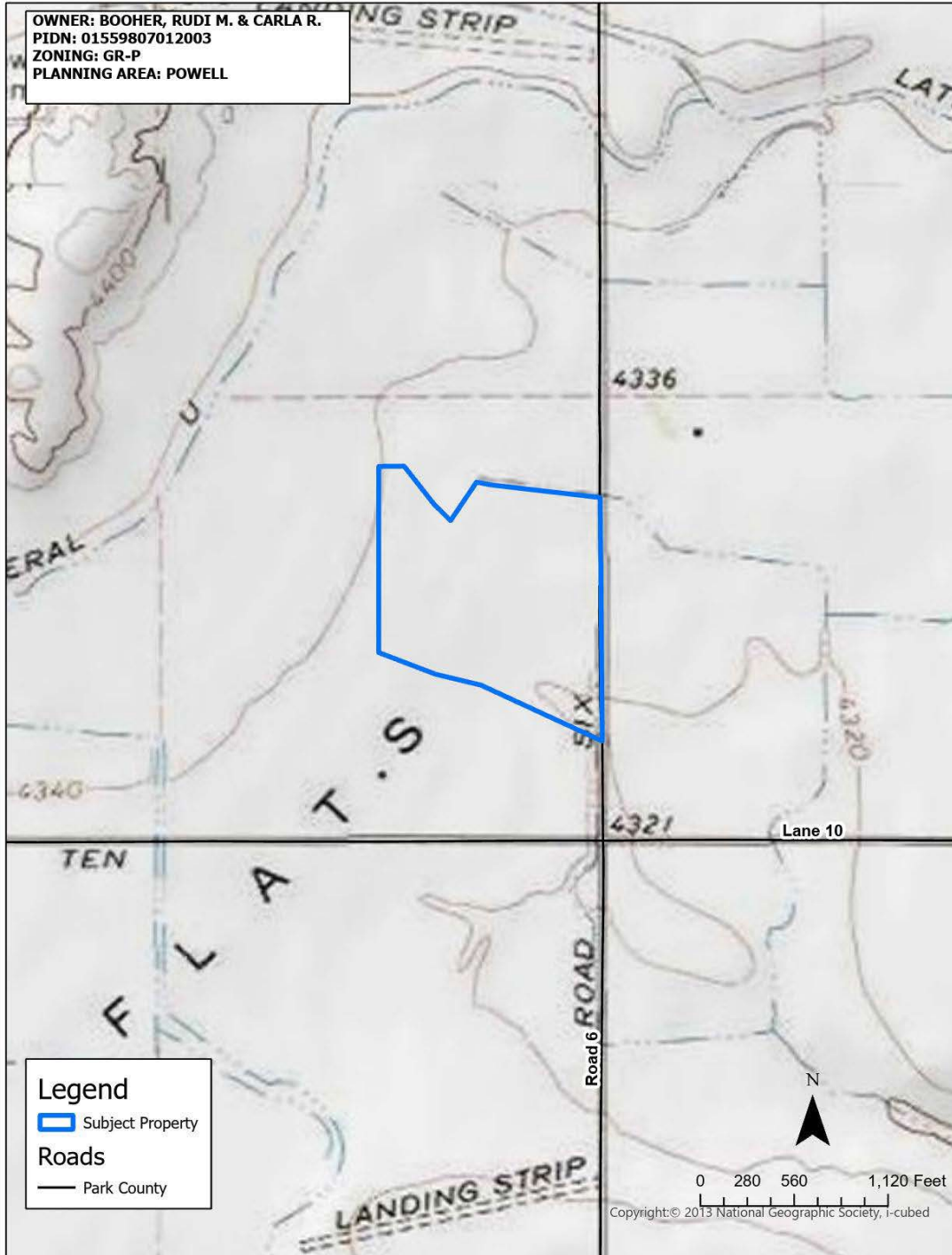


Figure 3: Topographic Map of the Property and Surrounding Area

59 **Neighboring Land Use:** As shown in Figure 4, neighboring land uses are primarily
60 agricultural and residential, with some residential vacant lands nearby. Two Tree SS-290
61 borders the south line of proposed Lot 3 and Jensvold SS-259 is east of the proposed
62 subdivision.

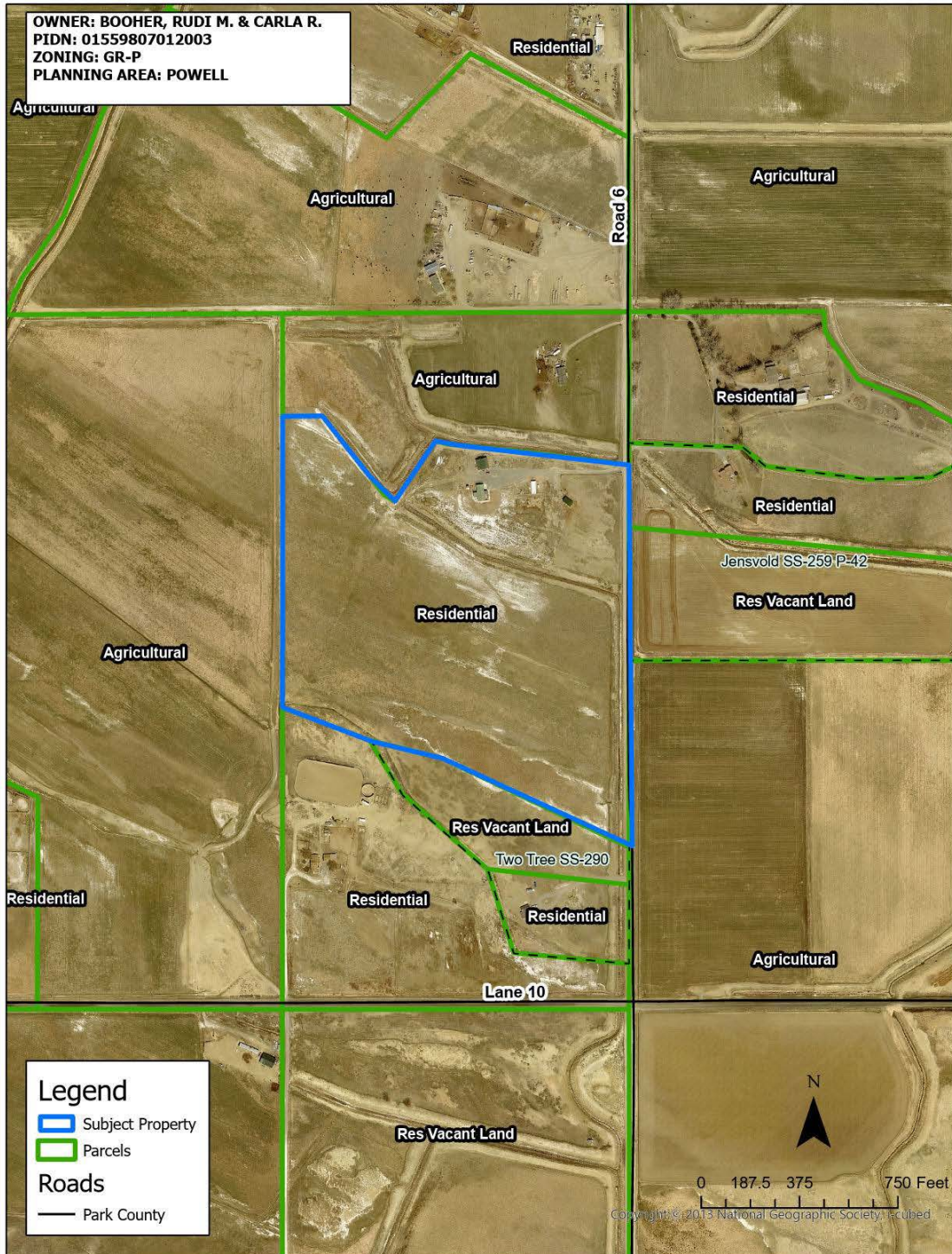


Figure 4. Booher MS-80 Neighboring Land Use

64 **Municipal Review:** This property is not within one mile of a municipality; therefore,
65 municipal review is not required.

66
67 **Notices:** A Notice of Intent to Subdivide was published February 1, 2024 and February
68 8, 2024 in the *Powell Tribune* as required in Ch. III Sec. 3. The Planning Department
69 published a Notice of Public Hearing as required in Appendix 1 of the Regulations
70 including the following information: applicant name; proposed project description and
71 location; legal description; public hearing date, time, and place; and how additional
72 information can be obtained. The notice was published in the *Powell Tribune* on March
73 28, 2024 and April 9, 2024, with one notice at least 14 days before the hearing. On March
74 27, 2024, certified notice was mailed to the owners of all properties within 660 feet of the
75 subject property which were identified using the property ownership records of the County
76 Assessor. The Staff Report was sent to the applicant/applicant's representative and the
77 Board of County Commissioners prior to the scheduled public hearing as specified in Ch.
78 III, Sec. 4e of the Regulations.

79
80 **Agency Referrals:** County Regulations Ch. III, Sec. 4a specifies that the Planning
81 Department forward all subdivision applications to the Park County Treasurer, Public
82 Works, the Fire District, the Weed & Pest Control District, the Small Wastewater
83 Administrator, the Wyoming Game & Fish Department and any other county official or
84 agency the Planning Director deems appropriate. Relevant agencies were notified by the
85 applicants, as well as by staff, and responses were received as follows:

86
87 TCT: In a letter dated January 3, 2024, TCT stated they have terrestrial wireless
88 service available in this area and may be able to provide internet and VOIP phone
89 to this location, depending on line-of-site to one of their towers. (Attached)

90
91 Park County School District #1 (PSCD1): In an email dated January 8, 2024, the
92 District Transportation Director stated this proposed subdivision is in the PCSD1
93 boundary, and they will have bus stops at all exit points onto Road 6. (Attached)

94
95 Garland Light & Power (GLP): In a work order dated January 29, 2024, GLP
96 provided an estimate to install a single-phase underground powerline beneath
97 Road 6 to the property line between proposed Lot 2 and Lot 3. (Attached)

98
99 Montana-Dakota Utilities Company (MDU): In an email dated January 31, 2024,
100 MDU provided an estimate to extend a natural gas main to two residential lots.
101 (Attached)

102
103 Park County Weed & Pest Control District (W&P): In a letter dated January 31,
104 2024, (Attached) W&P stated they have completed their initial inspection of the
105 proposed subdivision and a number of noxious weed species were found. A Long-
106 Term Noxious Weed Management Plan will be required.

107
108 Park County Fire Protection District #1: In a letter dated February 1, 2024,
109 PCFPD#1 stated they can provide fire suppression services to the proposed

110 subdivision and request all access points be constructed to accommodate their fire
111 equipment. (Attached)

112
113 Powell Clarks Fork Conservation District: The District provided a cover letter dated
114 February 6, 2024 (attached) together with a soils report that identified the following:

- 115 - Two soil types were found on the proposed subdivision; Stutzman-like
116 silty clay loam, 0 to 3 percent slopes (97% of area) and Sale-Frisite
117 complex, 4 to 15 percent slopes (3% of the area).
- 118 - The primary soil type is rated “very limited” regarding dwellings with or
119 without basements and small commercial buildings. Limitations are due
120 to shrink-swell.
- 121 - Both soil types are rated “very limited” regarding septic tank absorption
122 fields. Limitations are primarily due to depth to slow water movement.
- 123 - Soil types are not considered to be prime farmland.

124
125 Wyoming Department of Environmental Quality (DEQ): In an email dated February
126 12, 2024, Eric Hargett provided agency contacts and information for permitting
127 associated with various construction activities. (Attached)

128
129 Wyoming Game & Fish Department (G&F): In an email dated February 12, 2024,
130 G&F stated they have no terrestrial wildlife comments. (Attached)

131
132 Park County Treasurer (PCT): In an email dated February 12, 2024, the PCT
133 stated the property taxes are paid in full. (Attached)

134
135 Park County Public Works (PW): In a letter dated April 4, 2024 (attached), PW
136 stated the following:

- 137
138 ➤ Legal access exists to each lot from County Road 6. County Road 6 is
139 classified as a “Local Access Road” by *Park County Road & Bridge*
140 *Standards* and consists of a crushed gravel surface. The proposed
141 development is anticipated to increase traffic but is not anticipated to
142 alter the classification of the Park County roadway.
- 143
144 ➤ Proposed Lot 1 has an existing access point. The applicant has proposed
145 a shared access point for proposed Lots 2 and 3, which do not have
146 existing access. A *Right of Way Permit* to construct an access to the
147 County Road system will be required.
- 148
149 ➤ The Shoshone Irrigation District (SID) should be consulted about any
150 proposed access crossing a SID Facility. The proposed location has
151 an existing irrigation drain, which is believed to be a SID facility. SID
152 approval should indicate appropriate culvert size for the specific
153 crossing.
- 154
155 ➤ Addressing of the proposed development will be from Park County

156 Road 6. Individual lot owners will be able to establish an address with
157 the submittal of a Request for Address form and application from this
158 office in conjunction with an approved building permit issued by the Park
159 County Planning and Zoning Department.

