

CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD
TUESDAY, JUNE 13, 2017
CITY HALL COUNCIL CHAMBERS @ 12:00 NOON

AGENDA

1. Call to Order by Chairman, Steve Miller
2. Roll Call, excused members
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes of the May 23, 2017 regular meeting.
6. NEW BUSINESS:
 - A. Minor Subdivision – Champlain Subdivision, a 2-lot Subdivision, located at 314 Road 2AB, which is outside of City limits, but within the one mile area of joint subdivision review.
 - B. Downtown Architectural District Sign Review– Cody Custom Designs, located at 1371 Sheridan Avenue.
 - C. Conditional Use Permit – Install a single-wide manufactured home that does not meet the residential architectural standards at 240 C Street.
7. P&Z Board Matters (announcements, comments, etc.).
8. Council Update:
9. Staff Items:
10. Adjourn

The public is invited to attend all Planning, Zoning and Adjustment Board meetings. If you need special accommodations to participate in the meeting, please call the City office at (307) 527-7511 at least 24 hours in advance of the meeting.

City of Cody
Planning, Zoning and Adjustment Board
Tuesday, May 23, 2017

A regular meeting of the Cody Planning, Zoning and Adjustment Board was held in the Council Chambers of City Hall in Cody, Wyoming on Tuesday, May 23, 2017 at 12:00 pm.

Present: Steve Miller, Chairman, Kayl Mitchell, Buzzy Hassrick, Heidi Rasmussen, Sandra Kitchen, City Deputy Attorney, Todd Stowell, City Planner; Bernie Butler, Administrative Assistant.

Absent: Richard Jones, Curt Dansie, Reese Graham, Glenn A, Nielson

Chairman, Steve Miller called the meeting to order at 12:04 pm, followed by the pledge of allegiance.

Heidi Rasmussen made a motion, seconded by Buzzy Hassrick, to approve the agenda for May 23, 2017. Vote on the motion was unanimous, motion carried.

Buzzy Hassrick made a motion, seconded by Kayl Mitchell, to approve the minutes for the May 09, 2017 meeting. Vote on the motion was unanimous, motion carried.

NEW BUSINESS:

- A. Todd Stowell presented a site plan review for West Park Hospital Cancer Treatment Center addition, located at 1025 9th Street. The addition will be 8,600 square feet on the west side of the existing building, into the parking lot area. Tim Waldner and Doug McMillan of West Park Hospital answered questions from the Board.

Buzzy Hassrick made a motion, seconded by Kayl Mitchell, to approve the project, subject to the following items:

1. Provide the anticipated peak electrical demand calculations to the City electrical engineer, and address any capacity issues as necessary (Note: none anticipated).
2. Applicable city utility fees are to be prior to building permit issuance.
3. The exit lane must be marked "No Stopping or Parking" in the vicinity of the main entrance.
4. Add Note 3 of Sheet C600, or a more specific note about coordinating the sewer main work, to the demolition plan (Sheet C100).
5. Obtain any necessary WY DEQ approval of the sewer main relocation/extension.
6. The canopy lighting must be angled and/or shielded such that it does not create glare impacts to drivers on the highway.
7. The project must otherwise comply with the site plan and applicable building, fire, and electrical codes.
8. A building permit must be obtained within two years or this authorization will expire.
9. The new landscape will match the existing landscape.
10. Work with staff on reducing the lighting / glare in the area to the north of the building.

Vote on the motion was unanimous, motion carried.

P & Z Board Matters – none

Council Updates – none

Staff Items – none

Heidi Rasmussen made a motion, seconded by Kayl Mitchell to adjourn the meeting. Vote on the motion was unanimous, motion carried.

There being no further business to come before the board, Chairman Miller adjourned the meeting at 12:33 p.m.

Bernie Butler, Administrative Assistant

DRAFT

**CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD
STAFF REPORT**

MEETING DATE:	JUNE 13, 2017	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	
SUBJECT:	PRELIMINARY AND FINAL PLAT OF THE CHAMPLAIN SUBDIVISION. A 2-LOT COUNTY SUBDIVISION. SUB 2017-01	RECOMMENDATION TO COUNCIL:	X
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

BACKGROUND:

GDA Engineers, representing Richard, Sheila and Donald Lipps, has submitted a subdivision application to divide a 9.7-acre property into two lots. The property is located at 314 Road 2AB, which is located outside of the City limits, but within the one-mile area of joint subdivision review specified by State and City codes. The subdivision requires approval by both the county and the city.

As shown on the preliminary plat, Lot 1B would be a 1.25 are lot with an existing house and outbuildings, and accessed by a 20-foot wide private easement over the existing driveway. Lot 1A also contains an existing residence and outbuildings.

Cody Master Plan:

The property is not within an identified "annexation area", as established by the Cody Master Plan. Effectively this means that the City does not intend to pursue annexation of this area. Therefore, County subdivision standards should be deemed sufficient for development of the property. If the Board and Council agree with this position, it is noted that several variances to the City subdivision standards will be needed, since by default the subdivision would be subject to full compliance with City standards.

SUBDIVISION REGULATIONS

Applicable subdivision ordinance standards are as follows. Staff comments follow each standard. When a variance from the standard is involved, it is noted.

Frontage Requirement:

City Code requires all lots to have direct frontage on a public street. A variance to this requirement would be needed, as Lot 1B does not have direct frontage.

