

PARK COUNTY PLANNING & ZONING DEPARTMENT

Staff Report – Board of County Commissioners

Heart Mountain School Minor Community Use – Public Hearing**Special Use Permit-260****Staff:** Jenny Cramer & Joy Hill**Hearing Date:** April 16, 2024 @ 10:15am**Applicant:** Adrian Troyer**Tax ID#:** 01559804705001**Zoning District:** General Rural Powell (GR-P)**Planning Area:** Cody/Powell Rural

Application: Adrian Troyer submitted a Special Use Permit Application (**attached**), including payment, a School Floor Plan (**attached**), a Project Description (**attached**), and a Statement of Compatibility (**attached**), on February 2, 2024. The application was signed by Herman Stutzman as landowner. The School Floor Plan shows a 30' x 32' classroom and a 30' x 42' Mud Room. The Mud Room includes a sink, range, and bathrooms. The Project Description lists the number of students and teachers, discusses hours and months of operation, and it addresses parking and utilities. The Statement of Compatibility details how the applicant intends to achieve compatibility with the neighborhood.

Requested Action: Review and approval of a Special Use Permit to construct and operate a private school (Minor Community Use) in a building sized 2,220 sq. ft. The applicant anticipates 13 students for the 2024-2025 school term, and possibly growing to 20 or 22 students, as the community grows. If the number of students grow, the number of teachers will likely grow from one to two. The use will occur on an area of the property that is less than one (1) acre in size.

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

Use Classification and Definition: Minor community use: Public and quasi-public buildings and land uses operated by a governmental agency or non-profit community organization including non-residential schools, churches, cemeteries, meeting halls, parks, fairgrounds, animal shelters, governmental offices, fire, sheriff, and ambulance stations, and post offices, where the size of all buildings on site is less than 5,000 square feet and less than one acre of land is developed in association with the use.

Ownership: Ownership is affirmed by Warranty Deed dated February 2, 2024 to Herman Joe Stutzman and Lucinda Stutzman, from Wayne Troyer, Jr. and Ruth Troyer, a married couple as joint tenants (Document #2024-435).

Legal Description: The property is a 39.5-acre parcel described as: Lot 47-E, Resurvey, T55N, R98W, 6th P.M., Park County, Wyoming.

Location: The property is approximately five miles southeast of Powell, directly north of County Lane 10H and approximately 1,500 feet east of the intersection of Lane 10H and Road 3. The property has an address of 251 Lane 10H (see Figure 1).

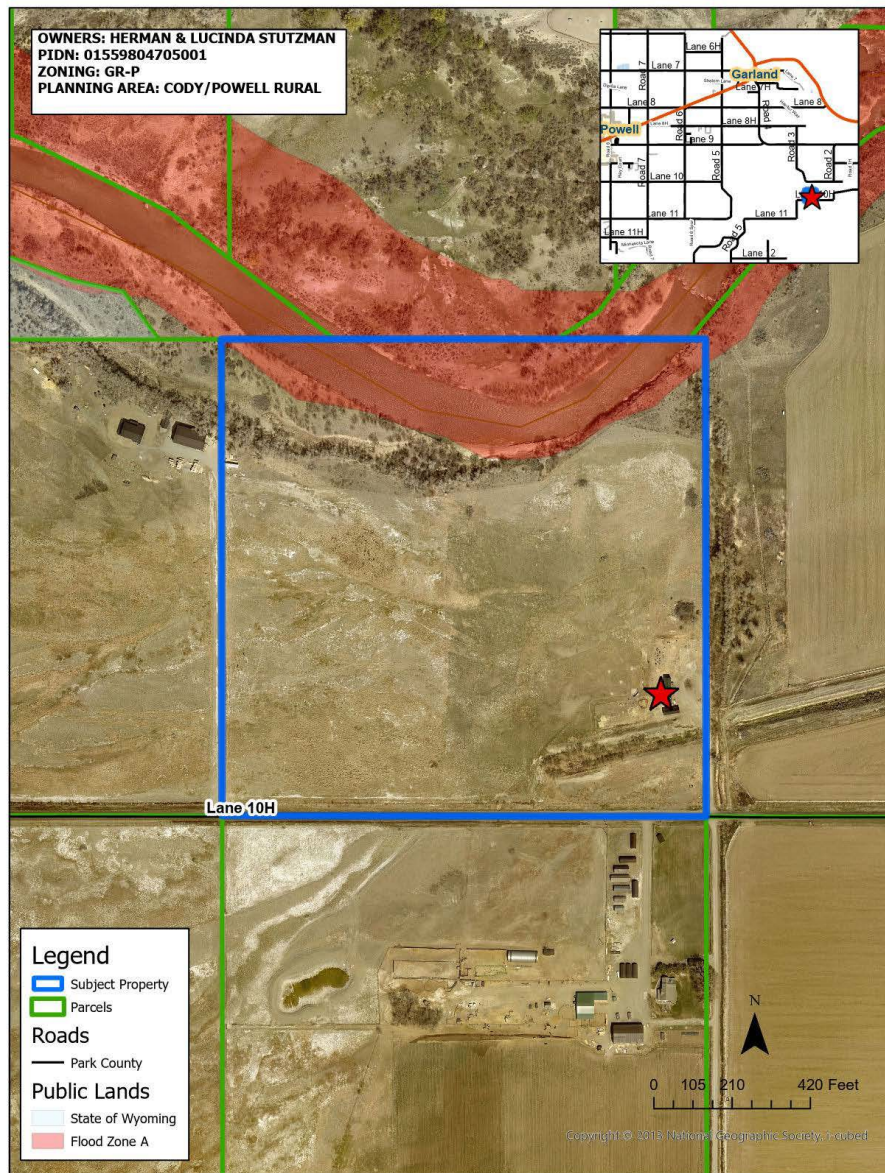
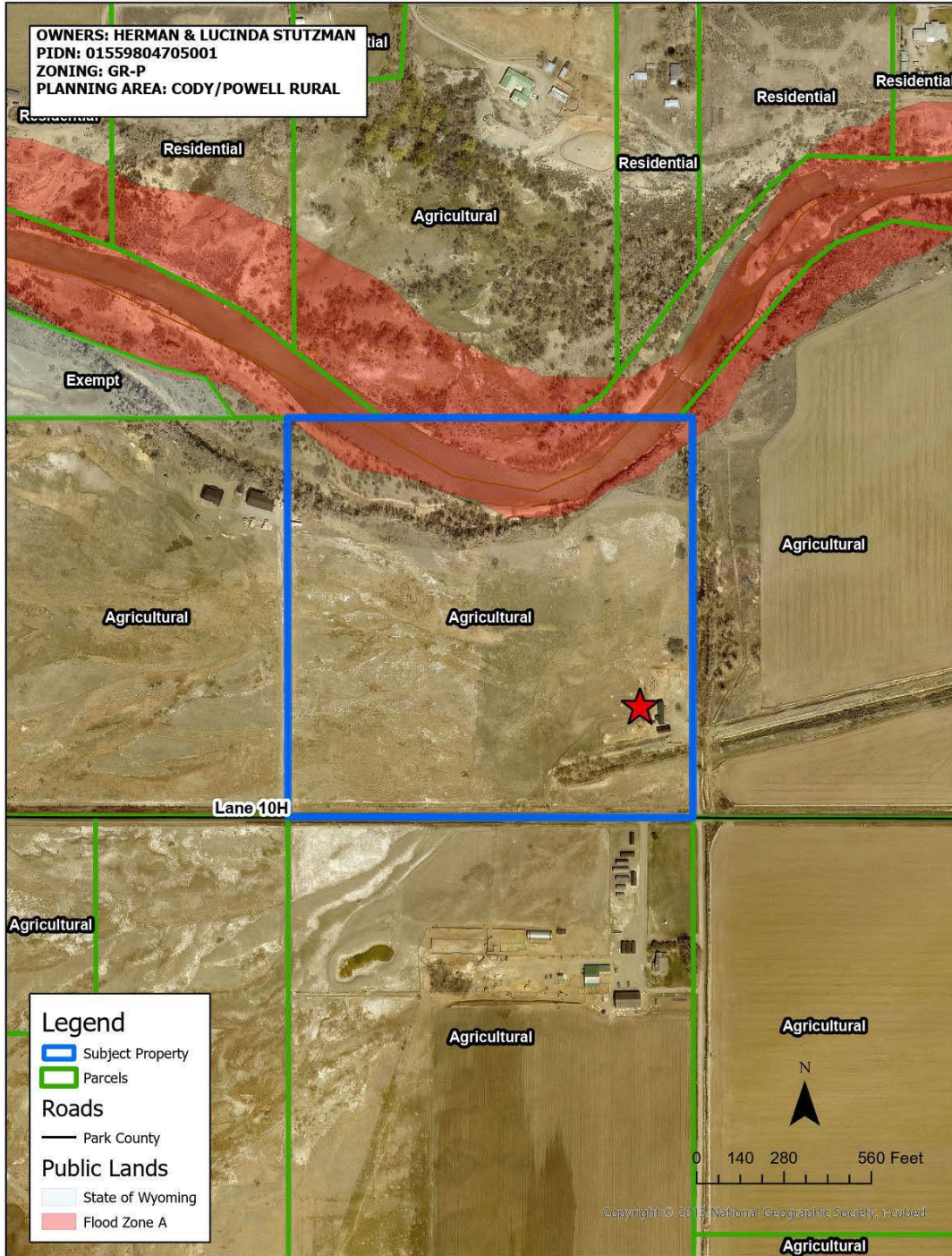