- 160
- 161 ➤ A drainage and erosion control plan will not be required, however in no
162 case shall development result in an increase in stormwater runoff to the
163 County ROW or adjacent properties.

164

165 Shoshone Irrigation District (SID): SID has not provided a response.

166

167 United States Postal Service (USPS): USPS has not provided a response.

168

169 **Public Comments:** In an email dated February 25, 2024, a neighboring property owner
170 is concerned about future visual nuisances such as mobile homes and junk accumulating
171 on the lots, if covenants are not proposed. (Attached)

172

173 ***CONCLUSION: Based upon the above findings, all notice requirements have***
174 ***been met.***

175

176 **Application Submissions for Sketch Plan Review:** As required in Ch. III, Sec. 3 of the
177 County Regulations.

- 178
- 179 a. **Pre-application meeting:** Pre-application meetings are required for all
180 subdivisions unless waived by the Planning Director: **A pre-application**
181 **meeting occurred on November 2, 2023 and was attended by the**
182 **applicants, and Planning Department staff.**
- 183
- 184 b. **Applications:** Initial application submissions for all subdivisions shall include
185 the following:
- 186 (1) Fees: **\$300 paid on February 2, 2024 (Receipt #240202).**
- 187 (2) Application and required submittals, including:
- 188 A. Proof that a "Notice of Intent to Subdivide" has been published in a
189 local newspaper in the legal notice section once each week for two
190 (2) weeks within 30 days prior to filing the application. The notice
191 shall include the name of the subdivider, general location of the land
192 to be subdivided, number and size of lots proposed and intended
193 uses within the subdivision. **Proof was provided that the notice of**
194 **Intent to Subdivide was published on February 1, 2024 and**
195 **February 8, 2024.**
- 196 B. Title report: **A title report dated February 27, 2024 has been**
197 **received.**
- 198 C. Identification of entities responsible for road construction and
199 maintenance including snow removal and drainage facilities: **No new**
200 **roads or shared driveways are proposed.**

- 201 D. Garbage disposal availability: **Solid waste disposal services are**
202 **available through private providers.**
- 203 E. Fire protection availability: **Fire protection is available from Park**
204 **County Fire Protection District #1.**
- 205 F. Postal service and mail delivery points: **Mail delivery will likely be**
206 **available to this subdivision, however the applicant has not**
207 **received confirmation from USPS.**
- 208 G. School bus stop/pullout locations: **Park County School District #1**
209 **will have school bus stops on County Road 6.**
- 210 H. Information on availability of service providers for cable TV,
211 telephone, gas and electricity with addresses and phone numbers,
212 indicating which of these services has been extended to the lots in
213 the subdivision.
- 214 ➤ **Garland Light & Power has confirmed they have capacity**
215 **to serve the lots, however service is not yet adjacent to**
216 **each lot.**
- 217 ➤ **Montana-Dakota Utilities Co. has the capacity to provide**
218 **natural gas service to Lot 2 and Lot 3. Natural gas service**
219 **has been extended to Lot 1.**
- 220 ➤ **TCT can provide terrestrial wireless, internet or VOIP**
221 **phone service in this area.**
- 222 I. Any known information concerning landslides, steep slopes, rock
223 falls, high water tables, polluted or non-potable water supply, high
224 voltage lines, high pressure gas lines, danger from fire or explosion
225 or other hazardous features on the property: **No known landslides,**
226 **steep slopes, rockfalls or other hazardous features are known**
227 **to exist on the property.**
- 228 J. Evidence that a soils report has been requested from the Local
229 Conservation District: **The Powell-Clarks Fork Conservation**
230 **District has provided a soils report.**
- 231 K. Evidence the Irrigation District has been contacted: **The Shoshone**
232 **Irrigation District has been contacted.**
- 233 L. Evidence the Weed & Pest District has been contacted: **Weed &**
234 **Pest has been contacted.**
- 235 M. Proof of ownership showing encumbrances of record: **Ownership**
236 **has been affirmed and a title report dated February 27, 2024 has**
237 **been provided.**
- 238 (3) Legible and reproducible 11" x 17" Sketch Plan for the proposed
239 subdivision showing: **Sketch Plan was provided with the application.**
- 240 A. Legal description; **Included.**
- 241 B. Boundaries of the area to be subdivided; **Included.**
- 242 C. Lot layout indicating the approximate dimensions and acreage of lots,
243 total acreage of the subdivision, size of recreational, open and/or
244 dedicated spaces and the current county zoning classification;
245 **Included.**

- 246 D. Existing structures, wells and septic facilities; **Existing structures,**
247 **wells and septic facilities are shown on the sketch plan.**
- 248 E. Irrigation facilities including laterals, head gates and waste ditches,
249 and direction of flow where flood irrigation is proposed; **Included.**
- 250 i. Means of access from the lots to the public road system;
251 **Access to each proposed lot is directly from County Road**
252 **6.**
- 253 ii. All lots and parcels shall have legally enforceable access.
- 254 iii. In the case of direct access to a county or state road, the
255 applicants shall submit a valid state or county right-of-way
256 permit or a letter from the governing body indicating favorable
257 “access review” where the specific point of access has not yet
258 been determined.
- 259 F. Existing uses of adjoining properties. **Included.**

260
261 ***CONCLUSION: Based upon the above findings, application submission***
262 ***requirements for sketch plan review have been met, with the exception of***
263 ***a response from USPS.***
264

- 265 c. **Wastewater Requirement:** Ch. III Sec. 3c (5) On-site wastewater systems for
266 Simple and Minor Subdivisions: Prior to sketch plan review, the applicant shall
267 submit the following to the Small Wastewater Administrator:
- 268 A. Subsurface Evaluations: **A subsurface evaluation was completed**
269 **on proposed Lot 2 on January 3, 2024 and January 4, 2024. A**
270 **subsurface evaluation was completed in August of 2020 on**
271 **proposed Lot 1 as part of a small wastewater system application**
272 **for the existing septic serving the residence on Lot 1**
273 **(SWWP20200922-2).**
- 274 i. At least one percolation test must be performed on a minimum of
275 half of the proposed lots according to the procedures described
276 in Chapter 11, Part D, Appendix A of Wyoming Water Quality
277 Rules and Regulations (Appendix 13). Raw data from those
278 percolation tests must be tabulated and submitted with the
279 application; **A percolation test was completed on proposed**
280 **Lot 1 on August 27, 2020 and on Lot 2 on January 4, 2024.**
281 **The percolation rates were 80mpi in both locations. Due to**
282 **slow percolation rates, engineered septic systems may be**
283 **required.**
- 284 ii. The depth to groundwater and/or impervious soils or rocks must
285 be determined on a minimum of half the proposed lots by
286 excavating trenches to a depth of at least ten (10) feet, or the first
287 occurrence of saturated soil; **A groundwater exploration cut**
288 **was made to a depth of approximately 8 feet on proposed**
289 **Lot 1 on August 14, 2020 and an exploration cut was made**
290 **to a depth of 9 feet on proposed Lot 2 on January 3, 2024.**
291 **Groundwater was not discovered in either excavation.**

- 292 iii. The applicant must demonstrate that the separation of the base
293 of the proposed drain fields relative to groundwater, impervious
294 soils and/or rock types will meet or exceed the minimum
295 standards established in Chapter 11, Part D, Section 36(c) (as
296 amended) of Wyoming Water Quality Rules and Regulations
297 (Appendix 13). **Based upon evidence from the excavation
298 cuts, adequate separation distance exists.**

299 B. Diagrams:

- 300 i. A map showing lot configurations and their surface topographies
301 and the locations of proposed septic systems and domestic water
302 sources for each lot; **Sketch plan shows lot configurations.
303 Locations of future structures, septic system(s) and well(s),
304 if any, have yet to be determined.**
- 305 ii. A map showing the locations of percolation tests performed as a
306 component of the application and their stabilized rates. This map
307 shall also show the location and depth to seasonal high
308 groundwater discovered in the trenches excavated for subsurface
309 evaluation. **Locations have been shown on the sketch plan.**
- 310 C. The above information will be utilized, in part, to determine the type
311 of wastewater treatment system necessary that may include a
312 wastewater treatment solution engineered by a Wyoming Registered
313 Engineer.
- 314 D. Prior to sketch plan review, the Small Wastewater Administrator shall
315 submit a letter to the Planning Director indicating that septic systems
316 are feasible on the lots and noting any special conditions that may
317 apply. **This has been completed. (Attached) Nonconventional,
318 engineered systems may be required should this subdivision be
319 approved, and development occur.**
- 320 E. The Planning Director may consult with a qualified professional to
321 determine the potential for adverse effects on groundwater as a
322 result of the proposed simple or minor subdivision. The Planning
323 Director may make a determination whether or not the applicant's
324 plan for septic facilities shall be reviewed by the Department of
325 Environmental Quality (DEQ) pursuant to W.S. §18-5-306(c). If DEQ
326 review is required, the applicant shall proceed through major
327 subdivision review.
- 328 F. Plat language: The words "NO PROPOSED CENTRALIZED
329 SEWAGE SYSTEM" in bold capital letters shall appear on all offers,
330 solicitations, advertisements, contracts, agreements and plats
331 relating to the subdivision. **Standard applies.**

332
333 ***CONCLUSION: Based upon the above findings, all wastewater
334 requirements pertaining to sketch plan review have been met.***
335

336 d. **Domestic Water Requirement:** Ch. III Sec. 3d (4) On-site wells for Simple and
337 Minor Subdivisions: Prior to sketch plan review, the following water analysis
338 must be submitted to the Planning Office:

339 A. Ambient groundwater quality must be established by means of the
340 analysis of one or more representative water wells in the same formation
341 as the area of the proposed subdivision, but no more than 1/2 mile away.
342 If existing sample results are not publicly available, new representative
343 samples must be collected and analyzed. At a minimum, analytical
344 laboratory results must be provided for the elements and compounds
345 listed in Chapter 23, Section 7(C)(III) of Wyoming Water Quality Rules
346 and Regulations. In certain circumstances, this condition may be waived
347 based on other available data. **The applicant provided water quality**
348 **results from a water sample that was collected on April 7, 2022,**
349 **from a well located at 960 Road 6. (Attached) The analysis indicates**
350 **the water sample does meet the Safe Drinking Water Act (SDWA)**
351 **requirement for bacteria because no E-coli or total coliform was**
352 **detected. Nitrogen, Nitrate + Nitrite as N was detected at a level of**
353 **1.33 mg/L which is below the maximum contaminate level of 5**
354 **mg/L. Arsenic and Lead were not detected in the water sample.**

355
356 **Total Dissolved Solids (TDS) was detected at a level of 2830 mg/L,**
357 **which is considered an objectionable result. Generally high TDS**
358 **does not pose serious health risk but can cause water to be**
359 **colored, taste poor, stain, and cause diarrhea in people not**
360 **accustomed to the water.**

361
362 **Sulfate was detected at a level of 1950 mg/L, which is considered**
363 **an objectionable result. The sulfate standard is based on**
364 **aesthetics not health; if salty taste is troublesome, treatment**
365 **should be considered.**

366
367 **Manganese was detected at a level of 0.013 mg/L, which is**
368 **considered an objectionable result. The manganese standard is**
369 **based on aesthetics and not health; if staining or bitter taste is**
370 **troublesome, treatment should be considered.**

371
372 **A Sodium level of 793 mg/L was detected in the sample. This is in**
373 **a range where individuals can taste the sodium and also sodium**
374 **intake in drinking water should be considered by people on low**
375 **sodium diets in association with reducing risk of cardiovascular**
376 **disease.**

377
378 i. When there are no wells within the 1/2 mile radius, it must be stated
379 on the final plat **“NO WATER ANALYSIS WAS CONDUCTED AND**
380 **THE AVAILABILITY AND QUALITY OF POTABLE WATER IS**
381 **UNKNOWN. CISTERNS MAY BE REQUIRED”.** **Not applicable.**