11-4-2: STREETS, ALLEYS AND EASEMENTS:

A. Alignment: All proposed streets, alleys and easements shall align horizontally and vertically with existing streets, alleys and easements adjacent to or lying near the subdivision.

Staff Comment- No new public streets are proposed.

B. Conform to Master Street Plan: All streets shall conform to the city master street plan for size and approximate alignment.

Staff Comment- No master planned streets cross this property.

Items C through O are standards that relate to construction of new public streets and are not applicable to this project as proposed or recommended.

P. Alleys: Alleys shall be required in all subdivisions with the minimum width being twenty feet (20'), unless extreme conditions preclude the feasibility of alleys. ...

Staff Comment: An alley is not necessary for this situation. A variance would be appropriate.

Q. Curb, Gutter, Sidewalk, Paved Streets: Curb, gutter, sidewalk and paved streets shall be required in all proposed subdivisions unless waived in accordance with criteria set out in subsection 11-5-2B of this title by the planning, zoning and board, and the city council. All waivers of curb, gutter and sidewalks shall require acknowledgment by the developer on the final plat that future improvement districts for the development of curb, gutter and sidewalks shall be supported by future owners of the lots and be so noted on the final plat. The developer shall be responsible for demonstrating to the city that the grades and location of the proposed improvements shall be compatible with all future development in the area.

Staff Comment: Road 2AB is a full-width paved road, within the required right-of-way. Curb, gutter and sidewalk are not appropriate for the rural situation. A variance is appropriate. Since annexation is not contemplated, an agreement for future participation in a city street project to improve Road 2AB is not pertinent.

R. Street Cross Section: The minimum typical street cross section for each type of street shall be as shown on the master street plan. Details of the city standards for typical paving, curb, gutter, sidewalk, alley aprons and valley gutter sections may be obtained from the city engineer.

Staff Comment: As noted above, a variance would be appropriate here.

T. Drainage: ... Minor subdivisions shall be exempt from this requirement.

Staff Comment: The City would classify this as a minor subdivision, which is exempt from this requirement.

U. Lot Requirements: All lots within a proposed subdivision will meet the following requirements:

- 1. Lots shall be sized to meet the requirements of the appropriate zoning.*
- 2. Every lot shall abut upon or have access to an approved street or an approved cul-de-sac.*
- 3. Side lot lines shall be at approximate right angles to the street line on which the lot faces.*
- 4. Strip lots established with the intent of restricting access to streets or alleys will be prohibited.*

Staff Comment: All of the four above items are met by this proposal.

OTHER:

Section 11-5-1, DEVELOPMENT AND IMPROVEMENT also includes standards. Applicable standards are listed below.

F. Sanitary Sewer: ...

Staff Comment: Public sanitary sewer is not available. Both lots are on individual septic systems. The council will need to verify the septic system situation is appropriate.

H. Water Mains: ...The system will connect each lot within the proposed subdivision to a minimum six-inch (6") diameter main by the use of a minimum three-fourths inch (¾") copper service line. ...

Staff Comment: Water is provided by Northwest Rural Water. The homes currently share a single tap. By Northwest Rural Water policy, a new tap is necessary so that the homes on the separate lots have their own water service. The tap must be provided as part of the subdivision process.

I. Fire Hydrants: Fire hydrants shall be installed at intervals not to exceed five hundred feet (500') between hydrants and provided with standard hose connections as specified by the fire department.

Staff Comment: The northwest rural water system does not include fire hydrants in the area of these lots. A variance to the standard is requested.

N. Public Use Areas: ...

Staff Comment: Minor subdivisions are exempt from this requirement.

OTHER:

1. It would seem that additional easements would need to be established for irrigation, domestic water, and electrical service to Lot 1B.
2. The requirement in the subdivision code relating to an agreement to annex has been discussed in the last few County subdivisions. Council has waived the requirement in those situations and staff presumes they will do so again here, since the property is not contiguous to the city limits, and is not in an identified "annexation area".

RECOMMENDED ACTIONS:

Recommend that the City Council:

1. Grant the variances noted in the staff report. (A list of conditions has been prepared, based on the variances being granted. If any of the requested variances are not granted, additional conditions will be needed.)
2. Approve the preliminary and final plat of the Champlain Subdivision subject to the following conditions:
 - A. Comply with applicable County requirements.
 - B. Prior to the Mayor signing the final plat, add easements as required by the utility providers and verify water service for both lots in accordance with County/Northwest Rural Water requirements.

ATTACHMENTS:

Preliminary and Final Plat

T.53N., R.101W., 6TH P.M.
(RESURVEY)

CERTIFICATE OF DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS, THAT RICHARD, SHEILA, AND DONALD LIPPS, BEING THE OWNERS OF THE LAND DESCRIBED IN CORRECTIVE WARRANTY DEED DOC #1999-3162, IN THE OFFICE OF THE PARK COUNTY CLERK AND RECORDER, PARK COUNTY, WYOMING, HAVE LAID OUT, PLATTED AND SUBDIVIDED AS SHOWN ON THIS AMENDED PLAT, AND BY THESE PRESENTS DO HEREBY DEDICATE TO THE COUNTY OF PARK, STATE OF WYOMING, FOR THE USE BY THE PUBLIC, THE RIGHT-OF-WAY AS SHOWN HEREON FOR USE AS SUCH. IT IS UNDERSTOOD THAT DEDICATION OF PUBLIC RIGHTS-OF-WAY FOR ROADS DOES NOT NECESSARILY RESULT IN ACCEPTANCE OF ROADS CONSTRUCTED THEREIN FOR MAINTENANCE BY THE COUNTY OF PARK, AND DO HEREBY DEDICATE ALL EASEMENTS SHOWN HEREON FOR USE AS DESCRIBED AND UNTO WHOM STATED ON THIS PLAT.