Figure 1: Property Location Map
 (approximate use location indicated with red star)

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 49 **Zoning District and Purpose:** The property is in a **General Rural Powell (GR-P) zoning**
 50 **district.** The GR-P district allows low and moderate-intensity land uses. Lots with on-site septic
 51 systems shall have a one-acre minimum lot size. Otherwise, no other minimum lot sizes are
 52 specified. Subdivision densities will be set in the subdivision review process based on
 53 consideration of site and area characteristics and the land use guidelines of the Land Use Plan.
 54 A variety of uses are permitted in this district in recognition of the varied land uses typical of
 55 rural areas. This district is also intended to promote the retention of open space, agricultural
 56 land, wildlife habitat, riparian habitat and scenic areas and prevent development on unstable
 57 geologic features. **Minor community uses are permitted in the General Rural Powell (GR-**
 58 **P) zoning district provided a Special Use Permit is approved.**

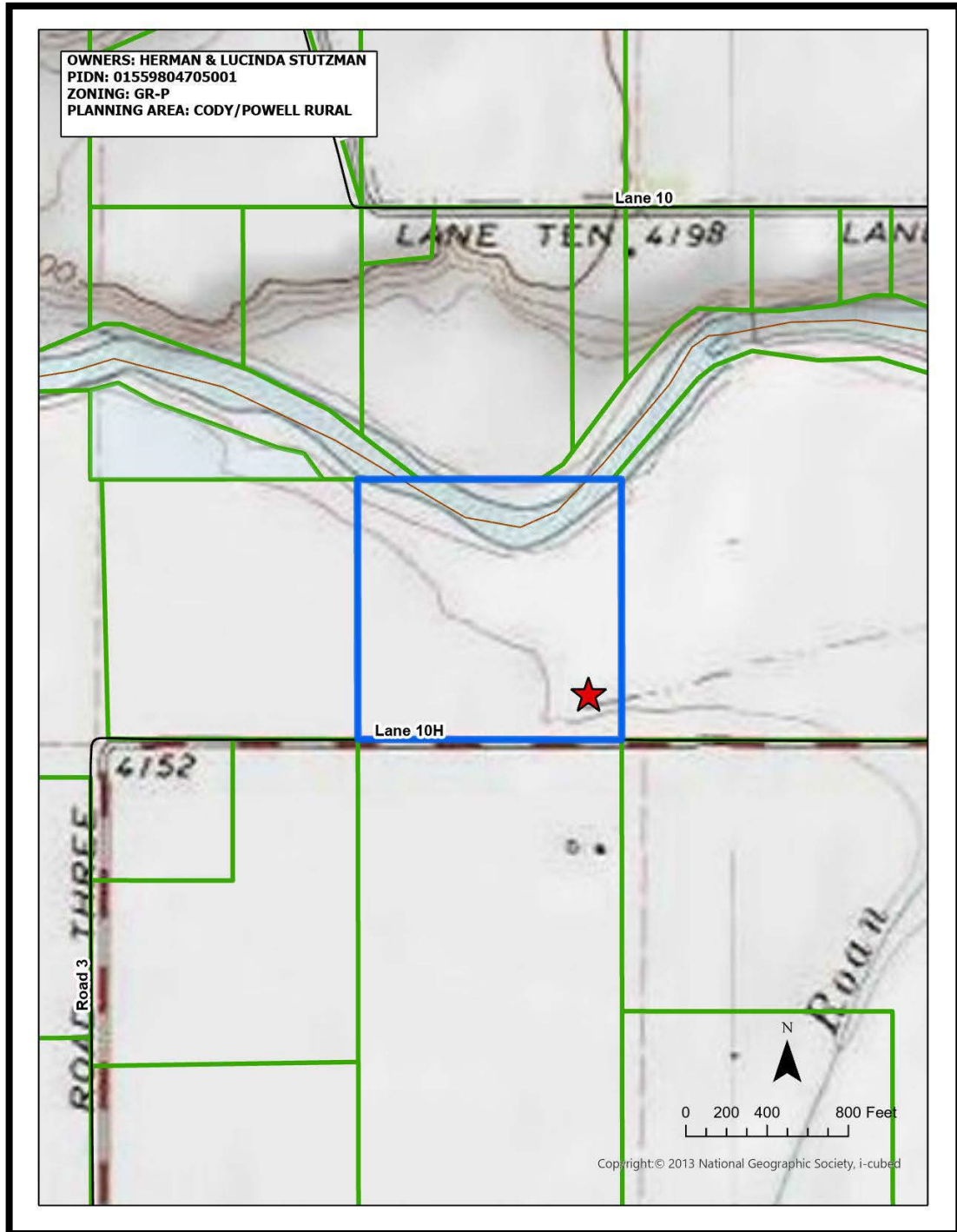
59 **Neighboring Land Use:** As shown in Figure 2, neighboring land uses are primarily agricultural;
60 however, there are properties in the immediate vicinity classified as residential. The State of
61 Wyoming owns several parcels in the area located northwest and west of the proposed use
62 location.



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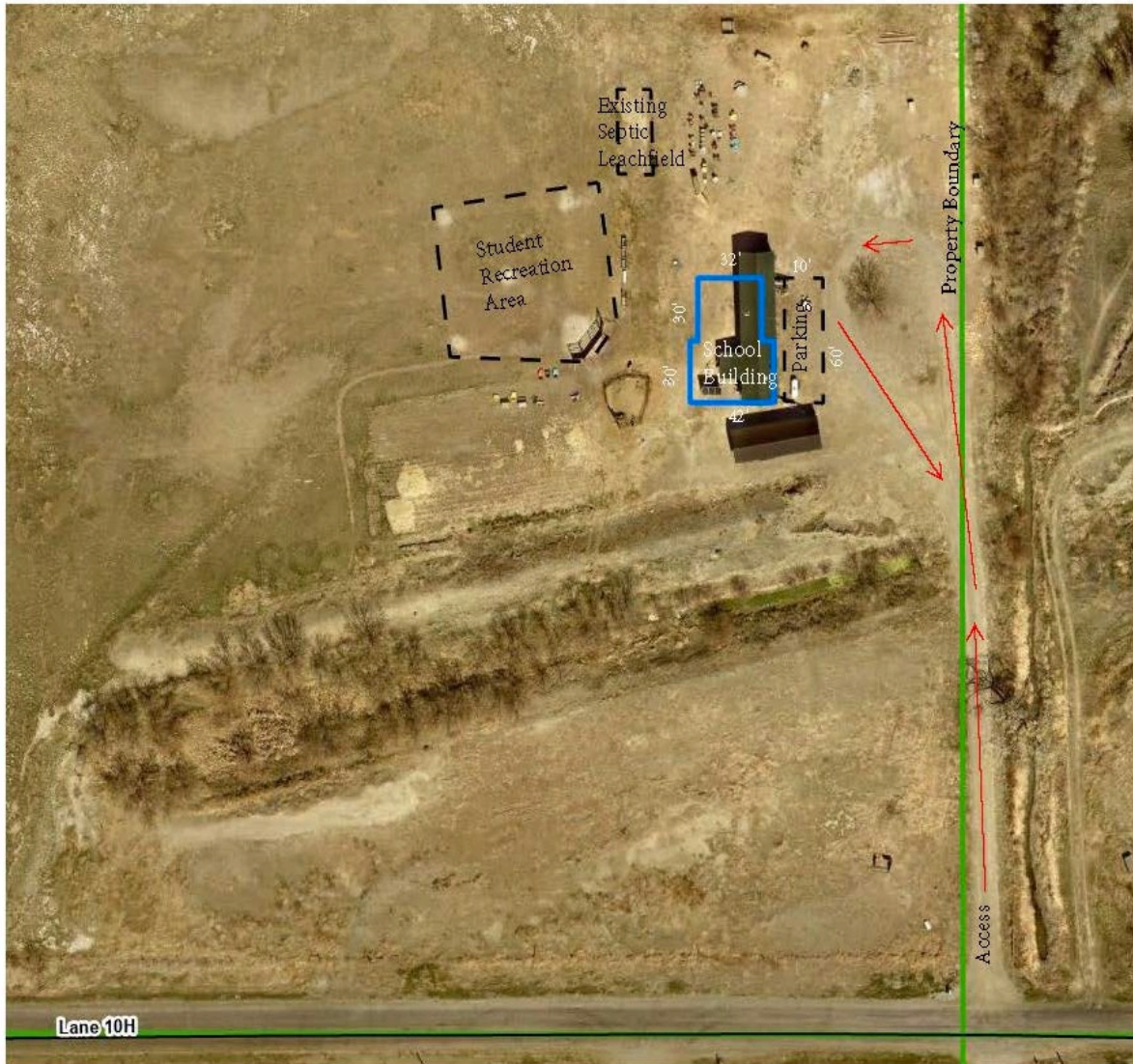
Figure 2: Neighboring Land Uses
(approximate use location indicated with red star)

66 **Site Characteristics:** There is an existing well on the property and the school will be served
67 by an existing permitted small wastewater system (SWWP20211228-3, formerly served a
68 residence which has since been removed from the property). As shown in Figure 3, the
69 topography of the property and the surrounding area shows little change in elevation. The
70 Shoshone River borders the north end of the parcel.