- 382 B. The estimated total number of gallons per day required for the
383 subdivision; **Not available.**
- 384 C. Plans for the mitigation of water right conflicts resulting from the use
385 of water within the proposed subdivision. **Not applicable at this**
386 **time.**
- 387 D. All wells shall meet all requirements of the Wyoming State Engineer.
388 **If on-site wells are chosen to serve all lots in the subdivision,**
389 **the landowners must comply with the requirements of the**
390 **Wyoming State Engineer's Office in establishing new wells and**
391 **getting the appropriate permits for them.**

392
393 ***CONCLUSION: Based upon the above findings, domestic water***
394 ***requirements pertaining to sketch plan review have been met.***

395
396 e. **Agricultural Impacts**

- 397 (1) Impact Mitigation: Subdivisions shall be designed to mitigate adverse
398 impacts to agricultural operations including, but not limited to, control of
399 weeds, pests and litter; confinement of domestic pets that may threaten
400 livestock; and protection and maintenance of irrigation facilities and ditches
401 that cross private property. Fences or restrictive covenants may be required
402 to control adverse impacts. **The applicants will be required to comply**
403 **with the recommendations of County Weed and Pest regarding the**
404 **control of weeds. The applicants have not addressed the potential**
405 **impacts from pests, litter, or domestic pets. A perimeter fence will be**
406 **required, unless all adjacent landowners consent a fence is not**
407 **necessary. Existing irrigation facilities/ditches are shown on the**
408 **sketch plan and the applicants will be required to comply with the**
409 **recommendations of Shoshone Irrigation District.**
- 410 (2) Right to Farm and Ranch: Subdivisions shall be designed to minimize
411 problems resulting from exposure to legal and generally accepted
412 agricultural practices in the vicinity. The plat shall contain a notice of the
413 Wyoming Right to Farm and Ranch Act of 1991 (W.S. §11-44-101) and shall
414 be subject to Ch. IV Section 5c (1) Agricultural Overlay District review. **This**
415 **parcel is not located in an Agricultural Overlay District. Standard**
416 **applies.**
- 417 (3) Existing Irrigation Facilities: Existing irrigation structures and easements
418 may not be relocated or otherwise disturbed without the approval of the
419 owner of the structure or easement. Existing ditches and facilities may be
420 subject to the right of access for other water right holders. **Standard**
421 **applies.**
- 422 (4) Irrigation Easements: Subdivision plats shall provide irrigation easements
423 prohibiting building construction and allowing access for maintenance as
424 provided by state law. **Standard applies.**

425
426 ***CONCLUSION: Based upon the above findings, agricultural impacts have***
427 ***been addressed.***

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- f. **Water Rights:** With respect to any water rights appurtenant to lands to be subdivided, the subdivider shall provide:
- (1) A plan, a copy of which was submitted to and approved by the state engineer prior to the final approval of the subdivision application, for the distribution of the water rights appurtenant to the land to be subdivided. The plan shall specify the distribution of the water to the lots within the subdivision and shall include all appropriate applications for change of use, change of place of use or change in point of diversion or means of conveyance in accordance with W.S. §41-3-103, 41-3-104 or 41-3-114; and
- A. If the subdivision is located within lands served by or crossed by a ditch, irrigation company or association, or by an unorganized ditch, evidence that the plan has been submitted to the company, or association, or the remaining appropriators in the case of an unorganized ditch for their review and recommendations. **This subdivision is within the Shoshone Irrigation District. A water distribution plan is required.**
- B. Evidence that the subdivider will specifically state on all offers and solicitations relative to the subdivision the intent to comply with this paragraph and that the seller does not warrant to a purchaser that there are any rights to the natural flow of any stream within or adjacent to the proposed subdivision. It shall further be stated that Wyoming law does not recognize any riparian rights to the continued natural flow of a stream or river for persons living on the banks of the stream or river. **No stream or river is within or adjacent to the proposed subdivision, standard does not apply.**
- C. If the subdivision is located within the boundaries of an area that is subject to the provisions of W.S. §41-7, the application shall include a review and recommendations from the irrigation district regarding the attached water rights and the irrigation district's easements. If there is a conflict with the irrigation district's recommendations, the applicants shall certify they have met with and made a good faith effort to resolve any conflicts with the irrigation district. **This parcel is located within the Shoshone Irrigation District. A review and recommendations from the District is required.**
- D. If the subdivision will create a significant additional burden or risk of liability to the irrigation district, company, association or remaining appropriators, including appropriators on an unorganized ditch, the applicant shall provide an adequate and responsible plan to reduce or eliminate the additional burden or risk of liability. **Not applicable.**
- E. Subdivisions retaining all water rights with no change of use are exempt from state review. **State review is not required.**

CONCLUSION: Based upon the above findings, all water rights requirements pertaining to sketch plan review have been met, except a

review from Shoshone Irrigation District and an approved water distribution plan are required.

- g. **Utilities:** Minor subdivisions shall install electrical power service adjacent to the lot lines. Natural gas, if available within 400 ft., shall also be stubbed to the lot lines. Telephone service shall be stubbed with a service connection to the edge of each lot unless quality consistent wireless cell service is available. All utility installation at a minimum shall meet requirements of the utility providing the service. All utilities shall be located underground.
- **Garland Light & Power has the capacity to serve the proposed lots, however service is not yet adjacent to each of the lots.**
 - **Montana-Dakota Utilities Co. has the capacity to provide natural gas service to each lot. However it will require extension of a gas main to proposed Lot 2 and Lot 3. Note: The applicant sought a variance from the Board of County Commissioners from this requirement. The Board heard the variance application in a public hearing on March 5, 2024 and denied the variance by Resolution #2024-10.**
 - **TCT does have the ability to provide terrestrial wireless, internet or VOIP phone service in this area.**

CONCLUSION: Based upon the above findings, utility requirements pertaining to sketch plan review have been met with the exception that power service is not adjacent to each lot and natural gas has not been stubbed to proposed Lots 2 and 3; therefore, a Subdivision Improvements Agreement will be required.

- h. **Design and Improvement Standards:** Ch. III Sec. 3h: All subdivisions must comply with Section 8 except: Simple and minor subdivisions need not submit covenants or a Homeowners Association Agreement (HOA) unless the proposal includes roads or other common facilities maintained by the lot-owners. If common maintenance of facilities is proposed, a Homeowners Association must be formed to address terms of common maintenance.
- No common maintenance of facilities is proposed. No sidewalks, street lighting, alleys, or open spaces are proposed. An HOA will not be required unless common facilities maintained by lot owners (e.g., irrigation facilities) are proposed.**

Wyoming Statute § 18-5-319. Fencing Requirements for Subdivision Permits. [Effective July 1, 2023]:

(a) Each subdivider seeking to create or divide a subdivision that is adjacent to lands upon which livestock can be legally run at large shall comply with all of the following:

519 (i) The subdivider shall be responsible for the construction of a perimeter fence
520 on any part of the subdivision that is adjacent to lands upon which livestock can
521 be legally run at large unless a legal perimeter fence already exists at that
522 location or all adjacent landowners' consent that a perimeter fence is not
523 necessary;

524 (ii) The perimeter fence required under this subsection shall be a lawful fence
525 as prescribed by W.S. 11-28-102;

526 (iii) The subdivider shall be responsible for all costs of the original construction
527 for the perimeter fence.

528 (b) Upon completion of the construction of a perimeter fence required under
529 this section, the subsequent landowner or, if the subdivided parcel has not been
530 sold, the subdivider shall:

531 (i) Be responsible for the costs of maintaining the perimeter fence provided that
532 the adjoining landowner shall be responsible for half of the costs of maintaining
533 the perimeter fence, not to exceed the reasonable costs to maintain the fence
534 if the fence was a fence under W.S. 11-28-102(a)(i);

535 (ii) Not be liable for any damage caused by or arising from livestock pastured
536 on adjoining land that may breach the perimeter fence and wander on the
537 subdivided land, provided that the perimeter fence is maintained in accordance
538 with this section.

539 (c) The adjoining landowner shall not be liable for any damages caused by, or
540 arising from, livestock pastured on the adjoining land that may wander onto the
541 subdivided land except as provided in W.S. 11-28-108.

542 (d) Before receiving a subdivision permit under this article, a subdivider shall
543 provide information and evidence of the construction or plans to construct any
544 perimeter fence required by this section in accordance with W.S. 18-5-
545 306(a)(xiii).

546 **Statute applies. It appears that livestock can be run at large on lands**
547 **adjacent to the proposed subdivision. Applicant will need to provide**
548 **evidence of (1) an existing legal perimeter fence as prescribed by W.S.**
549 **11-28-102, (2) written consent from all adjacent landowners a perimeter**
550 **fence is not necessary, or (3) design plans to construct a perimeter fence**
551 **as required by this section in accordance with W.S. 18-5-306(a)(xiii). If**
552 **plans to construct a perimeter fence are necessary, a Subdivision**
553 **Improvements Agreement will be required.**

554

555 **Overlay Districts:** The subdivision is not located within an Overlay District.

556

557 **Planning and Zoning Commission Review:** The Planning & Zoning Commission
558 reviewed the Sketch Plan and application on March 13, 2024. They recommended
559 approval with conditions noted in Resolution 2024-14, finding the proposed subdivision is
560 generally consistent with the goals and policies of the Park County Land Use Plan and is
561 consistent with the standards and procedures of the Park County Wyoming 2015
562 Development Standards and Regulations.

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Planning and Zoning Commission Approval Conditions:

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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. 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; **Responses have been received from Park County Fire District #1 and Park County Public Works. Responses are needed from USPS and Shoshone Irrigation District.**
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";

- 605 9. Prior to Final Plat Review by the Board of County Commissioners, the
606 applicants shall place a notice of the Wyoming Right to Farm and Ranch Act
607 of 1991 on the plat;
- 608 10. Prior to recording the final plat, the applicants shall provide an approved
609 Long-Term Noxious Weed Management Plan to the Planning and Zoning
610 Department; and
- 611 11. The applicants shall otherwise comply with standards in the Park County
612 Development Regulations and the minimum subdivision requirements as set
613 forth in Wyoming Statute 18-5-306.

614 **Approval Standards:** In conducting review of the sketch plan, the Board of County
615 Commissioners should:

- 616 A. Give particular attention to the arrangement, location and dimensions of the
617 lots and the means of access, their relationship to the topography of the land,
618 relationship to the geologic and hydrologic setting, sewage disposal, drainage,
619 arrangement for domestic water, the potential future development of adjoining
620 land, and the goals and objectives of the County's Land Use Plan; **The
621 proposed lots appear to be adequately sized to allow for development.
622 Should the subdivision be approved and developed, domestic water will
623 be provided by individual on-site water wells. Due to slow percolation
624 rates, nonconventional, engineered small wastewater systems may be
625 required.**
- 626 B. Review whether the design and development of subdivisions makes every
627 effort to retain the natural terrain, natural drainage, existing topsoil, trees,
628 wildlife and fish habitats; **Due to the size of the proposed lots, much of the
629 natural terrain will be retained. Drainage, topsoil and wildlife are not
630 expected to be significantly impacted by the proposed subdivision.**
- 631 C. Review impacts to agriculture; **The proposed subdivision is not in an
632 Agricultural Overlay District. Development of the land will not
633 significantly reduce acreage available for agricultural uses.**
- 634 D. Review whether land subject to hazardous conditions such as landslides, rock
635 falls, possible subsidence, shallow water table, open quarries, floods, and
636 polluted or non-potable water supply has been identified and that the hazards
637 have been eliminated or will be eliminated by the subdivision and construction
638 plans; **No known information concerning landslides, steep slopes, rock
639 falls, polluted or non-potable water supply, high voltage lines, danger
640 from fire or explosion has been revealed.**
- 641 E. Review whether land subject to flooding has been set aside for uses which will
642 not aggravate the danger of flood hazard, will not be endangered by flooding,
643 or will not endanger the general health, safety or welfare of the public; **No
644 portion of the proposed subdivision falls within the mapped special flood
645 hazard area.**
- 646 F. Review whether land for natural areas, schools, parks, open spaces, and future
647 road rights-of-way are reserved and located according to good planning
648 practices and principles; **No open spaces, natural areas, schools or parks**

649 **are proposed or required. No future road plans are foreseen specific to**
 650 **this subdivision, therefore particular attention to future rights-of-way are**
 651 **unnecessary.**