IN WITNESS WHEREOF, THE SAID OWNERS RICHARD, SHEILA AND DONALD LIPPS, WITH FREE CONSENT AND IN ACCORDANCE WITH THEIR DESIRES, HAVE CAUSED THEIR NAMES HEREON TO BE SUBSCRIBED THIS _____ DAY OF _____, 2017.

RICHARD LIPPS _____ SHEILA LIPPS _____ DONALD LIPPS _____

ACKNOWLEDGMENT:

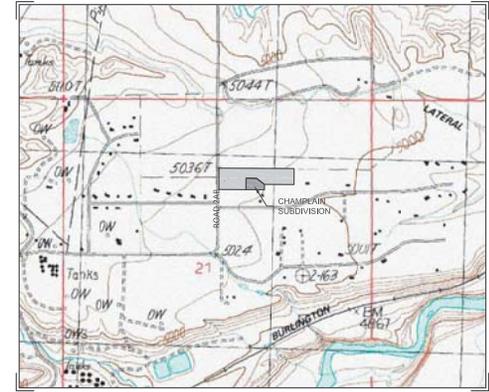
STATE OF WYOMING,)
)SS
COUNTY OF PARK,)

THE FOREGOING OWNER(S) CERTIFICATE WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2017 BY RICHARD, SHEILA AND DONALD LIPPS, WITNESS MY HAND AND OFFICIAL SEAL. (WYOMING STATE LAW REQUIRES A NOTARY SEAL TO BE AFFIXED HEREON)

NOTARY PUBLIC _____

MY COMMISSION EXPIRES: _____

NO PUBLIC WATER SUPPLY SYSTEM PROPOSED.
NO PUBLIC SEWAGE DISPOSAL SYSTEM PROPOSED.
NO PUBLIC MAINTENANCE OF STREETS OR ROADS.



VICINITY MAP
SCALE= 1:1000

RECORDER'S ACCEPTANCE

THIS PLAT WAS ACCEPTED FOR FILING IN THE OFFICE OF THE PARK COUNTY CLERK AND RECORDER ON THIS _____ DAY OF _____, 2017, AND FILED FOR RECORD AT _____ M. UNDER DOCUMENT NUMBER _____ IN PLAT CABINET _____ AT PAGE _____

PARK COUNTY CLERK AND RECORDER _____

BY: DEPUTY _____

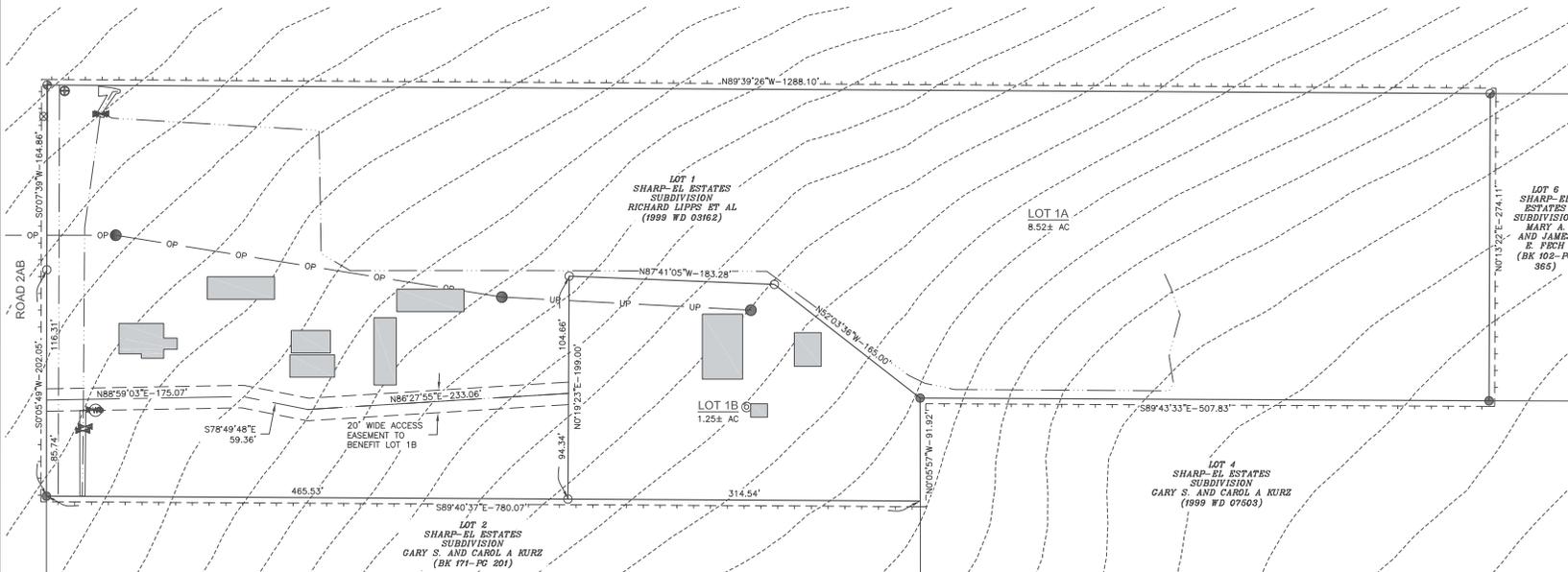
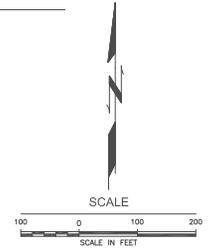
BOARD OF COUNTY COMMISSIONERS
APPROVAL AND SUBDIVISION PERMIT