71 **Figure 3: Topography of Property and Surroundings**
72 **(approximate use location indicated with red star)**

73 Figure 4 is a site plan submitted by the applicant. The site plan shows the location of the
74 school building, an outdoor recreation area, parking, access, and the location of the existing
75 drain field.



76 **Figure 4: Site Plan**

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78 **Legal Notices:** The Planning Department published a Notice of Public Hearing as required in
79 Appendix 1, including the following information: applicant name; proposed project description
80 and location; legal description; public hearing date, time and place; and how additional
81 information can be obtained. The notice was published in the *Powell Tribune* on March 28,
82 2024 and April 9, 2024, with the first notice out more than 14 days before the hearing, as
83 required. Written notice was mailed to the owners of all properties within 660 feet of the subject
84 property on March 27, 2024 as shown in the property ownership records of the County
85 Assessor. The staff report was sent to applicant and the Board of County Commissioners prior
86 to the scheduled public hearing as specified in Ch. IV, Sec. 4c.

87 **Agency Referrals:** Ch. IV, Sec. 4c specifies that discretionary applications be referred to any
88 local, state, or federal agency with relevant interests or expertise. Relevant agencies were
89 notified by the Applicant and by Planning & Zoning Staff.

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91 Elk Water Users Irrigation District: In a letter dated February 1, 2024, the District stated the
92 property is served by the District and the proposed use and construction will not impede
93 their operations. (Attached)

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95 Wyoming Department of Environmental Quality (DEQ): In an email dated February 13,
96 2024, DEQ summarized the notifications, permits, and certificates required for various
97 activities that may impact surface or groundwater. (Attached)

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99 Park County Treasurer (PCT): In an email dated February 13, 2024, the PCT stated that
100 property taxes are paid in full for this property. (Attached)

101
102 State Engineer's Office:
103 ➤ In an email dated February 13, 2024, Jeremy Manley of the Ground Water Division
104 stated that the property well permit (UW 216025) is only permitted for domestic and
105 stock use, and use is not allowed for a school. Well use for a school would require a
106 use enlargement. (Attached)
107 ➤ In a letter dated April 1, 2024, the SEO informed the applicant that their application
108 for enlargement of groundwater use to include potable and sanitary supply for
109 churches and schools is approved and permitted as U.W.P220066.0W. The permit
110 must be put to beneficial use by 12/31/26 or it will be subject to cancellation.
111 (Attached)

112
113 Department of Fire Prevention/Electrical Safety: In an email dated February 13, 2024, the
114 Fire Inspector for the Big Horn Bason stated a plan review through the State Fire Marshal's
115 Office is not necessary. The Inspector does recommend safety measures be followed.
116 (Attached)

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118 Wyoming Department of Agriculture: In an email dated February 15, 2024, Vicky Snider
119 with the Department of Agriculture stated that a food permit is not required provided
120 students bring their own lunch. (Attached)

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122 Wyoming Game & Fish: In an email dated February 26, 2024, Game & Fish stated they
123 have no terrestrial wildlife comments on the project. (Attached)

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125 Park County Weed & Pest (W&P): In a letter dated February 29, 2024, W&P reported their
126 findings from an initial inspection. Since the site of the proposed facility was previously a
127 residential modular home and no new disturbances are planned, a Long-Term Noxious
128 Weed Management Plan will not be required. (Attached)

129
130 Park County Fire District #1: In a letter dated March 26, 2024, PCFD#1 stated they have no
131 issues with the proposed use and they will be able to provide fire suppression and
132 emergency services to the property. (Attached)

- 133
134 Park County Public Works (PW): In a letter dated April 8, 2024 (**attached**), PW offered the
135 following comments:
- 136 ➤ The property has legal access via Park County Lane 10H, a paved, “Local Access
137 Road” which is administered and maintained by the Road & Bridge Division of the
138 Park County Public Works Department.
 - 139 ➤ The property is addressed and is accessed by an existing, permitted access point
140 from County Lane 10H. Additional addresses for the property can be requested from
141 Public Works, by the Applicant.
 - 142 ➤ The proposed development will likely not increase vehicular traffic on County Lane
143 10H but will increase use via horse and buggy or bicycle use. The proposed use will
144 not result in a change in classification for the roadway. PCPWD will determine if
145 additional signage is needed for safety in the area as a result of the proposed
146 use. No action is needed by the applicant regarding signage.
 - 147 ➤ A drainage and erosion control plan will not be required at this time. However,
148 in no case shall activities associated with the proposed use result in an increase in
149 storm water runoff to the County ROW (Lane 10H) or adjacent properties.
 - 150 ➤ A geotechnical report will not be required.
 - 151 ➤ Parking will not be allowed within the County Road ROW.

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153 **Public Comments:** No public comment has been received.

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155 **Planning and Zoning Commission Review:** The Park County Planning & Zoning
156 Commission reviewed the Special Use Permit Application during a public hearing on March 13,
157 2024 and recommended approval with conditions noted in Resolution #2024-13, finding the
158 proposed special use is generally consistent with the goals and policies of the *Park County*
159 *Land Use Plan* and is consistent with the standards and procedures of the *Park County,*
160 *Wyoming, 2015 Development Standards and Regulations.*

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162 **Planning and Zoning Commission Approval Conditions:**

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- 164 1. Park County noise, lighting, and other nuisance regulations shall apply;
- 165 2. Prior to review by the Board of County Commissioners, the applicant shall submit a formal
166 response from Park County Public Works and the Fire District to the Planning and Zoning
167 Department; **A response has been received from the Fire District.**
- 168 3. Prior to commencing the use, the applicant shall obtain a well permit for the enlarged
169 use, approved by the State Engineer’s Office, and provide a copy of the permit to the
170 Planning and Zoning Department; and **This condition has been met.**
- 171 4. The applicant shall otherwise comply with standards in the Park County Development
172 Standards and Regulations.

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174 **Approval Standards:** The Board of County Commissioners shall approve a Special Use
175 Permit only if the following criteria are met:

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- 177 1. **Compatibility and Impacts:** The use is in harmony and compatible with surrounding
178 land uses and with the neighborhood and will not create a substantial adverse impact
179 on adjacent properties
- 180 • **Applicant statement how compatibility will be achieved:** In application
181 documents, the applicant provided an explanation regarding the proposed use
182 and described how the use will be compatible with the area:
 - 183 • **The project will not have any engines or motors associated with**
184 **the use; therefore, disturbances from noise should not be a**
185 **concern.**
 - 186 • **No vehicle traffic will be associated with the use; therefore, dust**
187 **should not be a concern.**
 - 188 • **School will be sized to accommodate 20 to 22 students and 2**
189 **teachers.**
 - 190 • **Hours of operation will be 8:30 am to 3 pm, September to April.**
 - 191 • **Ages of students will be 6 to 14.**
 - 192 • **Children will travel to the school building using bicycles and**
193 **horse-drawn buggies.**
 - 194 • **No electricity is required for the use.**
 - 195 • **The building will be heated using radiant floor heat powered by**
196 **propane or a natural gas boiler.**
 - 197 • **Lights will be powered by batteries.**
 - 198 • **There is an existing septic system and well on the property.**
 - 199 • **Power for the well pump and gas boiler will be solar-powered or**
200 **powered by a battery pack.**
 - 201 • **Building Setbacks:** No building or structure shall be built within 20 feet of
202 county road ROW. **The building will not be within 20 feet of a County road**
203 **right-of-way.**
 - 204 • **Covenants:** Facility must comply with covenants, if any. **No covenants are**
205 **proposed or existing.**
 - 206 • **Outdoor Lighting:** Proposed lighting, if any, must comply with County
207 regulations. **No outdoor lights are proposed.**
 - 208 • **Nonconformities:** Any nonconforming parcels, structures, or uses must
209 comply with County regulations. **The property has no known**
210 **nonconformities.**
 - 211 • **Nuisance-related:** County regulations define nuisances as any use or non-
212 use of real or personal property that causes injury to others, or endangers life,
213 health, or safety. **No nuisances have been reported.**
 - 214 • **Soil Conservation District:** A soil conservation district review, prepared by
215 the local soil conservation district, or a professional soil engineer or geologist,
216 is required when appropriate. **Given the nature and circumstances of the**
217 **use, no soils review is warranted.**

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219 **CONCLUSION:** Based upon the above findings, all factors relating to
220 compatibility and impacts of the use have been sufficiently addressed and
221 suggest that the proposed use will be in harmony and compatible with

222 surrounding land uses and with the neighborhood and will not create a
223 substantial adverse impact on adjacent properties.