652 G. Make specific written requirements for changes in the subdivision to address
 653 identified problems and ensure compliance with these regulations. The
 654 applicant shall incorporate any required changes in the next submission to the
 655 County; **To be completed by the Board of County Commissioners, if**
 656 **necessary.**

657 H. Subdivisions may be reclassified by the Commission to receive additional
 658 evidence and testimony for good cause shown. **The subdivision is classified**
 659 **as a minor subdivision with no known unusual characteristics warranting**
 660 **reclassification to a major subdivision.**

661 ***CONCLUSION: Based upon the above findings, all approval standards***
 662 ***requirements pertaining to sketch plan review have been met.***

663 **Summary of Findings:**

- 666 1. Rudi and Carla Booher submitted a Minor Subdivision Application on
 667 February 2, 2024, including payment, sketch plan, a copy of the Notice of
 668 Intent to Subdivide and other supporting documentation;
- 669 2. A revised sketch plan was received on February 12, 2024;
- 670 3. The applicants request approval of a three-lot subdivision consisting of one
 671 12.20-acre lot, one 12.26-acre lot and one 12.43-acre lot, each for residential
 672 use;
- 673 4. Ownership is affirmed by Warranty Deed (dated July 23, 2020 Doc. #2020-
 674 4472) to Rudi M. Booher and Carla R. Booher, husband and wife, as tenants
 675 by the entirety;
- 676 5. Applicable Regulations for this development are the *Park County, Wyoming,*
 677 *2015 Development Standards and Regulations* adopted September 15, 2015
 678 (“Regulations”);
- 679 6. This subdivision is classified as a minor subdivision;
- 680 7. The property is in a GR-P zoning district;
- 681 8. The lot sizes as proposed are consistent with the GR-P zoning district;
- 682 9. The parcel is located within Lot 70-G and 70-L, Lot 70, Township 55 North,
 683 Range 98 West 6th P.M., Park County, Wyoming;
- 684 10. The proposed subdivision is located approximately two miles east of Powell,
 685 north of Lane 10, on the west side of Road 6. It is addressed as 960 Road 6,
 686 Powell;
- 687 11. Proposed Lot 1 is developed with a permitted residence, accessory
 688 structures, a septic system and a domestic water well. Proposed Lots 2 and
 689 3 are vacant, irrigated lands;

- 690 12. The topography is relatively flat;
- 691 13. Neighboring land uses are primarily agricultural and residential, with some
692 residential vacant lands nearby. Two Tree SS-290 borders the south line of
693 proposed Lot 3 and Jensvold SS-259 is east of the proposed subdivision;
- 694 14. This property is not located within one mile of any municipality; therefore,
695 municipal review is not required;
- 696 15. Public notice requirements have been met;
- 697 16. Relevant agencies were notified as required;
- 698 17. TCT stated they have terrestrial wireless service available in this area and
699 may be able to provide internet and VOIP phone to this location;
- 700 18. Park County School District #1 stated they will have bus stops at all exit points
701 onto County Road 6;
- 702 19. Garland Light & Power has the capacity to serve the proposed subdivision;
- 703 20. Montana-Dakota Utilities Company provided an estimate to extend a natural
704 gas main to two residential lots;
- 705 21. Park County Weed & Pest found noxious weed species in their initial
706 inspection and a Long-Term Noxious Weed Management Plan will be
707 required;
- 708 22. Park County Fire District #1 can provide fire suppression services to the lots
709 and request all access points be constructed to accommodate their fire
710 equipment;
- 711 23. Powell Clarks Fork Conservation District identified two soil types on the
712 proposed subdivision:
- 713 • The primary soil type is rated “very limited” regarding dwellings with or
714 without basements and small commercial buildings. Limitations are due
715 to shrink-swell;
 - 716 • Both soil types are rated “very limited” regarding septic tank absorption
717 fields. Limitations are primarily due to depth to slow water movement;
 - 718 • Soil types are not considered to be prime farmland;
- 719 24. Wyoming DEQ provided agency contacts and information for permitting
720 associated with various construction activities;
- 721 25. Wyoming Game & Fish stated they have no terrestrial wildlife comments for
722 this subdivision;
- 723 26. The Park County Treasurer stated property taxes have been paid in full;
- 724 27. Park County Public Works reported the following:
- 725 ➤ Legal access exists from County Road 6, a “Local Access Road” and
726 consists of a crushed gravel surface. The subdivision is anticipated
727 to increase traffic, but is not anticipated to alter the road
728 classification.

- 729 ➤ A Right-of-Way Permit from Park County Public Works will be
730 required to construct an access to serve Lots 2 and 3 from the
731 County Road system.
- 732 ➤ Shoshone Irrigation District should approve any drain crossing and
733 designate the appropriate size of culvert for the crossing.
- 734 ➤ Park County Public Works can address the new lots from County
735 Road 6 by submitting a Request for Address application once they
736 have obtained a building permit from Park County Planning & Zoning.
- 737 ➤ A drainage and erosion control plan will not be required, however in
738 no case shall development result in an increase in stormwater
739 runoff to the County ROW or adjacent properties.
- 740 28. Shoshone Irrigation District has not provided a response;
- 741 29. USPS has not provided a response;
- 742 30. A concerned neighboring property owner submitted a public comment
743 regarding future visual nuisances such as mobile homes and junk
744 accumulating on the lots, if covenants are not proposed;
- 745 31. A pre-application meeting was held on November 2, 2023;
- 746 32. A title report dated February 27, 2024 has been received;
- 747 33. No new roads or driveways are proposed;
- 748 34. Solid waste disposal services are available through private companies;
- 749 35. No known landslides, steep slopes, rockfalls or other hazardous features are
750 known to exist on the property;
- 751 36. Application submission requirements for sketch plan have been met, with the
752 exception of a response from USPS;
- 753 37. Percolation tests were completed on proposed Lots 1 and 2 and the
754 percolation rates were 80mpi in both locations;
- 755 38. Due to slow percolation rates, engineered septic systems may be required
756 should this subdivision be approved and development occur;
- 757 39. Groundwater exploration cuts were made on Lots 1 and 2 and groundwater
758 was not discovered in either excavation;
- 759 40. Wastewater requirements pertaining to sketch plan review have been met;
- 760 41. Domestic water will be provided by individual on-site wells to be permitted
761 and approved by the Wyoming State Engineer's Office;
- 762 42. A water quality test revealed high total dissolved solids, high sulfate and
763 elevated manganese and sodium, resulting in the recommendation for water
764 treatment;
- 765 43. Domestic water requirements pertaining to sketch plan review have been
766 met;

- 767 44. The applicant will be required to comply with the recommendations of Park
768 County Weed and Pest, the Shoshone Irrigation District and with Wyoming
769 State Statutes regarding fencing; all of which are intended to mitigate impacts
770 to and from area agricultural operations;
- 771 45. Agricultural impacts have been addressed;
- 772 46. No stream or river is within or adjacent to the proposed subdivision;
- 773 47. All water rights requirements pertaining to sketch plan have been met, except
774 a review from Shoshone Irrigation District and an approved water distribution
775 plan are required;
- 776 48. Electric service is not yet adjacent to each lot;
- 777 49. Natural gas is available however it will require extension of a gas main to
778 proposed Lot 2 and Lot 3;
- 779 50. Utility requirements pertaining to sketch plan have been met, with the
780 exception that power service is not adjacent to each lot and natural gas has
781 not been stubbed to each lot line; therefore, a Subdivision Improvements
782 Agreement will be required;
- 783 51. Lot standards have been met;
- 784 52. Common maintenance of facilities is not proposed;
- 785 53. No sidewalks, street lighting, alleys, or open spaces are proposed;
- 786 54. An HOA will not be required unless common facilities maintained by lot
787 owners are proposed;
- 788 55. It appears that livestock can be legally run at large on lands adjacent to the
789 proposed subdivision. The subdivision is subject to Wyoming Statute § 18-
790 5-319;
- 791 56. The applicant will be required to provide evidence of 1) an existing legal
792 perimeter fence as prescribed by W.S. 11-28-102; 2) written consent from all
793 adjacent landowners a perimeter fence is not necessary; or 3) plans to
794 construct a perimeter fence as required by statute and in accordance with
795 W.S. 18-5-306(a)(xiii);
- 796 57. The subdivision is not within an Overlay District;
- 797 58. The Planning & Zoning Commission reviewed the Sketch Plan on March 13,
798 2024 and recommended approval with conditions in Resolution 2024-14;
- 799 59. The proposed lots appear to be adequately sized to allow for development;
- 800 60. No open spaces, natural areas, schools, or parks are proposed or required;
801 and
- 802 61. All approval standards requirements pertaining to sketch plan review have
803 been met.
- 804

805 **Staff Recommendation:** The Planning Staff recommends approval of the Sketch Plan
806 of Booher MS-80, with the following conditions:

- 807 1. The applicants shall provide all easements as requested by applicable
808 utilities and special districts, irrigation districts or public agencies
809 providing services. The width of any utility easement shall be sufficient
810 to allow adequate maintenance of the system, but in no case shall such
811 utility easement be less than 20 feet in width. Easements must be
812 identified on the final plat;
- 813 2. Prior to Final Plat Review by the Board of County Commissioners, the
814 applicants shall provide a response from USPS to the Planning and
815 Zoning Department;
- 816 3. Prior to Final Plat Review by the Board of County Commissioners, the
817 applicants shall provide a response and approved water distribution
818 plan from Shoshone Irrigation District to the Planning and Zoning
819 Department;
- 820 4. Prior to Final Plat Review by the Board of County Commissioners, the
821 applicants shall place the following note on the final plat: "Due to slow
822 soil percolation rates, engineered small wastewater systems may be
823 required";
- 824 5. Prior to Final Plat Review by the Board of County Commissioners, the
825 applicant shall place a note on the final plat: "Water quality appears to
826 be safe for human consumption; however, treatment such as reverse
827 osmosis is recommended for more palatable water.";
- 828 6. Prior to Final Plat Review by the Board of County Commissioners, the
829 applicant shall provide evidence of 1) an existing legal perimeter fence
830 as prescribed by W.S. 11-28-102; 2) written consent from all adjacent
831 landowners a perimeter fence is not necessary; or 3) plans to construct
832 a perimeter fence as required by statute and in accordance with W.S.
833 18-5-306(a)(xiii);
- 834 7. Prior to Final Plat Review by the Board of County Commissioners, the
835 applicants shall submit an appropriate Subdivision Improvements
836 Agreement, if applicable, addressing all required improvements (ie.
837 utilities, fencing, etc.) for review by staff and approval of the County
838 Attorney and the Board;
- 839 8. Prior to Final Plat Review by the Board of County Commissioners, the
840 applicants shall place the following note on the final plat: "Any proposed
841 water wells on these subdivision lots shall be permitted by the Wyoming
842 State Engineer's Office prior to installation";
- 843 9. Prior to Final Plat Review by the Board of County Commissioners, the

844 applicants shall place a notice of the Wyoming Right to Farm and Ranch
845 Act of 1991 on the plat;

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

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

852
853 **Next Step:** Provided the Board of County Commissioners approve the Booher MS-80
854 sketch plan, and when all required Sketch Plan conditions have been met, the applicants
855 have the opportunity to schedule Final Plat Review with the County Commissioners.

856 **Photo 1: From the southeast corner of proposed Lot 3, facing northwest across**
857 **Lot 3.**



858

859 **Photo 2: From the southeast corner of proposed Lot 3 facing north along the**
860 **eastern boundary of the subdivision.**



861 **Photo 3: From the eastern subdivision boundary between proposed Lots 2 and 3,**
862 **facing northwest across the lots.**



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878 **Photo 4: From the northeast boundary of proposed Lot 2, facing northwest**
879 **across Lot 2.**



880 **Photo 5: From the northeast boundary of proposed Lot 1, facing west across the**
881 **lot and the existing residence and accessory structures.**

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896 **Photo 6: From the northeast section of proposed Lot 1, facing southwest across**
897 **the subdivision.**

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Booher MS-80



Park County Planning & Zoning

1002 Sheridan Ave. Suite 109, Cody, WY 82414
Phone: 307-527-8540 | Fax: 307-527-8515
E-mail: planning@parkcounty-wy.gov

Rec. By:	<u>ECD</u>
Date:	<u>2/2/24</u>
Receipt #:	<u>240202 / ck# 46498</u>
App. #:	MIN <u>20240202-1</u>

MINOR SUBDIVISION PERMIT APPLICATION (4 pages) Fee: \$300.00*

A minor subdivision permit application is required to obtain a permit to divide a tract of record into three to five lots, each lot being smaller than 35 acres. All minor subdivisions require a subdivision permit per Wyoming State Statute. No land subject to subdivision shall be transferred or sold before a subdivision plat has been approved and recorded. Please contact the Planning and Zoning Department for any assistance needed to complete this application. **The applicant is required to hold a pre-application meeting with Planning and Zoning Staff and Public Works prior to submitting this application. Further, the applicant must also provide proof that a "Notice of Intent to Subdivide" was published in the legal section of the local newspaper once each week for two weeks within 30 days prior to submitting this application.** * Additional fees apply.