THIS PLAT IS HEREBY APPROVED AND THE SUBDIVISION PERMIT GRANTED BY THE BOARD OF COUNTY COMMISSIONERS OF PARK COUNTY, WYOMING, THIS _____ DAY OF _____, 2017.

CHAIRMAN _____

ATTEST: PARK COUNTY CLERK _____

DATE: _____



LEGEND

SUBDIVISION BOUNDARY	-----
NEW LOT LINE	-----
NEW EASEMENT LINE	-----
FOUND ALUMINUM CAP	●
FOUND IRON PIPE	⊙
FOUND REBAR	⊗
FOUND SPIKE	⊘
SET 5/8"x24" REBAR WITH 2 1/2" ALUMINUM CAP	⊗
MEASURED DATA	S.89°40'37"E-780.07'

PLATTING CONDITIONS

- RIGHT-OF-WAY. THE RIGHT-OF-WAY FOR INGRESS AND EGRESS FOR SERVICE AND EMERGENCY VEHICLES IS GRANTED OVER, ACROSS, ON, AND THROUGH ANY AND ALL PRIVATE ROADS AND DRIVES NOW OR HERINAFTER ESTABLISHED.
- COUNTY, STATE AND OTHER REGULATIONS. TO THE EXTENT THAT APPLICABLE COUNTY OR OTHER GOVERNMENTAL REGULATIONS, RULES, OR LAWS ARE MORE RESTRICTIVE THAN THE PARAGRAPHS HEREIN CONTAINED, SUCH APPLICABLE REGULATIONS SHALL SUPERSEDE AND GOVERN AT ALL TIMES.
- ROAD CONSTRUCTION AND ACCEPTANCE. THE COUNTY SHALL NOT ACCEPT THE MAINTENANCE OF ANY ROAD AND BRIDGE WITHIN THE BOUNDARIES OF THIS SUBDIVISION UNTIL AND UNLESS THE ROAD OR BRIDGE MEETS ALL COUNTY ROAD AND BRIDGE SPECIFICATIONS AND ALL REQUIREMENTS OF THE STATUTES OF THE STATE OF WYOMING REGARDING ESTABLISHMENT OF A PUBLIC ROAD IN EFFECT AT THE TIME A PETITION FOR ACCEPTANCE IS FILED WITH THE BOARD OF PARK COUNTY COMMISSIONERS. THE BOARD SHALL HAVE SOLE AUTHORITY TO DETERMINE WHETHER OR NOT TO ACCEPT MAINTENANCE. NOTHING SHALL REQUIRE THE BOARD TO ASSUME MAINTENANCE.
- AGRICULTURAL NOTICE. THIS PROPERTY IS IN AN AREA OF HISTORIC AGRICULTURAL USE AND LIES WITHIN THE AGRICULTURAL OVERLAY DISTRICT. THIS USE IS PRESERVED BY THE WYOMING RIGHT TO FARM AND RANCH ACT OF 1991. (W.S. §11-44-101 THROUGH 103). HISTORIC AGRICULTURAL USE MAY CAUSE NOISE, ODORS, DUST, FLIES AND OTHER FACTORS THAT ARE CONSEQUENCES OF ACCEPTED AGRICULTURAL PRACTICES. THIS SUBDIVISION AND ITS LOTS AND NEIGHBORING LANDS ARE LOCATED IN AN AREA THAT HAS BEEN USED HISTORICALLY FOR FLOOD IRRIGATED CROP PRODUCTION. HISTORIC FARMING PRACTICES (INCLUDING FLOOD IRRIGATION OF CROPS AND THE USE OF DITCHES TO MOVE WATER) MAY CAUSE A SIGNIFICANT RISE IN THE WATER TABLE IN THE AREA. THE WATER TABLE IN THE AREA MAY RISE DRAMATICALLY DURING IRRIGATION SEASON. PURCHASERS OF SUBDIVISION LOTS SHOULD MAKE THIS FACTOR AN IMPORTANT CONSIDERATION WHEN BUILDINGS ARE CONSTRUCTED ON SUBDIVISION LOTS.
- MINERAL ESTATE. THE SURFACE ESTATE OF THE LAND TO BE SUBDIVIDED IS SUBJECT TO THE FULL AND EFFECTIVE DEVELOPMENT OF THE MINERAL ESTATE.