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225 2. **Services and Infrastructure:** Adequate services and infrastructure are available to
226 serve the use, or the applicant has agreed to provide services and infrastructure in
227 sufficient time to serve the proposed use

- 228 • **Access:** All parcels shall have legally enforceable access. **Access is**
229 **proposed from County Lane 10H.**
- 230 • **Domestic Water:** Evidence that an adequate water supply in terms of
231 quantity, quality, and dependability for the use is, or will be available is
232 required. **Bottled water and/or well water will be available for students**
233 **and teachers.**
- 234 • **Irrigation District:** If the development is located within the boundaries of an
235 Irrigation District, the applicant shall establish a plan regarding the attached
236 water rights and easements for irrigation facilities. **This use is located within**
237 **an area served by the Elk Water Users Irrigation District, and the District**
238 **has confirmed the construction and use will not affect their operations.**
- 239 • **Parking:** Parking regulations apply to multi-family housing and commercial
240 uses. **Non-residential uses require one parking space for each 400**
241 **square feet of floor area. The total floor area of both structures will be**
242 **2,220 square feet requiring 6 parking stalls. However, this use will not**
243 **require any motor vehicle parking. Additionally, parking for bicycles and**
244 **horse-drawn buggies is adjacent to the structure. Adequate space is**
245 **available to support parking of vehicles, if needed.**
- 246 • **Sewage and wastewater disposal:** Adequate and sanitary sewage disposal
247 systems must be provided when appropriate. **The property has a permitted**
248 **septic system. Two teachers and twenty-two students will produce a**
249 **maximum flow rate of 360 gpd. The existing septic system has a design**
250 **flow rate of 390 gpd and a tank size of 1,000 gallons. As a result, the**
251 **existing septic system has adequate capacity for the proposed use.**
- 252 • **Utilities, public services and infrastructure:** Adequate utilities must exist,
253 or be provided, for the proposed use. **Energy will be provided by propane**
254 **or natural gas. Lights will be battery-powered. No electricity will serve**
255 **the use.**
- 256 • **Signs:** Proposed signs, if any, must comply with County regulations. **No**
257 **signs are proposed or necessary for this use.**
- 258 • **Solid Waste:** Solid waste disposal, if any, must comply with County
259 regulations. **Solid waste disposal services are available through private**
260 **companies.**

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262 **CONCLUSION:** Based upon the above findings, adequate services and
263 infrastructure are available to serve the use or the applicant will provide
264 services to serve the proposed use.

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266 3. **Specific Criteria:** The use complies with all specific criteria stated in these
267 regulations for the use. **No specific criteria are identified for this use.**

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4. **Overlay Districts:** The use complies with additional requirements of overlay districts, if applicable. **The proposed use is in an Agricultural Overlay District. A portion of the property is within the floodplain overlay, however it is not in close proximity of the proposed use (>650 feet away). No development is allowed within the floodplain overlay without a floodplain permit.**

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Agricultural Overlay (AGO): The AGO overlay district identifies important agricultural areas of the county for application of special development requirements designed to promote the continuation of agriculture.

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Purpose: The changing nature of land use and demography in particular parts of and throughout Park County has increased the incidence of conflict between agricultural operators and visitors to and residents of Park County. Such conflicts may threaten the economic viability of agricultural operations and arise from harassment of livestock and livestock losses due to free roaming dogs; trespass by livestock; leaving of gates open; fence construction and maintenance; problems with the maintenance of ditches across private property and burning of ditches; complaints about noise, dust, odors and light; weed and pest control; and trespass. The Board of County Commissioners or Planning & Zoning Commission shall review all the discretionary development applications in the Agricultural Overlay (AGO) district or on land adjoining the AGO district to identify impacts to commercial agriculture.

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Agricultural Impact Review: The Board of County Commissioners shall review all discretionary development applications in the AGO district, or on lands adjoining the AGO district, to identify impacts to commercial agriculture as follows:

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A. Impacts on Agricultural Operations: The Board of County Commissioners shall examine the effects of non-agricultural development on nearby commercial agricultural operations in the AGO district not including agricultural operations of the applicant, if any. The review may identify reasonable changes to the design or operating features of a development that shall be implemented to mitigate adverse impacts to commercial agriculture. Such requirements may include, but are not limited to: control of weeds, pests and litter; confinement of domestic pets that may threaten livestock; and protection and maintenance of irrigation facilities and ditches that cross private property. **The proposed use is a Minor Community use. Park County Weed & Pest has inspected the property. Any solid waste produced as a result from this use will be disposed of in accordance with County regulations. Irrigation facilities will not be impacted by this use.**

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B. Vulnerability of Use to Agricultural Practices: Examine whether the proposed use will be particularly vulnerable to problems resulting from exposure to legal and generally accepted commercial agricultural practices in the vicinity. Uses that will be vulnerable to agricultural noise, dust, odors, light, etc., shall be designed and operated to minimize such problems. **The proposed use should not be negatively**

313 **impacted by agricultural practices in the vicinity. The applicant, Adrian Troyer,**
314 **is aware of the extent of agricultural operations occurring in the vicinity.**
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316 C. Use of Marginal Land: Examination of the location of the proposed nonagricultural
317 development relative to the conversion of productive agricultural land to non-
318 agricultural use. Applicants shall minimize such conversion by locating non-
319 agricultural use on the least productive or agriculturally-marginal portions of the
320 applicant's property if this is practical given consideration of other factors involved in
321 siting the use. **The proposed use is proposed in a relatively small area of the**
322 **property that appears to be marginally-productive farmland; therefore, the area**
323 **removed from productive agricultural use will be minimal.**
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325 D. Limitations on Review: This review shall not be used as a basis for denial of
326 approval for any use that is permitted by right or by Special Use Permit in the zoning
327 district in which the subject property is located.
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329 **Conditions of Approval:** In approving a Special Use Permit, the Board of County
330 Commissioners may impose any reasonable conditions to ensure that the proposed use is
331 compatible with surrounding land uses and the development and operation of the proposed
332 use are performed in a manner consistent with public health, safety and welfare. Such
333 conditions shall be limited to issues directly related to the impacts of the proposed use and
334 proportional to the impacts.
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336 **Site Plan Review**

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338 (1) Intent and Purpose of Site Plan Review: A site plan is a graphical plan, drawn to scale,
339 showing uses and structures proposed for a parcel of land and site development features,
340 both natural and manmade including, where applicable, lot lines, roads, locations of
341 proposed buildings, utility lines, parking areas, reserved open space, steep slopes,
342 floodplains, etc. Site plan review is the process whereby county officials review the plans of
343 a developer to assure they meet the stated purposes and standards of the regulations,
344 provide for the necessary public facilities such as roads and drainage structures, adequate
345 site development including sewage disposal facilities, parking, water supply and other
346 requirements through appropriate siting and design of structures and other improvements.
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348 (2) Applicability of Review Requirements: **Site Plan Review is required for Minor**
349 **Community use if the development includes construction of any building(s) that**
350 **exceeds 5,000 square feet of floor area, or if development entails more than one acre**
351 **for a land use without buildings. The structure is not larger than 5,000 square feet**
352 **and the use will not exceed more than an acre of developed land; therefore, site plan**
353 **review is not required.**
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355 **Summary of Findings:**

- 356 1. Adrian Troyer submitted a Special Use Permit Application (signed by the landowner),
357 including payment, a School Floor Plan, a Project Description, and a Statement of
358 Compatibility on February 2, 2024;
- 359 2. The applicant requests approval of a Special Use Permit to operate a private school
360 that will serve up to 22 students;
- 361 3. The School Floor Plan shows a 30' x 32' classroom and a 30' x 42' Mud Room. The
362 Mud Room includes a sink, range, and bathrooms;
- 363 4. Applicable regulations are the *Park County, Wyoming, 2015 Development Standards*
364 *and Regulations*, adopted September 15, 2015;
- 365 5. The use is classified as a minor community use;
- 366 6. Ownership is affirmed by Warranty Deed dated February 2, 2024 to Herman Joe
367 Stutzman and Lucinda Stutzman (Document #2024-435);
- 368 7. The property is a 39.5-acre parcel described as: Lot 47-E, Resurvey, T55N, R98W, 6th
369 P.M., Park County, Wyoming;
- 370 8. The property is approximately five miles southeast of Powell, directly north of County
371 Lane 10H and approximately 1,500 feet east of the intersection of Lane 10H and Road
372 3;
- 373 9. The property has an address of 251 Lane 10H;
- 374 10. The property is in a General Rural Powell (GR-P) zoning district;
- 375 11. Minor community uses are permitted in the General Rural Powell (GR-P) zoning district
376 provided a Special Use Permit is approved;
- 377 12. Neighboring land uses are primarily agricultural; however, there are properties in the
378 immediate vicinity classified as residential. The State of Wyoming owns several
379 parcels in the area northwest and west of the proposed use location;
- 380 13. There is an existing well on the property and the school will be served by an existing
381 permitted small wastewater system (SWWP20211228-3);
- 382 14. The topography of the property and the surrounding area has little change in elevation.
383 The Shoshone River borders the north end of the parcel;
- 384 15. The applicant submitted a site plan that shows the location of the school building, an
385 outdoor recreation area, parking, access, and the location of the existing drain field.
- 386 16. Legal notice requirements have been met;
- 387 17. The application was forwarded to relevant agencies as required;
- 388 18. Elk Water Users Irrigation District serves the property and does not have concern with
389 the proposed use or plans for construction with regard to their operations;
- 390 19. Wyoming DEQ summarized the notifications, permits, and certificates required for
391 various activities that may impact surface or groundwater;