SECTION 1: APPLICANT INFORMATION:

Name: Rudi & Carla Booher
Mailing Address: 960 Road 6
Powell, Wyoming 82435
Phone: 307-202-3318
Email: rudincarla@gmail.com

OWNER INFORMATION (if different from applicant):

Name: Wade Barnard (Power of Attorney)
Mailing Address: _____
Phone: 307-202-2250
Email: wadebarnard9@gmail.com

SECTION 2: PROPERTY INFORMATION:

Physical Address: 960 Road 6, Powell, Wyoming 82435 Not addressed
Property ID # or Deed Recording #: 01559807012003
Property Identification # or Deed Recording #: Deed Doc # 2020-4472
Proposed Subdivision Name: Booher MS-**

SECTION 3: INCLUDE THE FOLLOWING WITH YOUR APPLICATION:

- Proof of "Notice of Intent to Subdivide"
- Title Report – full chain of title (back to patent) showing proof of ownership & encumbrances of record
- Letters or emails from the following service providers indicating 1) if they already provide service to the proposed lots and 2) if they have the capacity to serve the proposed lots:
 - Fire Protection District / Fire Station
 - US Postal Service mail delivery
 - School district - bus stop locations
 - TV/ Telephone/internet
 - Natural Gas
 - Electricity
- Evidence that a subdivision soils review has been requested from the local conservation district.
- Evidence that the local irrigation district (if applicable) has been contacted.
- Evidence that the County Weed and Pest District has been contacted.
- Draft Disclosure Statement

SECTION 4: PROVIDE THE FOLLOWING INFORMATION:

- Identification of entities responsible for road construction and maintenance including snow removal and drainage facilities (if applicable): No new roads proposed.

- Any known information concerning landslides, steep slopes, rock falls, high water tables, polluted or non-potable water supply, high voltage lines, high pressure gas lines, danger from fire or explosion or other hazardous features on the property: high water tables will be a factor within the property.

SECTION 5: SUBMIT A LEGIBLE AND REPRODUCIBLE 11" x 17" SKETCH PLAN SHOWING:

- Legal Description
- Boundaries of the area to be subdivided
- Lot layout indicating the approximate dimensions and acreage of lots
- Total acreage of subdivision
- Size of recreational, open and/or dedicated spaces (if proposed)
- Current zoning district classification
- Existing structures, wells and septic facilities (to include utility lines)
- Irrigation facilities (e.g., laterals, head gates, waste ditches, direction of flow of flood irrigation)
- Existing uses of adjoining properties (e.g., residential, commercial, industrial, agricultural, public)
- Means of access from the lots to the public road system:
 - For County road access, proof of right-of-way permit from Public Works
 - For State highway access, proof of access permit from WYDOT
 - For access over private land outside of the subdivision, proof of recorded easement(s)
 - For access over public land outside of the subdivision, written evidence of verified access

SECTION 6: WASTEWATER AND DOMESTIC WATER

What is proposed for wastewater (check all that apply and identify for which proposed lots)?

- On-site, individual wastewater system(s): Lot(s) 3 (perc tests and GW cut required)
- On-site, shared wastewater system(s): Lot(s) _____ (DEQ review required)
- Connection to planned/existing municipal sewer line: Lot(s) _____
Name of provider: _____
- Other: _____

What is proposed for domestic water?

- Connection to existing water main connected to a water treatment plant
- On-site well(s) (requires well analysis, estimated total number of gallons per day needed, plans for mitigation of water right conflicts, State well permit)
- Other: _____

SECTION 7: IMPACTS TO AGRICULTURE

- How will you minimize negative impacts to agricultural operations (e.g., weed intrusion, pet disturbances, etc.), if applicable? Lots are configured to continue flood irrigation and large acre residential lots.
Weed plan was required on neighboring properties, so we anticipate needing a weed plan for this property also and will follow.
- The final plat shall contain a notice of the Wyoming Right to Farm and Ranch Act of 1991.
- Address any changes to existing irrigation facilities or easements and address existing ditches and easements on the plat.
- Plats shall provide irrigation easements prohibiting building construction and allowing access for maintenance.

SECTION 8: WATER RIGHTS (IF APPLICABLE, IRRIGATION DISTRICT REVIEW MAY BE REQUIRED)

What do you intend to do with respect to existing water rights appurtenant to the land being subdivided? (check all that apply)

- Abandon/detach water rights (requires state review and approval)
- Retain all water rights on the property and distribute to each lot accordingly (no change in use; must submit water distribution plan to the irrigation district for review and approval)
- Change of use (e.g., flood irrigation to reservoir) (requires state review and approval)
- Change in place of use (e.g., to neighbor or other location) or change in point of diversion or means of conveyance (requires state review and approval of plan)

SECTION 9: GENERAL QUESTIONS

- Is the subdivision within an already platted subdivision lot? Yes No
- Who will conduct the survey work for the subdivision? Engineering Associates
- Who will complete any engineering work for the subdivision? Engineering Associates
- Are you proposing to have covenants or an HOA? YES NO

SECTION 10: CONFIRM EACH OF THE FOLLOWING (T for TRUE / F for FALSE):

- T / F There is not a financing agreement, mortgage or lien that could prevent this subdivision.
- T / F There are not existing conservation easements that could prevent this subdivision.**
- T / F This subdivision will not be served by a central water supply system not owned or operated by a public entity.**
- T / F This subdivision will not be served by a central sewer system not owned or operated by a public entity.**
- T / F There are no hazards listed in Section 4 of this application.**

**This condition, if false, may qualify the subdivision as a major subdivision.

SIGN HERE: *In accordance with Wyo. Stat. §1-2-104, I certify under penalty of false swearing that the foregoing is true and the information provided in this application is accurate and complete. I agree that providing incomplete or inaccurate information may void or delay any and all permits authorized under this application. I further understand that any permit granted under this application by the Park County Board of Commissioners does not approve any continued or future violation of County regulations or State law. I further agree to comply with all County regulations and laws of the State of Wyoming pertaining to this application and authorize representatives of Park County to enter upon the abovementioned property for inspection purposes before, during and/or after the permitting process to ensure compliance. I further acknowledge that if signing on behalf of co-owners, multiple owners, a corporation, partnership, Limited Liability Company or similar entity, the undersigned hereby swear(s) that authorization is given, to the full extent required, with the necessary and appropriate approval, allowing the undersigned to act on behalf of such entity. I also understand that additional permitting may be necessary prior to or after the authorization of a Minor Subdivision Permit.*

Wade Barnard (POA) _____ *Wade Barnard* _____ *11/31/24*
 Owner's Name (required) Owner's Signature (required) Date

 Applicant's Name (if not the owner) Applicant's Signature Date

****** BELOW – FOR OFFICE USE ONLY ******

Zoning District (circle one):

GR-M	GR-P	GR-40	GR-35	GR-20	GR-5	RR-2	R-H	C	I	T
------	------	-------	-------	-------	------	------	-----	---	---	---

- Planning Area: Powell Within 1-mile of a city? YES NO
- Date of pre-application meeting: 11/2/23
- Confirm Subdivision Name: Booher MS-80
- Is this a re-subdivision? YES NO If yes, note vacation notice requirements.
- In an ag overlay zone? YES NO - If yes, consult ag overlay regs & notify applicant of dust/noise considerations.
- In a flood overlay zone? YES NO - If yes, contact applicant regarding floodplain development reqs.
- In an airport overlay zone? YES NO - If yes, consult airport overlay regs.
- Notes: _____

• Date sketch plan reviewed by P&Z: _____ Resolution #: _____
 P&Z recommended: APPROVAL DENIAL - Reason: _____

• Date sketch plan reviewed by BCC: _____ Resolution #: _____
 BCC: APPROVED DENIED - Reason: _____

Staff Initials: _____



Basin Office
PO Box 310 - 405 S 4th St
Basin, WY 82410
307.568.3357

Billings Office
1321 Discovery Dr.
Billings, MT 59102
406.248.4204

Cody Office (Corporate)
1601 S. Park Dr.
Cody, WY 82414
307.586.3800

Lovell Office
451 Shoshone Ave
Lovell, WY 82431
307.548.2275

Powell Office
401 S Bent St, #4
Powell, WY 82435
307.754.9160

Your Superior Hometown Service Provider • 1.800.354.2911 • www.tct.net

January 3, 2024

RE: Proposed minor subdivision for Rudi & Carla Booher- T55N, R98W, Lot 70-L & 70-G

Dear Mr. Hummel,

The purpose of this letter is to inform you that TCT may have the availability and capacity to provide terrestrial wireless internet and VOIP phone service to the simple subdivision for the proposed minor subdivision for Rudi & Carla Booher, in Park County. Line of sight to one of our towers is required, however, so service is not guaranteed. All install and equipment fees are the responsibility of the customer.

Sincerely,

Stacy Southworth
TCT

Park County School District #1 Transportation

160 North Evarts Street
Powell, Wyoming 82435
Phone: 307-764-6189
Fax: 307-764-6178

Stephen Janes, Supervisor
Email: srjanes@pcsd1.org
Christy Schwartz, Administrative Assistant
Email: cdschwartz@pcsd1.org

January 8, 2024

Nicholas S, Hummel
Engineering & Surveying Technician
Engineering Associates
902 13th Street | P.O. Box 1900 | Cody, WY 82414

RE: Boohar Minor Subdivision
PARK COUNTY, WYOMING

Mr. Hummel, in regards to the proposed minor subdivision located southeast of Powell, on the west side of Road 6 between Lane 9 and Lane 10, the subdivision is in the Park 1 School District boundary. It will have a school bus stop at all exit points on to Road 6. The bus stop would be a right hand stop in the morning and the afternoon. If you need any further information, feel free to email or call.

Sincerely,



Stephen R. Janes
Transportation Supervisor
PCSD #1





01/29/2024
Work Order 2023104
Booher Minor Subdivision
980 Road 6
Minor Subdivision

This is an estimate to install a single-phase underground powerline underneath Road 6 to the property line between Lots 2 and 3 of the Booher Minor Subdivision. No services just a powerline to the property lines.

Easements will be in place before construction will begin.

Estimates shall be paid before Garland Light & Power Work Order will be scheduled.