CERTIFICATE OF SURVEYOR

I, RICHARD T. MUSCIO, BEING A REGISTERED LAND SURVEYOR IN THE STATE OF WYOMING, DO HEREBY CERTIFY THAT THIS FINAL PLAT AND FIELD SURVEY WERE MADE BY ME OR UNDER MY SUPERVISION AND THAT BOTH ARE ACCURATE TO THE BEST OF MY KNOWLEDGE AND IN COMPLIANCE WITH ALL STATE AND COUNTY STATUTORY PROVISIONS AND REGULATIONS. THIS FINAL PLAT WAS CREATED FROM AN ACTUAL FIELD SURVEY PERFORMED ON MARCH 9, 2017.



RICHARD T. MUSCIO
WYOMING PLS 6827

BASIS OF BEARINGS

WYOMING STATE PLANE COORDINATES
WYOMING WEST CENTRAL ZONE, NAD 83(2011) GEOID 12B
GROUND COORDINATES SCALE FACTOR 1.0002951470

SURVEY STARTING POSITION WAS DERIVED USING OPUS SOLUTION

BROUGHT TO GROUND AT
LATITUDE: 44°33'41.49636"N
LONGITUDE: 109°01'38.87075"W
HEIGHT: 4992.487'
NORTHING: 1480244.247
EASTING: 18096187.656
ELV: 5032.11'

SURVEY COMPLETED
DATE: 3/9/2017
BY: RME
REVIEWED BY: RTM

PRELIMINARY PLAT

SHOWING
CHAMPLAIN SUBDIVISION

WITHIN
LOT 1 OF SHARP-EL ESTATES SUBDIVISION,
NW1/4NE1/4 AND SW1/4NE1/4 OF SECTION 21,
RESURVEY.

T.53N., R.101W., 6TH P.M.,
PARK COUNTY, WYOMING
RICHARD LIPPS ET AL, CODY, WY

PROJECT NO: 171209



ENGINEERING • SURVEYING • PLANNING
802 319D ST., CODY, WYOMING 82414

T.53N., R.101W., 6TH P.M.
(RESURVEY)

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RICHARD LIPPS _____ SHEILA LIPPS _____ DONALD LIPPS _____

ACKNOWLEDGMENT:

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COUNTY OF PARK,) SS

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NOTARY PUBLIC _____

MY COMMISSION EXPIRES: _____

CITY PLANNING AND ZONING BOARD

APPROVED AS OF THE ____ DAY OF _____, 2017 BY THE PLANNING AND ZONING BOARD, CITY OF CODY, WYOMING.

CHAIRMAN _____

CITY COUNCIL

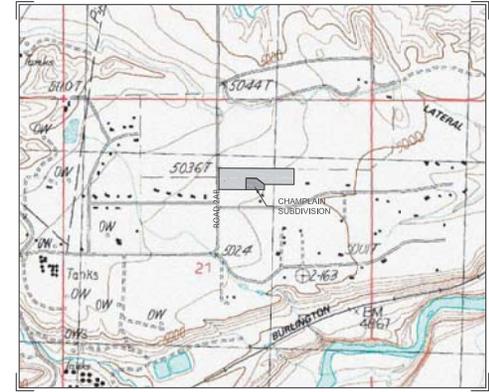
APPROVED AS OF THE ____ DAY OF _____, 2017 BY THE CITY COUNCIL OF CODY, WYOMING.

ATTEST: _____ CITY CLERK _____ MAYOR _____

NO PUBLIC WATER SUPPLY SYSTEM PROPOSED.

NO PUBLIC SEWAGE DISPOSAL SYSTEM PROPOSED.

NO PUBLIC MAINTENANCE OF STREETS OR ROADS.



VICINITY MAP
SCALE= 1:1000

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PARK COUNTY CLERK AND RECORDER _____

BY: _____ DEPUTY _____

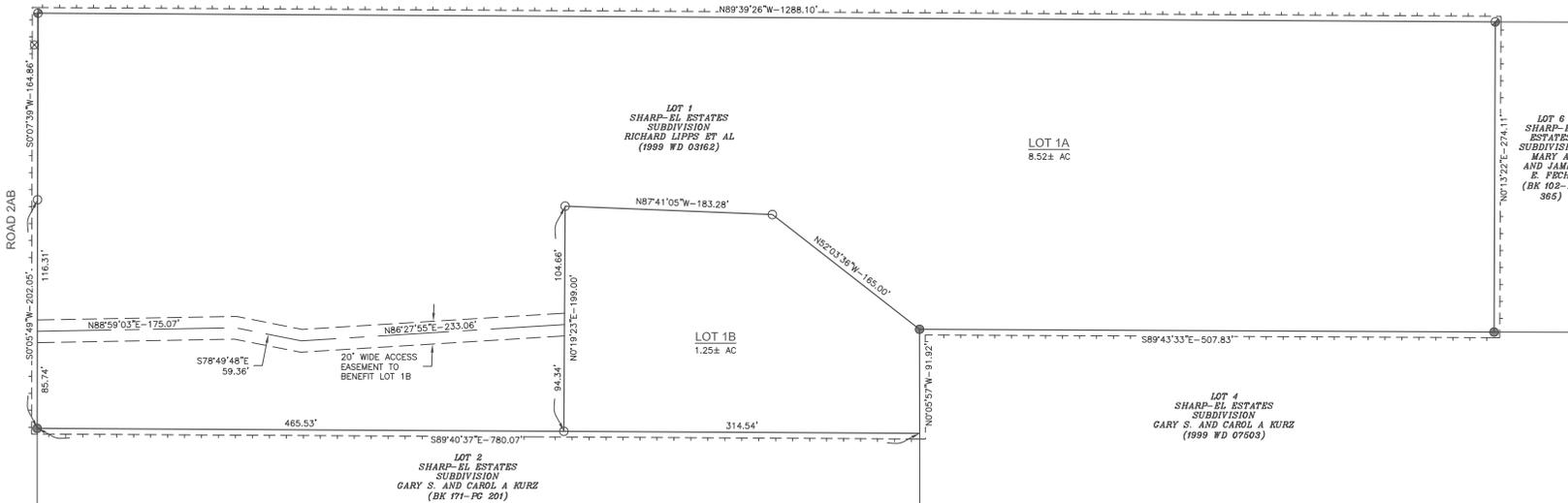
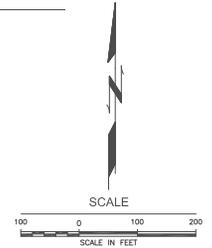
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CHAIRMAN _____