- 392 20. The Park County Treasurer stated that property taxes are paid in full;
- 393 21. The existing domestic well permit has been enlarged to include groundwater use for
394 domestic and sanitary supply for churches and schools under Permit
395 U.W.P220066.0W. The State Engineer's Office stated that the water must be put to
396 beneficial use for this purpose by December 31, 2026 or it will be subject to
397 cancellation;
- 398 22. The Fire Inspector for the Big Horn Basin stated the project will not require plan review
399 through the State Fire Marshal's Office;
- 400 23. The Wyoming Department of Agriculture stated a food permit is not required for the
401 use;
- 402 24. Wyoming Game & Fish stated they have no terrestrial wildlife comments;
- 403 25. Park County Weed & Pest will not require a Long-Term Noxious Weed Management
404 Plan;
- 405 26. Park County Fire District #1 can provide fire suppression and emergency services to
406 the proposed use;
- 407 27. Park County Public Works provided the following comments:
- 408 ➤ The property has legal access via Park County Lane 10H, a paved, "Local Access
409 Road" which is administered and maintained by the Road & Bridge Division of the
410 Park County Public Works Department.
- 411 ➤ The property is addressed and is accessed by an existing, permitted access point
412 from County Lane 10H. Additional addresses for the property can be requested from
413 Public Works, by the Applicant.
- 414 ➤ The proposed development will likely not increase vehicular traffic on County Lane
415 10H but will increase use via horse and buggy or bicycle use. The proposed use will
416 not result in a change in classification for the roadway. PCPWD will determine if
417 additional signage is needed for safety in the area as a result of the proposed
418 use. No action is needed by the applicant regarding signage.
- 419 ➤ A drainage and erosion control plan will not be required at this time. However,
420 in no case shall activities associated with the proposed use result in an increase in
421 storm water runoff to the County ROW (Lane 10H) or adjacent properties.
- 422 ➤ A geotechnical report will not be required.
- 423 ➤ Parking will not be allowed within the County Road ROW.
- 424
- 425 28. No public comments have been received;
- 426 29. The Park County Planning & Zoning Commission reviewed the Special Use Permit
427 Application during a public hearing on March 13, 2024 and recommended approval
428 with conditions noted in Resolution #2024-13;
- 429 30. The applicant made the following statements of how compatibility will be achieved:
- 430 • The project will not have any engines or motors associated with the use;
431 therefore, disturbances from noise should not be a concern;

- 432 • No vehicle traffic will be associated with the use; therefore, dust should not
 - 433 be a concern;
 - 434 • The school will be sized to accommodate 20 to 22 students and 2 teachers;
 - 435 • Hours of operation will be 8:30 am to 3 pm, September to April;
 - 436 • Ages of students will be 6 to 14;
 - 437 • Children will travel to the school building using bicycles and horse-drawn
 - 438 buggies;
 - 439 • No electricity is required for the use;
 - 440 • The building will be heated using radiant floor heat powered by propane or a
 - 441 natural gas boiler;
 - 442 • Lights will be powered by batteries;
 - 443 • There is an existing septic system and well on the property;
 - 444 • Power for the well pump and gas boiler will be solar-powered or powered by
 - 445 a battery pack;
- 446 31. The building will not be within 20 feet of a County road right-of-way;
- 447 32. No covenants are proposed or existing;
- 448 33. No outdoor lighting is proposed;
- 449 34. There are no known nonconformities on the property;
- 450 35. No nuisances have been reported at this location;
- 451 36. Given the nature and circumstances of the use, no soils review is warranted;
- 452 37. All factors relating to compatibility and impacts of the use have been sufficiently
- 453 addressed and suggest that the proposed use will be in harmony and compatible with
- 454 surrounding land uses and with the neighborhood and will not create a substantial
- 455 adverse impact on adjacent properties;
- 456 38. Access is proposed from County Lane 10H;
- 457 39. Bottled water and/or well water will be available for students and teachers;
- 458 40. The building floor area will be 2,220 square feet, requiring 6 parking stalls;
- 459 41. The use will not require any parking for motorized vehicles; parking for bicycles and
- 460 horse-drawn buggies is adjacent to the structure;
- 461 42. The existing septic system is adequately sized to serve the use;
- 462 43. No signs are proposed or necessary for this use;
- 463 44. Solid waste disposal services are available through private companies;
- 464 45. Adequate utilities, public services and infrastructure exist for the proposed use or the
- 465 applicant will provide services to serve the proposed use;
- 466 46. No specific criteria are identified for this use;

- 467 47. A portion of the property is within the floodplain overlay; however, it is not in close
468 proximity of the proposed use (>650 feet away);
- 469 48. The proposed use is in an Agricultural Overlay District;
- 470 49. Potential impacts to and from agricultural practices have been mitigated;
- 471 50. There will be a small decrease in marginally-productive agricultural land should this
472 use be approved; and
- 473 51. Site plan review is not required for this use.

474 **Staff Recommendation:** The Planning Staff recommends approval of the Heart Mountain
475 School SUP-260, with the following conditions of approval:

- 476
- 477 1. Park County noise, lighting, and other nuisance regulations shall apply; and
- 478 2. The applicant shall otherwise comply with standards in the Park County Development
479 Standards and Regulations.

480 **Photo 1: Property Entrance from Lane 10H. Photographer facing West-Northwest.**



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482 **Photo 2: Driveway for Use. Photographer facing North.**



483 **Photo 3: Student Recreation Area. Photographer facing East-Southeast.**



484

485 **Photo 4: Property Entrance from Lane 10H. Photographer facing East.**



486 **Photo 5: Approximately School Location. Photographer facing West-Northwest.**



487
488 **Photo 6: Well and Student Recreation Area. Photographer facing Northwest.**





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: ECD
 Date: 2/2/24
 Receipt #: 240200/ck# 1076
 App. #: SUPA 20240202-1

SPECIAL USE PERMIT (SUP) APPLICATION* (4 pages) Fee: \$350.00*

This application is required to obtain a Special Use Permit (SUP) within unincorporated areas of Park County. **Submission of this application does not constitute permission to proceed with development or the proposed use. Special Use Permit approval is required from the Board of County Commissioners before commencing or establishing any use specified in Chapter IV, Section 2.e. Table 4-1: Schedule of Uses in the Park County Development Standards and Regulations.**

*The applicant is responsible for paying mailing fees for neighbor notifications and publication fees for public hearing notices.

| | | | |
|-------------------------------|---|---|---|
| APPLICANT INFORMATION: | | OWNER INFORMATION (if different from applicant): | |
| Name: <u>Adrian Troyer</u> | Mailing Address: <u>P.O. Box 315</u> <u>Byron, WY. 82412</u> | Name: <u>Herman Stutzman</u> | Mailing Address: <u>251 Lane 10 1/2</u> |
| Phone: <u>307-631-4104</u> | Email: <u>Bighorn Cabins @ IBY FAX.com</u> | Phone: <u>307 254 7051</u> | Email: _____ |

PROPERTY INFORMATION:
 Physical Address: 251 Lane 10H Not addressed
 Property ID # or Deed Recording #: PIDN: 01559804705001 ECD
 Subdivision Name (if applicable*): _____ Lot #: _____
 *Please refer to any covenants/agreements/special conditions that may apply to development within the subdivision.

ANSWER THE FOLLOWING QUESTIONS REGARDING THE PROPOSED USE:

| | | | |
|--|---|--|---|
| 1. Have any other SUPs been granted for this parcel? | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO | <input type="checkbox"/> UNSURE |
| 2. # of buildings to be utilized for the use | 1 | | <input type="checkbox"/> N/A |
| 3. Total/combined floor area of all floors of all buildings planned to be utilized for the use | 2220 | | sq. ft. |
| 4. # acres to be utilized for the use | 1 | | acres |
| 5. If a business, will it be located in the proprietor's home? | <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> N/A |
| 6. Are living quarters or lodging part of the proposed use? | <input type="checkbox"/> YES | | <input checked="" type="checkbox"/> NO |
| 7. # of resident employees | ____ Full-Time | ____ Part-Time | <input checked="" type="checkbox"/> N/A |
| 8. # of non-resident employees | ____ Full-Time | ____ Part-Time | <input checked="" type="checkbox"/> N/A |
| 9. Term of Use: | <input type="checkbox"/> Single Event | <input type="checkbox"/> Temporary | <input type="checkbox"/> Permanent |
| 10. Is an increase in traffic expected to result from this use? | <input type="checkbox"/> YES | | <input checked="" type="checkbox"/> NO |
| 11. What are the planned days/hours of operation? | September 9-15 To April 4-30 8: AM to 2:30 PM 5 days a week 160 days a year | | |
| 12. How much material will be removed (for mines) | cu. ft. | | <input checked="" type="checkbox"/> N/A |
| 13. If tower, antenna or wind turbine, what is the height? | <input type="checkbox"/> <35ft | <input type="checkbox"/> ≥35ft | <input checked="" type="checkbox"/> N/A |

CATEGORIZE THE PROPOSED USE (check all that apply):

- | | | | |
|--|---|---|-------------------------------------|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Residential Business | <input type="checkbox"/> Agricultural | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Recreational | <input type="checkbox"/> Temporary | <input type="checkbox"/> Transportation | <input type="checkbox"/> Industrial |
| <input type="checkbox"/> Institutional | <input type="checkbox"/> Large Impact Structure | <input checked="" type="checkbox"/> Community/Public/Utility/Quasi-Public | |

WRITTEN DESCRIPTION OF THE PROPOSED USE(S): *(Please include a detailed statement about the full scope/extent of the intended use. Quantify the impacts - for example, explain any noise, visual and/or air quality impacts expected to result from the initiation/operation of the use, both onsite and to adjacent properties. Please be thorough as any permit authorized will be based upon facts provided herein.)*

Is attached

PROVIDE WRITTEN STATEMENTS WITH YOUR APPLICATION SUMMARIZING EACH OF THE FOLLOWING TOPICS (IF APPLICABLE). YOU MAY PROVIDE SUPPORTING DOCUMENTATION THAT FURTHER EXPLAINS SUMMARIZED MATERIALS; HOWEVER, STAFF AND THE PLANNING AND ZONING COMMISSION HAVE LIMITED TIME TO REVIEW LENGTHY SUBMISSIONS.