****This is an estimate based on current prices, following the date of final construction costs are computed, over payments will be refunded and under payments will be billed the balance of the total cost of construction****

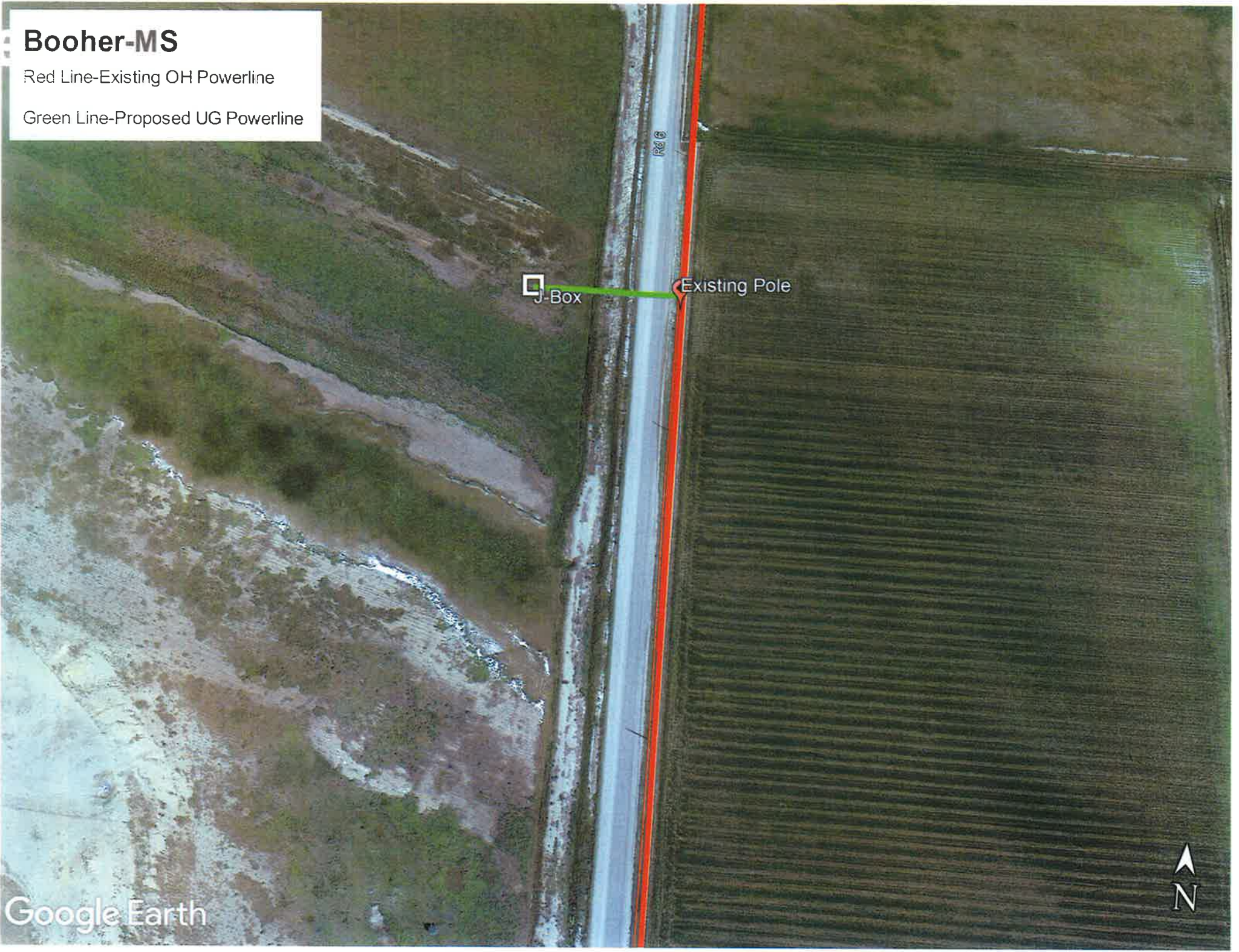
Cost Estimates will only be valid for (90) ninety days.

Garland Light & Power Co. Work Order 2023104 Total Construction Estimated Amount: \$10,207.60.

Booher-MS

Red Line-Existing OH Powerline

Green Line-Proposed UG Powerline



J-Box

Existing Pole



Nicholas Hummel

From: Busscher, Kevin <kevin.busscher@mdu.com>
Sent: Wednesday, January 31, 2024 9:55 AM
To: Nicholas Hummel
Subject: RE: Booher MS
Attachments: Booher Main extension-Construction cost est..pdf

Here is a breakdown of the construction costs.

From: Nicholas Hummel <Nick.Hummel@EAengineers.com>
Sent: Monday, January 29, 2024 3:33 PM
To: Busscher, Kevin <kevin.busscher@mdu.com>
Subject: Booher MS

You don't often get email from nick.hummel@eaengineers.com. [Learn why this is important](#)

**** WARNING: EXTERNAL SENDER. NEVER click links or open attachments without positive sender verification of purpose. DO NOT provide your user ID or password on sites or forms linked from this email. ****

Good afternoon Kevin,

Last we spoke was via phone, and I was curious if you could send me a hard copy of that \$13,000+- quote for the gas line project?

Thank you,

NICHOLAS S. HUMMEL, LSIT (WY)
902 13TH Street | PO BOX 1900 | Cody, WY 82414 | Website: eaengineers.com
Office: (307) 587-4911 | Cell: (307) 321-7468 | Email: nick.hummel@eaengineers.com



CONFIDENTIALITY AND COPYRIGHT NOTICE

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Construction Cost Summary

Project Summary Information

Project Name:	Booher Main Extension
Town:	0
Location:	0
Developer:	Rudy and Carla Booher
Total Number of Residential Lots:	2
Total Number of Commercial Lots:	0
Primary Customer Contact:	0
Phone number:	0
Date Cost Estimate Prepared:	12/5/2023

Main Installation Cost Summary

<u>Description</u>	<u>Cost</u>
Construction Labor - Main Installation	\$ 3,248.40
Construction Equipment - Main Installation	\$ 1,843.80
Material - Gas Mains	\$ 2,300.00
Contractor Costs - Trenching & Boring	\$ 2,200.00
Other Project Costs	\$ 150.00
Contingency	\$ 487.11
Main Installation Cost	<u>\$ 10,229</u>
Main ES & GA	\$ 2,665
Total Cost of Main Installation	<u>\$ 12,894</u>

Cost per Service Line

Estimated Cost Per Service Line	\$ 1,402.70
Service Line Cost with ES & GA	\$ 1,768.00

Notes and Other Information



Park County Weed & Pest Control District

**P.O. Box 626
1067 Road 13
Powell, WY 82435**

Phone: 307-754-4521 Powell

Phone: 307-527-8885 Cody

Fax: 307-754-9005

www.parkcountyweeds.org

Park County Planning and Zoning
1002 Sheridan Ave. Suite 109
Cody, WY 82435

January 31, 2024

Dear Park County Planning and Zoning Commission,

Park County Weed and Pest Control District (PCWP) has completed the initial inspection of the proposed **Booher Minor Subdivision located on County Road 6 Powell, WY**. During this survey, the following noxious weed species were found to be present on the property including (but not limited to):

Canada thistle (*Cirsium arvense*)
Showy milkweed (*Asclepias speciosa*)
Russian olive (*Elaeagnus angustifolia*)
Russian knapweed (*Rhaponticum repens*)

The property is a combination of residential with some corrals and agriculture non-crop in fair condition. Of particular note is the Russian knapweed that was found throughout most of the property. There were areas that were free of that species but then were found again in most of the proposed lots. Fence lines, along the roadways and irrigation ditches had noted noxious species. Any areas of previous disturbances had significant amounts of nuisance species as well.

A Long-Term Noxious Weed Management Plan addressing a prevention and control program to minimize the introduction or spread of these or any noxious weeds as defined in Wyoming Statutes §11-5-101 inclusive **will be** required of the applicants. Mitigation of the noted species should commence before any further ground disturbance occurs or as conditions allow. A template of the proposed weed plan along with a copy of this correspondence has been forwarded to the applicant.

Park County Weed and Pest Control District does have cost share available for effective herbicides as well as a 50% cost share on perennial grass seed mixes. PCWP staff can provide technical assistance or referrals if necessary. We appreciate your cooperation in this matter

Sincerely,

Assistant Supervisor

cc: Rudi and Carla Booher
Nicholas Hummel

Booher Minor Subdivision



Park County Weed and
Pest Control District

Mary McKinney

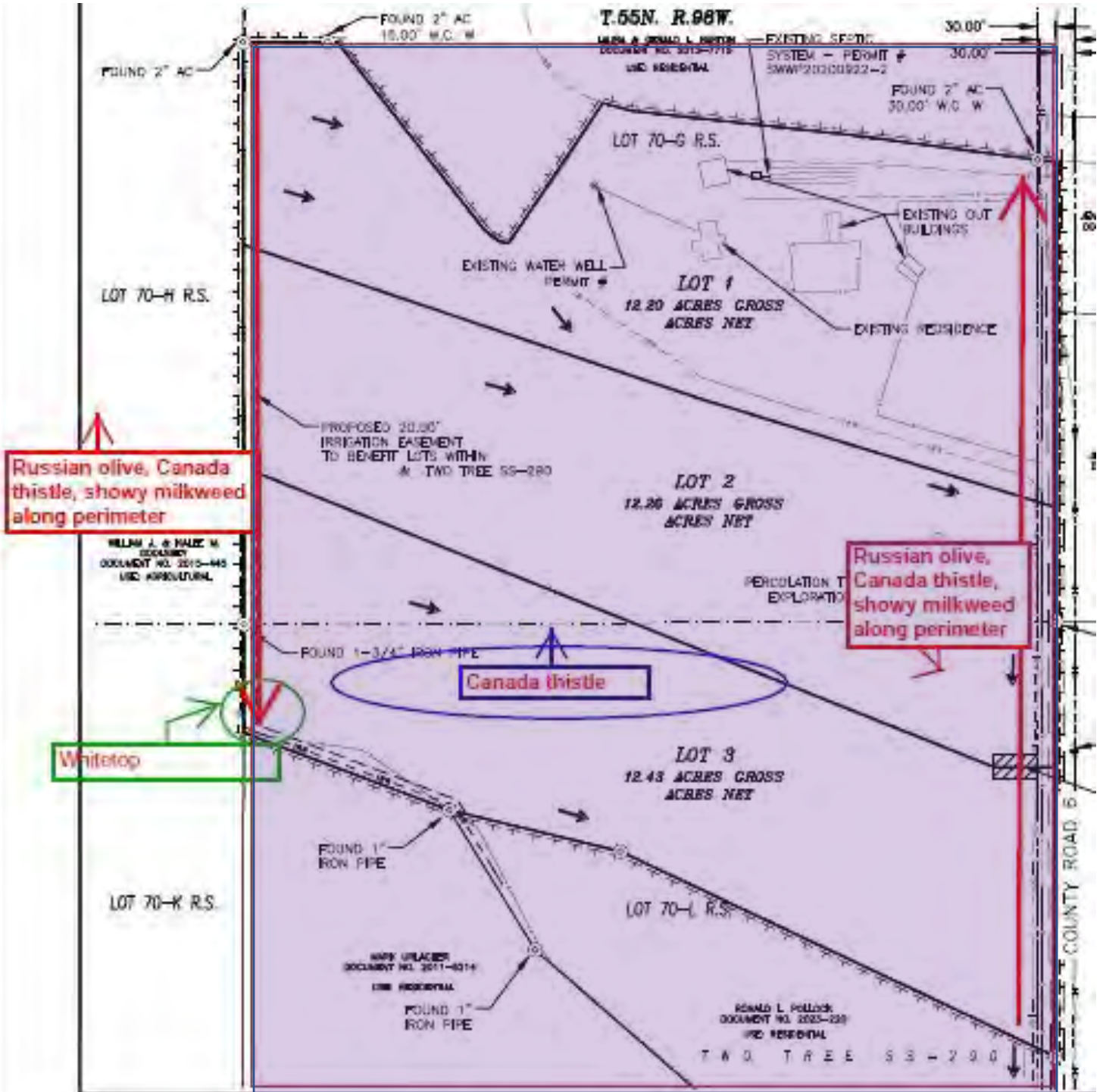
January 25, 2024

Noxious Weed locations (approximate and many contiguous)

(More incidentals may be present) Russian knapweed



Others see map



Noxious species

Canada thistle –
perimeter and
spot locations
PCWP stock
photo



Russian knapweed-
PCWP stock photo

Russian olive-PCWP stock photo



Showy milkweed-
PCWP stock photo



Park County Fire Protection District #1

1101 E. South Street Powell, Wyoming

(307) 754-2211

charlie@pvfd.net

02/01/2024

Regarding the proposed Booher Minor Subdivision located on Road 6, Park County Fire Protection District #1 along with the Powell Volunteer Fire Department can provide fire suppression to said property. Park County Fire District #1 requests that all access points are constructed to accommodate our fire equipment.

Respectfully



Charlie Ziska

Administrator

Powell-Clarks Fork Conservation District

1017 Highway 14A Powell Wyoming 82435 • 307-754-9301 ext 3 • FAX 307-754-2761 • Email ann.trosper@wy.nacdnet.net

2/6/2024

To: Park County Planning and Zoning
Re: Rudi and Carla Booher Minor Subdivision

The Conservation District Board of Supervisors has reviewed natural resource information for the Rudi and Carla Booher Minor. The project is located near Lane 10 and Road 6, Powell, Wyoming. The project will encompass 37 acres. We have included with this letter soils information.