ATTEST: _____ PARK COUNTY CLERK _____

DATE: _____



LEGEND

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NEW EASEMENT LINE	-----
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RICHARD T. MUSCIO
WYOMING PLS 6827

BASIS OF BEARINGS

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WYOMING WEST CENTRAL ZONE, NAD 83(2011) GEOID 12B
GROUND COORDINATES SCALE FACTOR 1.0002951470

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ELV: 5032.11'

SURVEY COMPLETED
DATE: 3/9/2017
BY: RTR

REVIEWED BY: RTR

FINAL PLAT

SHOWING
CHAMPLAIN SUBDIVISION

LOT 1 OF SHARP-EL ESTATES SUBDIVISION,
NW1/4NE1/4 AND SW1/4NE1/4 OF SECTION 21,

RESURVEY,
T.53N., R.101W., 6TH P.M.,
PARK COUNTY, WYOMING
RICHARD LIPPS ET AL, CODY, WY

PROJECT NO: 171209



ENGINEERING • SURVEYING • PLANNING
602 318D ST., CODY, WYOMING 82414

**CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD
STAFF REPORT**

MEETING DATE:	JUNE 13, 2017	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	CODY CUSTOM DESIGNS SIGNAGE: DOWNTOWN ARCHITECTURAL DISTRICT REVIEW. SGN 2017-14	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

Rami Aflalo of Cody Custom Designs, located at 1371 Sheridan Avenue, has submitted an application to install a wall sign, and discuss options for other displays on the building that could be classified as signs. The situation at the time of the staff report is shown in the photo.



However, the grid racks on the front of the building, on which the t-shirts are hung are being removed. (WYDOT does not allow structural items for the display of merchandise in the right-of-way, and the grid racks extend into the right-of-way.) The proposal is to modify the existing temporary banner to be a permanent sign, and install display boards that contain samples of the designs that can be placed on the t-shirts or other clothing. The display boards are requested to be about twelve inches wide and eight feet tall.

REVIEW CRITERIA:

The property is within the Downtown Architectural District established by Section 9-2-2 of the Cody City Code. Pursuant to Subsection 9-2-2(B), *“The planning, zoning and adjustment board shall examine and evaluate applications and plans involved in building and sign permits insofar as they pertain to the exterior of commercial buildings within the downtown district as herein described and shall make recommendations and suggestions to the applicants, property owners or occupants.*

The sign(s) must also comply with applicable provisions of the sign code.

STAFF COMMENTS:

In a 2014 sign review, it was determined that what would otherwise be classified as a banner, if it is wrapped around a rigid framework and mounted on the wall of a building could be considered a wall sign.

The definitions that led to that interpretation are below.

Banner Definition: "A strip of cloth, plastic or similar material with copy and/or graphics produced in a professional manner and intended to be hung or suspended without a rigid enclosing framework, and affixed to a building or railing which is located outdoors. Banners shall be displayed pursuant to section 10-15-9 of this chapter." (Note: 10-15-9 has a 120-day time limit for display.)

Wall Sign Definition: "An on premises sign affixed to or painted on the wall of any building and completely in contact with the building throughout its greatest dimension, which does not extend beyond the main wall of the building more than fifteen inches (15") except in accordance with these regulations. A painted work of art or mural is not considered a wall sign. A window sign is considered a wall sign."

The size limits of each type of sign are listed here:

Banner Size Limit:

32 square feet per banner in the downtown sign district.

Wall Sign Size Limit:

1.5 square feet of wall sign per linear foot of street frontage. The property has 25 linear feet of street frontage which would allow 37.5 square feet of wall sign. The downtown sign district allows "one sign per face of storefront, one per street frontage, not to exceed two signs per establishment". That language is interpreted to mean two signs, that total no more than 37.5 square feet in size.

The existing banner is 38.5 square feet in size, but would be reduced to less than 37.5 square feet due to wrapping it around a solid framework (plywood).

The purpose of the Downtown Architectural District is understood to be the promotion of architectural compatibility and preservation of historic features. The design is of professional construction, and will meet applicable code requirements if wrapped on a solid structure.

Display Boards:

The applicant has presented the idea of installing display boards, approximately twelve inches wide and eight feet tall, on the brick areas between the windows (four total). The display boards would show available screen print designs on fabric.