- Evidence that an adequate water supply (quantity, quality and dependability) for the use is or will be available.
- Evidence that an adequate means of sewage and wastewater disposal is or will be available.
- Soils report prepared by the local conservation district, professional soils engineer or geologist when appropriate;
- Proposed covenants, if any;
- Statement of how the approval standards for a Special Use Permit can be met by the proposal;
- If special criteria as defined in *Standards for Specific Uses* have been established for the proposed use, a statement of how these criteria will be met;
- If in an Airport Overlay District, a written recommendation from the appropriate board or official;
- If in an irrigation district, a plan regarding the attached water rights and easement for irrigation facilities.


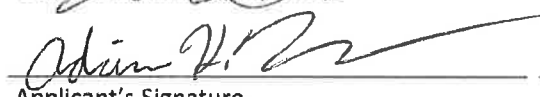
INCLUDE THE FOLLOWING GRAPHIC MATERIAL WITH YOUR APPLICATION (IF APPLICABLE):

- Vicinity map;
- Detailed plan-view drawing showing building locations, parking areas, access and circulation, storm water drainage and activity areas (include boundary of entire area impacted by the proposed use);
- Building floor plans and heights;
- Map showing topography and natural features

The Planning and Zoning Commission and Board of County Commissioners approve Special Use Permits based upon the following approval standards. Complete applications will include all the written and graphic material needed to assist with the decision-making process and addressing each standard.

- Compatibility and Impacts: The use is in harmony and compatible with surrounding land uses and with the neighborhood and will not create a substantial adverse impact on adjacent properties;
- Services and Infrastructure: Adequate services and infrastructure are available to serve the use, or the applicant has agreed to provide services and infrastructure in sufficient time to serve the proposed use;
- Specific Criteria: The use complies with all specific criteria stated in these regulations for the use; and
- Overlay Districts: The use complies with additional requirements of overlay districts (i.e., floodplain, agricultural or airport), if applicable.

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 Special Use Permit.*

| | | |
|--|---|------------------------|
| <u>Herman Stutzman</u> Owner's Name (required) | <u></u> Owner's Signature (required) | <u>1-31-24</u> Date |
| <u>Adrian H. Troyer</u> Applicant's Name (if not the owner) | <u></u> Applicant's Signature | <u>1-31-24</u> 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 |
|------|------|-------|-------|-------|------|------|-----|---|---|---|

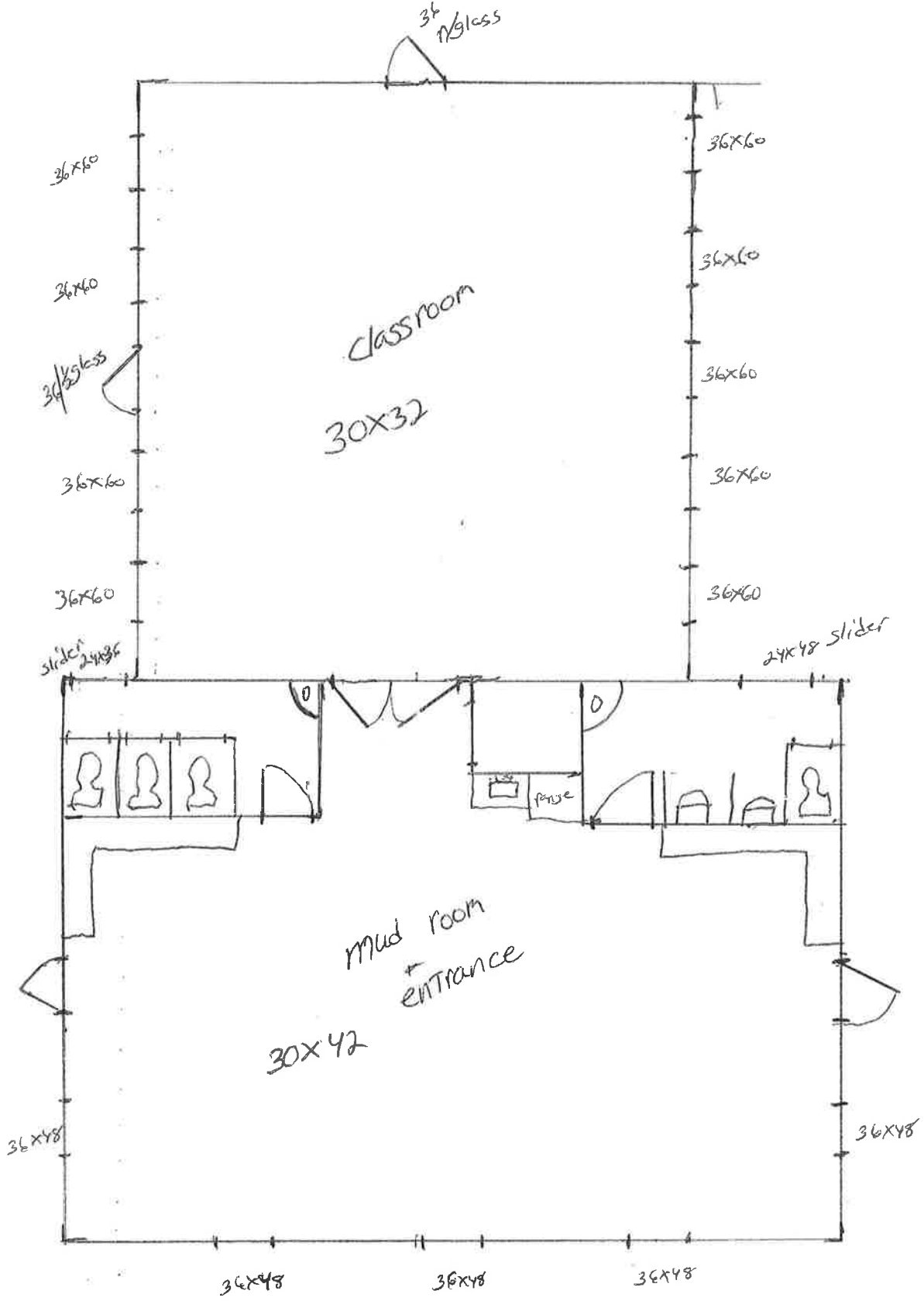
- In GR-M? NO YES – Referred application to MLPAAC on: _____
- Within one mile of a city? NO YES – Referred application to _____ on: _____
- Planning Area: Cody/Powell Rural
- Use Classification: **May require Site Plan Review.

| | | |
|--|---|--|
| <p>Residential Use</p> <input type="checkbox"/> Mobile Home <input type="checkbox"/> Mobile Home Park** <input type="checkbox"/> Multi-family housing** <input type="checkbox"/> Single family dwelling <p>Residential Business</p> <input type="checkbox"/> Major home occupation <input type="checkbox"/> Cottage industry** <p>Agricultural Use</p> <input type="checkbox"/> Feedlot** <p>Public, Utility or Quasi-Public Use</p> <input checked="" type="checkbox"/> Minor community use** <input type="checkbox"/> Major community use** <input type="checkbox"/> Major utility use** <p>Institutional Use</p> <input type="checkbox"/> Minor institutional use** <input type="checkbox"/> Correctional facility** <input type="checkbox"/> Minor residential religious use** <input type="checkbox"/> Minor residential school** <input type="checkbox"/> Major institutional use** | <p>Temporary Use</p> <input type="checkbox"/> Construction staging area, minor** <input type="checkbox"/> Construction staging area, major** <input type="checkbox"/> Special Event <input type="checkbox"/> Temporary heliport <input type="checkbox"/> Highway/road maintenance area <input type="checkbox"/> Work Camp** <p>Transportation Use</p> <input type="checkbox"/> Bus Terminal** <input type="checkbox"/> Truck terminal** <input type="checkbox"/> Heliport** <input type="checkbox"/> Landing Strip** <input type="checkbox"/> Commercial Airport** <input type="checkbox"/> Rail facility** <input type="checkbox"/> Railroad rights-of-way** <input type="checkbox"/> Transmission pipeline <p>Recreation Use</p> <input type="checkbox"/> Minor commercial recreation** <input type="checkbox"/> Minor outdoor recreation facility** <input type="checkbox"/> Major recreation facility** <input type="checkbox"/> Campground** <input type="checkbox"/> Dude ranch and resort** <input type="checkbox"/> Parking/outfitting <input type="checkbox"/> Ski center** | <p>Commercial Use</p> <input type="checkbox"/> Minor commercial business** <input type="checkbox"/> Major commercial business** <input type="checkbox"/> Highway commercial business** <input type="checkbox"/> Agricultural support business** <input type="checkbox"/> Commercial storage** <input type="checkbox"/> Adult use** <p>Industrial Use</p> <input type="checkbox"/> Minor industrial use** <input type="checkbox"/> Major industrial use** <input type="checkbox"/> Minor wholesale business** <input type="checkbox"/> Major wholesale business** <input type="checkbox"/> Rock products mine, large** <input type="checkbox"/> Rock products mine, small** <input type="checkbox"/> Rock products mine, minor <input type="checkbox"/> Salvage yard** <input type="checkbox"/> Value-added agricultural** <input type="checkbox"/> Slaughterhouse/Abattoir <input type="checkbox"/> Crematorium <p>Accessory Use</p> <input type="checkbox"/> Large impact structure** |
|--|---|--|