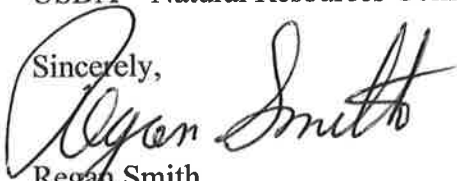
It is the policy of the Powell Clarks Fork Conservation District that agricultural land should stay in agriculture production. Under this policy we encourage you not to increase urban development on property under agriculture production. We also strongly suggest that the appropriate irrigation district review and approve an irrigation water management plan. Such plan should be attached to the property and reviewed upon sale of property to fully explain to future landowners the rights and responsibilities associated with irrigation water for both the new landowner and the irrigation district. A weed management plan should also be reviewed by Park County Weed and Pest. This plan should also be attached to the property and reviewed upon sale to property to fully explain to future landowners the need and legal requirements to manage the property for noxious weed control. Where wildlife/human encounters are anticipated, we also recommend that the Wyoming Game and Fish be contacted for wildlife management advice.

We emphasize the need for proper engineering and construction of sanitary facilities. Consultation with a knowledgeable entity, including proper permits by law, must occur before construction or installation. Appropriate measures must be taken to overcome the soils limitations for these uses.

Attached is the soils report for the property. If development occurs, we recommend not removing vegetation off the site prior to any construction activity to reduce the risk of wind and/or water erosion of the soil. During construction, the use of wind barriers is encouraged. Erosion control efforts should also include using adapted grass species to seed areas that have been disturbed to reduce bare areas. Good grass cover will also reduce weed problems.

If you have any additional natural resource information needs, please contact the District or the USDA – Natural Resources Conservation Service.

Sincerely,



Regan Smith
Chairman

cc: Engineering Associates

Jennifer Cramer

From: Eric Hargett <eric.hargett@wyo.gov>
Sent: Monday, February 12, 2024 2:45 PM
To: Jennifer Cramer
Cc: charlie@pvfd.net; Bucher, Marie - Powell, WY; Shoshone Irrigation; Trent Shoshone Irr; Anne Lawler; Ben McDonald; Brian Edwards; Corey Class; Game and Fish - Jason Burckhardt; Game and Fish - Laura Burckhardt; Game and Fish - Tony Mong; Game and Fish - Sam Hochhalter; Magee, David
Subject: Re: Agency Notice - Booher Minor Subdivision (MS-80) and Variance Request

CAUTION: This email originated from outside of Park County Government.

Jennifer,

If the development on this property is anticipated to result in the discharge of dredged or fill material, stormwater, or other pollutant into a surface water (stream, river, wetland, lake, pond, reservoir, ditch), please consult the following information:

For any dredged or fill activity associated with the proposed project that occurs on a water of the United States, the project proponent may need to secure a 404 permit from the U.S. Army Corps of Engineers and a 401 water quality certification from the Wyoming DEQ. For more information on determining whether a 404 permit and 401 water quality certification may be needed, the project proponent can click on 'How to Apply for a 401 Water Quality Certification for USACE Section 404 Permits' at <https://deq.wyoming.gov/water-quality/watershed-protection/cwa-section-401-turbidity-wetland/401-water-quality-certification/>.

If the dredged or fill activity occurs on a stream or wetland that is not considered a water of the United States, then the project proponent would need to work with the Wyoming DEQ to secure proper coverage for the activity.

For activities that will clear, grade or otherwise disturb 1 or more acres of land and there is a potential for discharge of storm water to surface waters of the state, coverage under a stormwater permit must be obtained from the Wyoming DEQ. More information regarding stormwater permits can be found at <https://deq.wyoming.gov/water-quality/wypdes/discharge-permitting/storm-water-permitting/>.

For any point source discharge to surface waters not related to stormwater runoff or dredged/fill material such as discharges from gravel crushing and washing operations, cofferdam or site dewatering, vehicle or machinery washing, drilling fluids or cuttings, or other material processing operations, coverage under a Wyoming DEQ WYPDES temporary discharge permit may be required. More information on temporary discharge permits can be found at <https://deq.wyoming.gov/water-quality/wypdes/discharge-permitting/>.

Eric

On Mon, Feb 12, 2024 at 9:03 AM Jennifer Cramer <Jennifer.Cramer@parkcounty-wy.gov> wrote:

Good Morning,

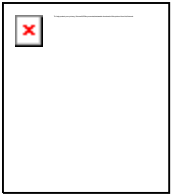
Jennifer Cramer

From: Corey Class <corey.class@wyo.gov>
Sent: Monday, February 12, 2024 3:02 PM
To: Jennifer Cramer; Tony Mong; Luke Ellsbury; Sam Hochhalter
Subject: Re: Agency Notice - Booher Minor Subdivision (MS-80) and Variance Request

CAUTION: This email originated from outside of Park County Government.

We have no terrestrial wildlife comments.
Thanks.

Corey Class
Cody Wildlife Management Coordinator
Wyoming Game and Fish Department
NEW 2 Tilden Trail
Cody, WY 82414
NEW Office: (307)586-2858
Cell: (307)399-9241
corey.class@wyo.gov



wgfd.wyo.gov

On Mon, Feb 12, 2024 at 9:03 AM Jennifer Cramer <Jennifer.Cramer@parkcounty-wy.gov> wrote:

Good Morning,

Attached please find an application and Sketch Plan for the Booher Minor Subdivision (MS-80) (Applicants: Rudi & Carla Booher). The proposed three lot subdivision will create one 12.20-acre lot, one 12.26-acre lot and one 12.43-acre lot, from a 36.89-acre parcel for residential use.

In conjunction with the subdivision, the applicant is requesting a variance from the requirement to stub gas lines to each proposed lot. A copy of the variance application and narrative are also attached.

Jennifer Cramer

From: Anne Lawler
Sent: Monday, February 12, 2024 2:24 PM
To: Jennifer Cramer
Subject: RE: Agency Notice - Booher Minor Subdivision (MS-80) and Variance Request

Good Afternoon,

Taxes are paid in full for this parcel!!

Thank you,

Anne Lawler
1st Deputy
Park County Treasurer
307-527-8630

Please note new e-mail

Anne.Lawler@parkcounty-wy.gov

From: Jennifer Cramer <Jennifer.Cramer@parkcounty-wy.gov>
Sent: Monday, February 12, 2024 9:04 AM
To: charlie@pvfd.net; Bucher, Marie - Powell, WY <Marie.Bucher@usps.gov>; Shoshone Irrigation <sid.secretary@outlook.com>; 'Trent Shoshone Irr' <shoshoneid@hotmail.com>; Anne Lawler <Anne.Lawler@parkcounty-wy.gov>; Ben McDonald <Ben.McDonald@parkcounty-wy.gov>; Brian Edwards <Brian.Edwards@parkcounty-wy.gov>; Corey Class <corey.class@wyo.gov>; Game and Fish - Jason Burckhardt <jason.burckhardt@wyo.gov>; Game and Fish - Laura Burckhardt <laura.burckhardt@wyo.gov>; Game and Fish - Tony Mong <tony.mong@wyo.gov>; Game and Fish - Sam Hochhalter <sam.hochhalter@wyo.gov>; Eric Hargett <eric.hargett@wyo.gov>; Magee, David <David.Magee@mdu.com>
Subject: Agency Notice - Booher Minor Subdivision (MS-80) and Variance Request

Good Morning,

Attached please find an application and Sketch Plan for the Booher Minor Subdivision (MS-80) (Applicants: Rudi & Carla Booher). The proposed three lot subdivision will create one 12.20-acre lot, one 12.26-acre lot and one 12.43-acre lot, from a 36.89-acre parcel for residential use.

In conjunction with the subdivision, the applicant is requesting a variance from the requirement to stub gas lines to each proposed lot. A copy of the variance application and narrative are also attached.

The proposed subdivision is within Lot 70-G and Lot 70-L, Resurvey, T55N, R98W of the 6th P.M., Park County, WY. The property is located in the Powell Planning Area, approximately 1.5 miles east/southeast of Powell, on the east side of Road 6, north of Lane 10 in a General Rural-Powell (GR-P) zoning district.

Brian J. Edwards, P.E.
County Engineer

Louis "Chip" Ash
Cody District Road & Bridge Foreman

Delray "Paco" Jones
Powell District Road & Bridge Foreman

Travis Ball
Solid Waste Division Manager



PARK COUNTY, WYOMING
ORGANIZED 1911
County Seat – Cody, Wyoming
www.parkcounty.us

Road & Bridge and Engineering
(307) 527-8520

Solid Waste Division
(307) 527-1818

April 4, 2024

Park County Planning & Zoning Department
Attn: Mrs. Joy Hill, Director
1002 Sheridan Avenue,
Cody, WY 82414

**RE: *Engineering Review of Sketch Plan
Proposed Booher Minor Subdivision (MS-80)
Lot 70-G and Lot 70-L (Resurvey) - T.55N., R.98W– Park County
Park County Road 6, Powell, Wyoming***

Joy:

The following information is hereby provided for your use and reference in regard to the planned Booher Minor Subdivision (MS-80). Specifically, this review and associated comments are intended to address planned infrastructure improvements, access, and drainage issues pertaining to the referenced development, a proposed three (3) lot residential subdivision located off Park County Road 6, Powell, Wyoming.

Access:

- 1) Legal Access to the proposed lots is via direct access from County Road 6.
- 2) County Road 6 is classified as a "Local Access Road" by *Park County Road & Bridge Standards* and consists of a crushed gravel surface. The proposed development is anticipated to increase traffic but is not anticipated to alter the classification of the Park County roadway.
- 3) The proposed Lot 1 has an existing access point. The applicant has proposed a shared access point for proposed Lots 2 and 3, which do not have existing access. *A Right of Way Permit* to construct an access to the County Road system will be required.
- 4) The Shoshone Irrigation District (SID) should be consulted about any proposed access crossing a SID Facility. The proposed location has an existing irrigation drain, which is believed to be a SID facility. SID approval should indicate appropriate culvert size for the specific crossing.

- 5) Addressing of the proposed development will be from Park County Road 6. Individual lot owners will be able to establish an address with the submittal of a Request for Address form and application from this office in conjunction with an approved building permit issued by the Park County Planning and Zoning Department.

Runoff and Erosion Control:

- 1) Regarding this application, Park County Public Works does not have any concerns with drainage and erosion control at this time. It is not anticipated that the development will result in a significant increase in storm water runoff discharging to any surrounding properties or public road rights-of-way. Any disturbances created by proposed buildings or infrastructure will be addressed during the building permit process when/where applicable. **In no case shall development result in an increase in stormwater runoff to the County ROW or adjacent properties.**

On behalf of Park County Public Works Department, we appreciate the opportunity to provide comments related to this and other developments. If you have any questions or if you require additional information, please do not hesitate to contact our department.

Sincerely,

Ben McDonald, Project Manager
ben.mcdonald@parkcounty-wy.gov

From: [Dale & Katie Jensvold](#)
To: [Planning](#)
Subject: Booher Variance Request (concerned citizen)
Date: Sunday, February 25, 2024 7:38:33 PM

CAUTION: This email originated from outside of Park County Government.

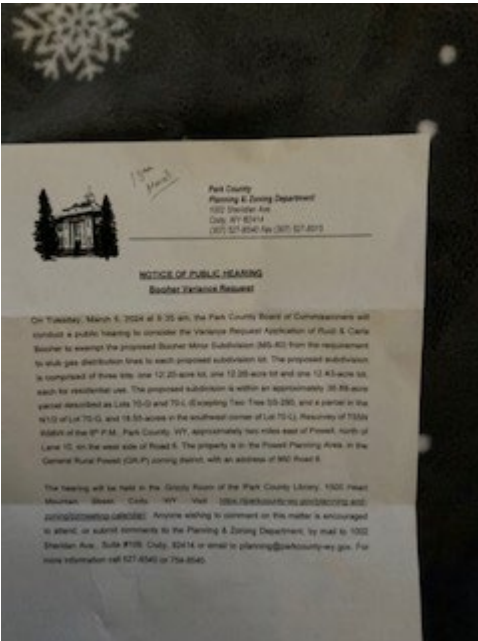
Hey Joy,

As per our phone conversation last week about the Booher Variance Request. I am not sure why they can't run gas lines to all 3 properties that they want to split off from the 36 acres, other than it cost them money to do that. The Booher's came in said they wanted a better life for their family, bought the property did a few improvements, moved back to Oregon (never sold there business in Oregon) rented out their modular home and split the barn into 2 rentals on one single property. They never planned on staying here. They sold the corner lot 2 different properties and I felt bad for the people who built the nice log cabin (it's beautiful). The people next door built a huge tall barn that towers over their nice log cabin.