Staff believes the display boards would appropriately be classified as signs. The definition for a sign is:

SIGN: Any object, device, display or structure or part thereof situated outdoors which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination or projected images. The term "sign" includes, but is not limited to, every projecting sign, ground sign, pole sign, window sign, vehicle sign, awning, canopy, marquee, changeable copy sign, illuminated sign, flashing sign, animated sign, temporary sign, portable sign, pennant, banner, streamer, or any other attention getting device or other display whether affixed to a building or separate from a building. For the purpose of removal, "sign" shall also include all sign structures.

Therefore, if the display boards are mounted on the wall, they would be wall signs. The banner conversion to a wall sign utilizes the available square footage, so additional signage (display boards) would not be an option. If mounted as "projecting signs" the display boards would not meet the requirement for eight feet of clearance below the sign.

What would seem to comply with the sign code would be to make the display boards of a size that they could fit and be displayed in the windows from the inside of the building (signage within a building is exempt). Alternatively, they could be made into A-frame signs, up to 2-feet wide and 4 feet tall, which could be located on the Sheridan Avenue sidewalk, if placed within two feet of the building (authorized by City of Cody Code 7-2-7 below, and WYDOT policy).

7-2-7: OBSTRUCTIONS; BUILDINGS, FENCES, SIGNS, ETC.:  

No person shall erect, build or set up in the city, in whole or in part, any fence, signpost, shop or any other building or obstruction whatever, in or upon any street, alley, sidewalk or other public place, provided, however, merchandise, A-frame signs, merchandising props and flowerpots may be placed on the sidewalk by a merchant in front of its business as long as the same does not impede pedestrian traffic or interfere with parked cars or passengers exiting same. No A-frame sign shall be larger than two feet by four feet (2' x 4'). No sign, awning or other obstruction shall be suspended from any building into or over any sidewalk, street or alley, so as to obstruct or interfere with the pedestrian traffic or vehicle traffic, nor shall any sign, awning or other obstruction be suspended in or over any portion of the street other than the sidewalk line.

ALTERNATIVES:

Approve the one wall sign (convert banner), with or without making recommendations and suggestions.

RECOMMENDATIONS:

Approve the conversion of the existing banner to a wall sign, with the condition that the conversion occur by July 13, 2017.

Deny the display board request, due to it exceeding the amount of wall signage permitted for the property. (Denial does not prevent display in an otherwise legal manner, such as a window display inside the building, or as an A-Frame sidewalk sign.)

**CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD
STAFF REPORT**

MEETING DATE:	JUNE 13, 2017	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	CONDITIONAL USE PERMIT AT 240 C STREET. SUP 2017-05	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT DESCRIPTION & BACKGROUND:

Kimberly Fowler is under contract to purchase 240 C Street, a 50-foot wide by 161-foot long property within the R-2MH zoning district (Medium-Low Density Manufactured Home zone). She has submitted an application to install a 1999 (approx.) single-wide manufactured home on the property which will not meet the residential architectural standards. The zoning ordinance allows manufactured homes that do not meet the residential architectural standards to be installed in the R-2MH zone, subject to issuance of a conditional use permit. The residential architectural standards are:



1. Roof pitch shall average at least 3:12 in steepness. *(Met.)*
2. Eaves shall extend at least 12 inches from the building. *(Not met. A 12-inch eave is on one end of the home, but the other end and sides have no eaves.)*
3. The building shall be constructed or placed on a permanent foundation of concrete, masonry, or material of similar appearance and durability approved by the building official. *(Not met.)*
4. The structure shall have at least one story above ground level (i.e. no basement houses). *(Met.)*

The applicant would like to install the home without a permanent foundation, using standard metal skirting instead. In addition, the home does not have eaves, except on one end. Photos of the home, which is located on 33rd Street on a rented space, are provided. The same setup that is shown in the photos would be used at the new location, including the lattice entry. The photos also show how the owner has updated the exterior with new siding.



The conditional use permit process allows the Board to consider each request on a site-specific basis, and provides an opportunity for neighbors to share their view. The public hearing for the conditional use request was advertised as required by mail to neighboring properties within 140 feet, and by publication in the newspaper on May 30, 2017.

REVIEW CRITERIA:

The Residential Architectural Standards requirement specifies that "*manufactured homes not meeting these standards may be considered as specified in the land use table.*" The land use table indicates that a Conditional Use Permit may be requested for such use in this zone.

It is also noted that the "Manufactured Home" section of the residential supplemental development standards specify that "*All manufactured homes placed outside of a*

mobile home park must be "attached" to the property so as to be taxed as real property (i.e. Title elimination process)." If read by itself, this requirement would indirectly mean that the home would have to be placed on a permanent foundation, as a title elimination cannot be performed on a manufactured home that is not on a permanent foundation.¹ In order for the conditional use provision noted in the Residential Architectural Standards to have any effect, the requirement for the title elimination process must also be able to be waived through the conditional use process. A future modification to the ordinance language should occur to more clearly indicate such.

The conditional use standards of review are found in Section 10-14-1(D) of the City of Cody Code, and are listed below, with staff comments provided. The Board has authority to approve, impose conditions on, or deny conditional use applications. The Board is to base its determination upon the following considerations.

1. *Is the site large enough to accommodate the proposed use and meet all of the dimensional standards and development regulations of the zoning district in which the project is located?*

Comment: Yes. The home is about 16 feet wide, so considering the five-foot minimum side setbacks plus the lattice entry and steps, the unit will be able to fit within the 50-foot width of the lot.