- Site Plan Review Req'd (p.138)? YES NO If yes: Special Site Plan Review Req'd (p.141)? YES NO
 - Total Building Square Footage > 5,000? YES NO
 - More than one acre impacted? YES NO
- SWW: Adequate (Permit #: _____) New/upgrade req'd (Permit #: _____) N/A
- 20-foot from CR ROW? YES NO - If no, notify applicant of requirement.
- 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.
 - LOMA _____ FPD PERMIT _____
- In an airport overlay zone? YES NO - If yes, consult airport overlay regs.
- Notes: _____

- PZ Comm Recommended: APPROVAL DENIAL - Reason: _____
- BCC Approved? YES NO If yes, date of BCC decision: _____
 - If no, reason: _____

Staff Initials: _____



Written Description of the proposed use

Dear Board,

Greetings, This is a letter stating that the proposal is to build a building a size of 2220 sq. ft. for the function of a Christian Parochial school of an amount of 13 pupils in 2024-2025 Term.

The maximum capacity of the building will be 20 to 22 pupils and 1 or 2 Teachers in the future if the community grows.

Hours of operation being 8:30 AM to 3:00 PM from September to April, totaling 160 days per year. ages will be 6 to 14 years old.

Children will be arriving with bikes or horse & buggy.

No electricity is required on the premises.

Building will be heated with radiant in floor heat and propane or natural gas boiler. lights will be battery powered. There is an existing septic that is big enough for the proposed use. And there is an existing well on the property.

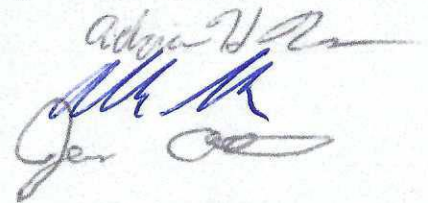
There will be a monthly Board & parent-Teacher meeting from 6:30 PM to 8:45 PM.

There will be a solar system & battery pack in place, big enough to run the well pump & boiler.

Sincerely,

The Committee.

Adrian Troyer
Allen Graber
Jerome Otto



Statement of Compatibility

Dear board,

The proposed school building project will not be causing noisy disturbances with no on site engines or motors. There will be no extra vehicle traffic to cause dust and distraction. There will be no large school buses going in or out and no wild life disturbances.

This will not be a buisness and there will be no hazardous materials stored or manufactured on this site. There is no proposed outside lighting.

Sincerely,

The Comi Tee,

Adrian Troyer
Allen Graber
Jerome OTTO

Adrian H. P...
Allen
Jerome

ELK WATER USERS IRRIGATION DISTRICT

217 LANE 10 ½

POWELL, WY, 82435

Phone: 307-272-1426

hopkinmail@gmail.com

February 1, 2024

TO WHOM IT MAY CONCERN:

A neighborhood group plans to build an elementary school at the 251 Lane 10 ½, Powell, Wyoming, on parcel 01559804705001 in Park County. This parcel receives irrigation service from The Elk Water Users' Irrigation District. The construction and use of the school will in no way impede the irrigation district's operations or its ability to deliver water to its members.



Fred W Hopkin

Secretary

Jennifer Cramer

From: Eric Hargett <eric.hargett@wyo.gov>
Sent: Tuesday, February 13, 2024 12:56 PM
To: Jennifer Cramer
Cc: charlie@pvfd.net; Jason Brost; patrick.street@wyo.gov; Skip Hart; Mary McKinney; 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; monica.colby@wyo.gov; Vicky Snider
Subject: Re: Agency Notice - Heart Mountain School Special Use Permit (SUP-260)

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 Tue, Feb 13, 2024 at 12:35 PM Jennifer Cramer <Jennifer.Cramer@parkcounty-wy.gov> wrote:

Good Morning,

Jennifer Cramer

From: Anne Lawler
Sent: Tuesday, February 13, 2024 2:16 PM
To: Jennifer Cramer
Subject: RE: Agency Notice - Heart Mountain School Special Use Permit (SUP-260)

This parcel is paid in full!!!

Thanks,

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: Tuesday, February 13, 2024 12:35 PM
To: charlie@pvfd.net; Jason Brost <jason.brost1@wyo.gov>; patrick.street@wyo.gov; Skip Hart <skiphart3@yahoo.com>; Mary McKinney <Mary.McKinney@parkcounty-wy.gov>; 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>; monica.colby@wyo.gov; Vicky Snider <vicky.snider@wyo.gov>
Subject: Agency Notice - Heart Mountain School Special Use Permit (SUP-260)

Good Morning,

Attached is an application, narrative and site plans from Adrian Troyer and Herman Stutzman for a special use permit (SUP-260) to operate a Christian Parochial School (serving a maximum of 22 pupils). The use will be classified as a Minor Community Use. The applicant proposes to build a 2,220 square foot building to serve as the school. The use is proposed within a 39.50-acre parcel owned by Herman and Lucinda Stutzman and it is located approximately 5 miles southeast of Powell. The site is located on the north side of County Lane 10H, within Lot 47E, Resurvey, T55N, R98W of the 6th P.M., Park County, Wyoming, with an address of 251 Lane 10H, Powell. The property is located in the General Rural Powell (GR-P) zoning district in the Cody/Powell Rural Planning Area.

Jennifer Cramer

From: Jeremy Manley <jeremy.manley@wyo.gov>
Sent: Tuesday, February 13, 2024 3:06 PM
To: Jennifer Cramer
Subject: Re: FW: Agency Notice - Heart Mountain School Special Use Permit (SUP-260)

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

Jenny,

Permit No. UW 216025, Troyer Place is currently only permitted for domestic and stock use, it does not authorize the use of water for the school. This can be accomplished by applying for an enlargement for that use. The use would be miscellaneous and ultimately would require adjudication. I can answer more on that topic if needed.

Does that help?

Jeremy Manley

Assistant Administrator
Ground Water Division
Wyoming State Engineer's Office
122 West 25th Street
Herschler Building, 2nd Floor West
Cheyenne, Wyoming 82002
[307-777-7730](tel:307-777-7730)
jeremy.manley@wyo.gov

E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

On Tue, Feb 13, 2024 at 12:44 PM Jennifer Cramer <Jennifer.Cramer@parkcounty-wy.gov> wrote:

Hi Jeremy,

Below and attached is detailed information about a proposed new school that will serve a maximum of 22 students. They have an existing well under permit U.W. 216025.0 and I believe it is currently in incomplete status. The applicant (Herman Stutzman) told us he is working with your department to comply with what they are missing. But my question is, can the well be used to serve the school? Or will it require an enlargement or modification of the permit?

Thank you so much! If you need more information, please let me know.



State Engineer's Office

HERSCHLER BUILDING, 2-W
CHEYENNE, WYOMING 82002
(307) 777-6163

MARK GORDON
GOVERNOR

BRANDON GEBHART
STATE ENGINEER

April 1, 2024

Herman Joe Stutzman
254 Lane 10H
Powell, Wyoming 82435

Dear Applicant:

You are advised that the State Engineer approved the following application to appropriate ground water for Miscellaneous-- Ground Water (Potable & Sanitary Supply for churches, schools, m) on March 28, 2024. A copy of the permit is enclosed. Also enclosed are forms and instructions for submitting data to the State Engineer relating to the completion of the well and the beneficial use of the water, as required by law.

PERMIT NUMBER - WELL NAME

Permit No. U.W. P220066.0W - Enl Troyer Place

WELL LOCATION - SW1/4NW1/4 23-055N-098W

By Statute the water must be beneficially utilized by December 31, 2026. ***IF THE REQUIRED NOTICES ARE NOT RETURNED TO THIS OFFICE WITHIN THE STATUTORY TIME LIMITS SET FORTH, THE PERMIT WILL BE SUBJECT TO CANCELLATION, WHICH ACTS AS A FORFEITURE OF THE WATER RIGHT GRANTED BY THIS PERMIT.***

An extension of time may be requested for completion of work when good reason is provided. A request for such extension must be received in the State Engineers Office prior to the expiration date shown on the permit. Requests for extension of time must indicate due diligence on the part of the applicant to comply with the time limits imposed by this permit. ***(PLEASE NOTE: The conditions and limitations of your permit may NOT allow an extension of time.)***

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa Lindemann".