My concern is will they (the Booher) have a covenants for the property? I bought my home over 40 plus years ago. I don't want trailers or apartment on the 3-12 acre plots. I worry about what they will do to make money and not worry about the people around them also what they will say just to make people happy. I am sure that any of the County Commissioners that live in the country would not want to worry about these issues. We have people who bought property up the road that have trashed out their property (junk everywhere) I don't understand why people buy property in the country and just pile junk everywhere??

Anyway please help me to make sure that we do not let people (out of staters) buy property because it's cheaper then California or Oregon just to junk it out or make money..

Wished we could've been at the meeting as we discussed, but we our out of town until March 19th.



Sincerely,
Katie Jensvold
953 Road 6
Powell, Wyo
307-272-7544

*Park County
Planning and Zoning Department*

*1002 Sheridan Avenue Ste 109
Cody, Wyoming 82414-3550
307-527-8540 or 307-754-8540*



February 22, 2024

Joy Hill
Planning Director
Park County Courthouse
1002 Sheridan Ave
Cody, Wyoming 82414

Re: Booher MS-80

Joy,

A review of the subsurface evaluation data submitted on behalf of the applicants indicates that nonconventional septic systems (because of slow perc rates) might be required should this subdivision be approved, and septic systems proposed.

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.

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.

Site specific testing will be required for any new septic application, and any new septic system will be required to meet current county regulations. I recommend that a note be placed on the final plat indicating that engineered systems may be required due to slow percolation rates.

Kim Dillivan
Small Wastewater Administrator



ANALYTICAL SUMMARY REPORT

April 19, 2022

Rudi Booher

Work Order: B22040549

Project Name: Subdivision Sampling 960 Rd 6 Powell WY

Energy Laboratories Inc Billings MT received the following 1 sample for Rudi Booher on 4/7/2022 for analysis.

Lab ID	Client Sample ID	Collect Date	Receive Date	Matrix	Test
B22040549-001	Bathroom Sink	04/07/22 9:00	04/07/22	Drinking Water	Metals by ICP/ICPMS, Drinking Water Bacteria, Private Water Supply Anions by Ion Chromatography Nitrogen, Nitrate + Nitrite pH Metals Digestion by E200.2 Preparation for TDS A2540 C Solids, Total Dissolved

The analyses presented in this report were performed by Energy Laboratories, Inc., 1120 S 27th St., Billings, MT 59101, unless otherwise noted. Any exceptions or problems with the analyses are noted in the report package. Any issues encountered during sample receipt are documented in the Work Order Receipt Checklist.

The results as reported relate only to the item(s) submitted for testing. This report shall be used or copied only in its entirety. Energy Laboratories, Inc. is not responsible for the consequences arising from the use of a partial report.

If you have any questions regarding these test results, please contact your Project Manager.

Report Approved By:



LABORATORY ANALYTICAL REPORT

Prepared by Billings, MT Branch

Client: Rudi Booher
Project: Subdivision Sampling 960 Rd 6 Powell WY
Client Sample ID: Bathroom Sink
Sampled By: Not Provided
Lab ID: B22040549-001D

Report Date: 04/19/22
Collection Date: 04/07/22 09:00
Received Date: 04/07/22 15:12
Matrix: Drinking Water

Analyses	Result	Units	Safe/Unsafe	Qualifier	Method	Analysis Date / By
MICROBIOLOGICAL						
Coliform, Total	Absent	per 100ml	SAFE		A9223 B	04/07/22 16:47 / spb
Coliform, E-Coli	Absent	per 100ml			A9223 B	04/07/22 16:47 / spb

Comments: The notation "SAFE" indicates that the water was bacteriologically SAFE when sampled.
The notation "UNSAFE" indicates that the water was bacteriologically UNSAFE when sampled.

Qualifiers:



LABORATORY ANALYTICAL REPORT

Prepared by Billings, MT Branch

Client: Rudi Booher
Project: Subdivision Sampling 960 Rd 6 Powell WY
Lab ID: B22040549-001
Client Sample ID: Bathroom Sink

Report Date: 04/19/22
Collection Date: 04/07/22 09:00
Date Received: 04/07/22
Matrix: Drinking Water

Analyses	Result	Units	Qualifiers	RL	MCL/ QCL	Method	Analysis Date / By
PHYSICAL PROPERTIES							
pH	7.8	s.u.	H	0.1		A4500-H B	04/07/22 19:34 / ftk
pH Measurement Temp	18.7	°C		1.0		A4500-H B	04/07/22 19:34 / ftk
Solids, Total Dissolved TDS @ 180 C	2830	mg/L	D	40		A2540 C	04/08/22 09:14 / mjb
INORGANICS							
Chloride	31	mg/L	D	5		E300.0	04/17/22 15:57 / caa
Sulfate	1950	mg/L	D	10		E300.0	04/17/22 15:57 / caa
Fluoride	0.3	mg/L		0.1		E300.0	04/19/22 01:52 / caa
NUTRIENTS							
Nitrogen, Nitrate+Nitrite as N	1.33	mg/L		0.01	10	E353.2	04/15/22 16:51 / krt
METALS, TOTAL							
Arsenic	ND	mg/L		0.001	0.01	E200.8	04/14/22 15:52 / car
Calcium	92	mg/L		1		E200.7	04/11/22 15:24 / rlh
Copper	0.093	mg/L		0.005	1.3	E200.8	04/13/22 13:46 / car
Iron	ND	mg/L	D	0.03		E200.7	04/14/22 17:59 / rlh
Lead	ND	mg/L		0.001	0.015	E200.8	04/13/22 13:46 / car
Magnesium	46	mg/L		1		E200.7	04/11/22 15:24 / rlh
Manganese	0.013	mg/L	D	0.005		E200.7	04/11/22 15:24 / rlh
Sodium	793	mg/L	D	2		E200.7	04/11/22 15:24 / rlh
Zinc	0.03	mg/L		0.01		E200.8	04/13/22 13:46 / car

Report Definitions:
 RL - Analyte Reporting Limit
 QCL - Quality Control Limit
 D - Reporting Limit (RL) increased due to sample matrix
 MCL - Maximum Contaminant Level
 ND - Not detected at the Reporting Limit (RL)
 H - Analysis performed past the method holding time



Work Order Receipt Checklist

Rudi Booher

B22040549

Login completed by: Richard L. Shular

Date Received: 4/7/2022

Reviewed by: BL2000\darcy

Received by: tjg

Reviewed Date: 4/11/2022

Carrier name: Hand Deliver

- Shipping container/cooler in good condition? Yes No Not Present
- Custody seals intact on all shipping container(s)/cooler(s)? Yes No Not Present
- Custody seals intact on all sample bottles? Yes No Not Present
- Chain of custody present? Yes No
- Chain of custody signed when relinquished and received? Yes No
- Chain of custody agrees with sample labels? Yes No
- Samples in proper container/bottle? Yes No
- Sample containers intact? Yes No
- Sufficient sample volume for indicated test? Yes No
- All samples received within holding time?
(Exclude analyses that are considered field parameters such as pH, DO, Res Cl, Sulfite, Ferrous Iron, etc.) Yes No
- Temp Blank received in all shipping container(s)/cooler(s)? Yes No Not Applicable
- Container/Temp Blank temperature: 17.7°C No Ice
- Containers requiring zero headspace have no headspace or bubble that is <6mm (1/4"). Yes No No VOA vials submitted
- Water - pH acceptable upon receipt? Yes No Not Applicable

Standard Reporting Procedures:

Lab measurement of analytes considered field parameters that require analysis within 15 minutes of sampling such as pH, Dissolved Oxygen and Residual Chlorine, are qualified as being analyzed outside of recommended holding time.

Solid/soil samples are reported on a wet weight basis (as received) unless specifically indicated. If moisture corrected, data units are typically noted as –dry. For agricultural and mining soil parameters/characteristics, all samples are dried and ground prior to sample analysis.

The reference date for Radon analysis is the sample collection date. The reference date for all other Radiochemical analyses is the analysis date. Radiochemical precision results represent a 2-sigma Total Measurement Uncertainty.

Contact and Corrective Action Comments:

None



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Gillette, WY 307.886.7175 • Helena, MT 406.442.0711

Total Coliform Bacteria
Chain-of-Custody

reference order 161617

Payment is expected upon receipt of samples. The lab must receive the sample within 30 hours of sampling.
*See Notes on the back of this form for additional information

Account Information	
Company/Name	Rudi Booher
Contact	Rudi
Phone	307-202-3318
Mailing Address	960 Rd 6
City, State, Zip	Powell WY 82435
Email	rudincarta@gmail.com
How would you like to receive the report: <input type="checkbox"/> Hard Copy <input type="checkbox"/> Email	

Report Address <i>(leave blank if same as Account Information)</i>	
Company/Name	
Contact	
Phone	
Mailing Address	
City, State, Zip	
Email	
How would you like to receive the report: <input type="checkbox"/> Hard Copy <input type="checkbox"/> Email	

	Physical Address	Source / Site <i>(Well, Cistern, Kitchen Sink, Direct, etc.)</i>	Collection Date	Collection Time
1	960 Rd 6 Powell WY	Bathroom sink	4/7/22	9 AM
2				
3				
4				
5				

Sampler Name (Printed): _____ Company (if applicable): _____

Sampler Signature: _____
I hereby acknowledge that this sample was collected at the above location, date and time

The laboratory will be closed on all major holidays. Samples will not be accepted one day before any major holiday unless prior arrangements have been made. Any samples for bacteria analysis accepted with pre-approval from lab personnel during a holiday are subject to additional fees.

Custody Record MUST be Signed	Relinquished by Signature: <i>Rudi M Booher</i>	Date/Time: <i>9 AM 4/7/22</i>	Received by Signature: <i>[Signature]</i>	Date/Time: _____
	Relinquished by Signature: _____	Date/Time: <i>3:12 PM</i>	Received by Laboratory Signature: <i>[Signature]</i>	Date/Time: <i>4/7/22 1512</i>

LABORATORY USE ONLY				
Shipped by: _____	Custody Seals: Y N C B Intact: Y N	Receipt Temp: _____ °C	Temp Blank: Y N	On Ice: Y N
Payment Type (circle one) <input checked="" type="radio"/> CASH <input type="radio"/> CHK _____	Amount: \$ <i>252.00</i>	Receipt Number: <i>120722603</i> <i>(Applicable to Cash & Check Payments)</i>		
ELI Laboratory ID: <i>B22040549</i>				



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Billings, MT 800.735.4489 • Casper WY 800.235.0515 • Gillette, WY 866.686.7175 • Helena, MT 877.472.0711

BOTTLE ORDER 161617



SHIPPED Residential Testing

TO:

Contact: Rudi Booher
960 Road 6
Powell WY 82435

Phone:

Project: Subdivision Sampling

Order Created by Jillian B Miller

Shipped From: Billings, MT

Ship Date: 3/24/2022

VIA: Ground

Bottle Size/Type	Bottles Per Samp	Method	Tests	Critical Hold Time	Preservative	Notes	Num of Samp
1 Liter Plastic	1	A2540 C E300 0 A4500-H B	Solids, Total Dissolved Anions by Ion Chromatography pH	0 25 hrs		Sulfate, Chloride, Fluoride	1
250 mL Plastic	1	E353 2	Nitrogen, Nitrate + Nitrite		<input type="checkbox"/> H2SO4		1
250 mL Plastic	1	E200 7_8	Metals by ICP/ICPMS, Drinking Water		<input checked="" type="checkbox"/> HNO3	Ca Mg Na Fe Zn Pb Mn Cu As	1
100 mL Plastic Sterile	1	A9223 B	Bactena, Private Water Supply	30 00 hrs			1

Comments

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<input checked="" type="checkbox"/> HNO3 - Nitric Acid	<input type="checkbox"/> H2SO4 - Sulfuric Acid	<input checked="" type="checkbox"/> NaOH - Sodium Hydroxide	We strongly suggest that the samples are shipped the same day as they are collected.
<input checked="" type="checkbox"/> ZnAc - Zinc Acetate	<input checked="" type="checkbox"/> HCl - Hydrochloric Acid	<input type="checkbox"/> H3PO4 - Phosphoric Acid	

Material Safety Data Sheets(MSDS) Available @ EnergyLab.com ->Services -> MSDS Sheets

Corrosive Chemicals: Nitric, Sulfuric, Phosphoric, Hydrochloric Acids and Sodium Hydroxide. Zinc Acetate is a skin irritant.

Subcontracting of sample analyses to an outside laboratory may be required. If so, Energy Laboratories will utilize its branch laboratories or qualified contract laboratories for this service. Any such laboratories will be indicated within the Laboratory Analytical Report.