Lisa Lindemann, Administrator

Ground Water Division
xc: DIV 3 (15)

Jennifer Cramer

From: Jason Brost <jason.brost1@wyo.gov>
Sent: Tuesday, February 13, 2024 12:45 PM
To: Jennifer Cramer
Cc: charlie@pvfd.net; patrick.street@wyo.gov; Skip Hart; Mary McKinney; 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; Eric Hargett; monica.colby@wyo.gov; Vicky Snider
Subject: Re: Agency Notice - Heart Mountain School Special Use Permit (SUP-260)

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

Good morning Jennifer, Per our conversation , no plan review will be necessary however we ask that they exercise all fire and life safety measures, we are here to answer all and any questions along the way and help out where needed.

Jason Brost
Fire Inspector I , Big Horn Basin
Department of Fire Prevention/Electrical Safety
307-431-1976
Jason.brost1@wyo.gov

On Tue, Feb 13, 2024 at 12:35 PM Jennifer Cramer <Jennifer.Cramer@parkcounty-wy.gov> wrote:

Good Morning,

Attached is an application, narrative and site plans from Adrian Troyer and Herman Stutzman for a special use permit (SUP-260) to operate a Christian Parochial School (serving a maximum of 22 pupils). The use will be classified as a Minor Community Use. The applicant proposes to build a 2,220 square foot building to serve as the school. The use is proposed within a 39.50-acre parcel owned by Herman and Lucinda Stutzman and it is located approximately 5 miles southeast of Powell. The site is located on the north side of County Lane 10H, within Lot 47E, Resurvey, T55N, R98W of the 6th P.M., Park County, Wyoming, with an address of 251 Lane 10H, Powell. The property is located in the General Rural Powell (GR-P) zoning district in the Cody/Powell Rural Planning Area.

The Property Tax Identification Number is [01559804705001](#). Here is a link to view the parcel on the Park County MapServer: [Park County, Wyoming, MapServer \(greenwoodmap.com\)](http://Park County, Wyoming, MapServer (greenwoodmap.com))

Jennifer Cramer

From: Vicky Snider <vicky.snider@wyo.gov>
Sent: Thursday, February 15, 2024 12:32 PM
To: Eric Hargett
Cc: Jennifer Cramer; charlie@pvfd.net; Jason Brost; patrick.street@wyo.gov; Skip Hart; Mary McKinney; 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; monica.colby@wyo.gov
Subject: Re: Agency Notice - Heart Mountain School Special Use Permit (SUP-260)

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

HI

Since the children will all be bringing their own lunches then a food permit will not be required.

Vicky Snider

Wyoming Department of Agriculture
Consumer Health Services
Inspection Specialist
Meat Compliance Officer
vicky.snider@wyo.gov
307-250-8603

On Tue, Feb 13, 2024 at 12:56 PM Eric Hargett <eric.hargett@wyo.gov> wrote:

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

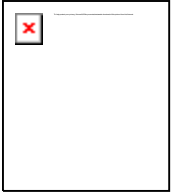
Jennifer Cramer

From: Corey Class <corey.class@wyo.gov>
Sent: Monday, February 26, 2024 11:22 AM
To: Jennifer Cramer; Tony Mong; Luke Ellsbury; Sam Hochhalter
Subject: Re: Agency Notice - Heart Mountain School Special Use Permit (SUP-260)

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

We have no terrestrial wildlife comments on this project.
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 Tue, Feb 13, 2024 at 12:35 PM Jennifer Cramer <Jennifer.Cramer@parkcounty-wy.gov> wrote:

Good Morning,

Attached is an application, narrative and site plans from Adrian Troyer and Herman Stutzman for a special use permit (SUP-260) to operate a Christian Parochial School (serving a maximum of 22 pupils). The use will be classified as a Minor Community Use. The applicant proposes to build a 2,220 square foot building to serve as the school. The use is proposed within a 39.50-acre parcel owned by Herman and Lucinda Stutzman and it is located approximately 5 miles southeast of Powell. The site is located on the north side of County Lane 10H, within Lot 47E, Resurvey, T55N, R98W of the 6th P.M., Park County, Wyoming, with an address of 251 Lane 10H, Powell. The property is located in the General Rural Powell (GR-P) zoning district in the Cody/Powell Rural Planning Area.



Park County Weed & Pest Control District
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 82414

February 29, 2024

RE: Heart Mountain School SUP-260

Dear Park County Planning and Zoning Commission,

Park County Weed and Pest Control District (PCWP) has considered the proposed **Heart Mountain School Special Use Permit** located at 251 Lane 10 H Powell, WY. The purpose of this SUP is the construction of a building/facility to provide schooling for 20-22 pupils plus educational staff. During this inspection, the following noxious species were found to be present including (but not limited to):

N/A-no new disturbances planned at this time.

As stated, there are no new disturbances planned for this particular SUP so a Long-Term Noxious Weed Management Plan **WILL NOT** be required. The site of the proposed facility was previously a residential modular home. We do recommend that you follow "*Best Management Practices for Controlling the Spread of Noxious Weeds*" (included) in regards to any future disturbances on the property. This includes bare ground control around outbuildings and parking areas and reseeding disturbed areas to a perennial grass mix within 1 year to prevent annual weed establishment. You are also responsible for the control any noxious species as defined in Wyoming Statutes §11-5-101 inclusive that may be present elsewhere on the property. Park County Weed and Pest Control District staff can provide technical assistance or referrals if necessary and does offer cost share on herbicides to control noxious weed species as well as on perennial grass seed we carry. We appreciate your cooperation in this matter.

Sincerely,

Assistant Supervisor

cc: Adrian Troyer



Park County Fire Protection District #1

1101 E. South Street Powell, WY 82435-2720

(307)754-2211



March 26, 2024

Jenny,

Park County Fire Protection District #1 has no issues with the Heart Mountain School SUP-260. Park County Fire Protection District along with Powell Volunteer Fire Department can provide fire suppression and emergency services to this location.

Best Regards,

Charlie Ziska

A handwritten signature in black ink that reads "Charlie Ziska".

Administrator

Park County Fire Protection District #1

Office – (307) 754-2211

Mobile – (307) 272-6961

charlie@pvfd.net

Brian J. Edwards, P.E.
County Engineer

Louis “Chip” Ash
Cody District Road & Bridge Foreman

Delray Jones
Powell District Road & Bridge Foreman

Travis Ball
Solid Waste Division Manager

PUBLIC WORKS DEPARTMENT
Park County, Wyoming



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 8, 2024

Park County Planning & Zoning Department
Attn: Ms. Joy Hill, Director
1002 Sheridan Avenue, Suite 109
Cody, WY 82414

RE: Engineering Review – Special Use Permit Application
SUP 260- Heart Mountain School
254 Lane 10H– Powell, WY 82435

Joy:

The following comments are hereby provided for your use and consideration in processing the application for a special use permit (SUP-260) for a proposed parochial Christian school located at 254 Lane 10H southeast of Powell in eastern Park County. These comments are based on the completed application and supporting documents submitted via email from your office dated February 13, 2024.

The proposed use is projected to involve a 2300 square foot facility on a +/- 39.50-acre tract owned by Herman and Lucinda Stutzman. The property has legal access via Park County Lane 10H. Park County Lane 10H is administered and maintained by the Road & Bridge Division of the Park County Public Works Department (PCPWD). There is an existing physical access to the property which has been permitted with PCPWD.

1. The proposed facility has legal access from Park County Lane 10H.
2. The proposed use will require an address. Additional addresses for the proposed facility can be obtained with a request for address assignment from PCPWD. If the applicant and landowner intend to use the existing address (254 Lane 10H) for the proposed use, the existing residence will may be required to initiate the process for a change of address with PCPWD.
3. There is one (1) existing permitted access point to Park County Lane 10H. County Lane 10H is a paved road classified as a “Local Access Road” by

Park County Road & Bridge Standards. The proposed development will likely not increase vehicular traffic on County Lane 10H but will increase use via horse and buggy or bicycle use. The proposed use will not result in a change in classification for the roadway. PCPWD will determine if additional signage is needed for safety in the area as a result of the proposed use. No action is needed by the applicant regarding signage.

4. A drainage and erosion control plan will not be required at this time. However, in no case shall activities associated with the proposed use result in an increase in storm water runoff to the County ROW (Lane 10H) or adjacent properties. There will be no further requirements from this office regarding drainage and erosion control.
5. A geotechnical report will not be required due to the type and size of the facility proposed.
6. Parking will not be allowed within the County Road ROW resulting from this development.
7. Any and all improvements shall comply with the latest edition of the *Park County Development Standards and Regulations*, including but not limited to requirements pertaining to setbacks, Right-of-Way (ROW) permitting, and addressing. This review and associated comments contained herein are not intended to address all aspects of the proposed development.

On behalf of Park County Public Works Department, I sincerely appreciate the opportunity to review this application and associated information. If you have any questions or if you require further clarification regarding the above comments, please do not hesitate to call or email me.

Sincerely,

Ben McDonald – Project Manager
Park County Public Works Department
ben.mcdonald@parkcounty-wy.gov
www.parkcounty-wy.gov or “like” us on Facebook