The site plan is not sufficiently detailed to show dimensions and required parking areas, but the 161-foot depth of the lot can easily accommodate the 77-foot long home, a 15-foot rear setback, and a 25-foot deep parking area and front setback.

Lot coverage will also be met.

2. *Is the use, at the scale or density proposed, compatible with all other uses in the immediate area and with permitted uses that may be established in the area?*

¹ The title elimination process is used by lenders to package the home with the land so that conventional home/manufactured home loans can be used. The title elimination gives the lender assurance that the manufactured home will not be sold and removed separate from the land, and is a standard requirement for FHA financing. Also, if it is not done, the home remains "personal property" and must be treated as a vehicle for loan and tax purposes. A "permanent foundation" under FHA and zoning requirements consists of concrete, masonry, or an engineered insulated system—not metal skirting or plywood.

For tax assessment purposes, a manufactured home on a permanent foundation is supposed to have its title eliminated. If it is not on a permanent foundation, it is not supposed to have its title eliminated.

For zoning purposes, a requirement for a permanent foundation/title elimination is intended to provide a more stable neighborhood than a mobile home park, due to the fact that both the land and home are owned by a single party and the homes are not being moved in and out with every new resident. In this case, the intent is planned to be maintained because both the home and property would be in single ownership and she intends to live on the property for several years.

Comment: The proposed use is a single-family home, which is within the density allowed and found in the immediate area.

This particular neighborhood was first developed in the County without any zoning. Since 1985, when the area was annexed, it has had a zoning requirement for permanent foundations. The eave requirement is new. About half of the homes on the street have permanent foundations. However, it is evident that there are homes newer than 1985 along this street without permanent foundations, and no indication of how that may have occurred. A review of the tax records indicate that the use of title elimination forms has not been consistent either. In other words, it is not like the rest of the street is in full compliance with the permanent foundation or eave requirements, or that they have properly utilized the title elimination process. Therefore, if a conditional use permit is authorized for the home as requested, it would not result in a unique situation.

It is also noted that the title elimination process can now, in the current financial market, indirectly remove potential manufactured home owners from the market, as it is becoming more and more difficult to find financing companies that are willing to finance used homes in a land/home package. (The subject situation involves two separate loans—one for the land and another for the home, which can be done, but at less favorable terms. It is possible due to the relatively high value of the subject home, which is paid off but must be transferred to the bank to make the land loan work.) While the financing/title elimination situation would effectively mean homes being brought in to an area would most likely be new or nearly new, it does bring up a housing affordability issue in a neighborhood that has historically provided affordable housing options. A permit to effectively maintain the 'status quo' seems reasonable.

Ten neighboring property owners were notified of the proposal. As of the time of this staff report, two responses have been received—one objecting and one with no objection. See attached. Both letters mention maintenance of the lot—one is concerned that the property will not be maintained, the other notes how clean up is already occurring and that the lot will be improved.

3. *Does the proposed use involve activities, processes, materials, equipment, hours of operation, or any other operational characteristics that would be materially detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, dust, glare, odors, hazards, or similar impacts?*

Comment: No such operational impacts are anticipated if the architectural standards of a permanent foundation and eaves are not met.

4. *Does the proposal include provisions for necessary and desired public utilities and facilities such as potable water, fire hydrants, sewer, electrical power, streets, storm water facilities, and sidewalks/pathways?*

Comment: Yes. Although not shown on the site plan, there are existing domestic water, sewer, and power connections within the lot, since lot had a mobile home and RV on it in different times in the past. A fire hydrant is located directly across the street.

"C" Street is a paved city street, which lacks curb, gutter and sidewalks, but is adequate for the historical use of the immediate neighborhood. It has the full standard 60-foot right-of-way width.

5. *Will the proposed use create excessive additional costs for public facilities and services that would be materially detrimental to the economic welfare of the community?*

Comment: No such additional costs are anticipated if the architectural standards of a permanent foundation and eaves are not met.

6. *Will the proposed use result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of significant importance?*

Comment: No such features exist on or immediately near the property.

7. *Is the proposed use consistent with the applicable provisions of the Cody Master Plan?*

The master plan shows this neighborhood as a medium-density residential area.

Principle 5.2.c notes *"Manufactured and Mobile Homes. Maintain opportunities for quality manufactured home in appropriately identified areas and mobile home parks."*

ALTERNATIVES:

Approve, deny or approve with conditions.

ATTACHMENTS:

Site Plan

Neighbor comments

RECOMMENDATION:

That the Planning and Zoning Board make the following findings:
(Draft, subject to information received at public hearing.)

1. That proper notice of the public hearing was provided by advertising in the Cody Enterprise and by mail to all property owners within 140 feet at least ten days before the hearing.
2. That the Planning and Zoning Board has held a public hearing as required and has considered all comments pertaining to the request; and,
3. That the points identified in the staff report and at the Board meeting are adequate to set forth the reasoning why the criteria of 10-14-1 are met.

AND,

Approve the Conditional Use Permit to allow installation of the manufactured home as requested, on a temporary foundation, on the condition that the land and home be under the same ownership.

NOTE: If approved, the applicant will need to complete and record the the conditional use permit at the County Clerk's office within 15 days. Staff will prepare the permit document.

June 6, 2017

To Whom It May Concern

RE: Purchase of 240 C Street Lot

since 1985

County

Clarified by
Staff

In visiting with the City Planner, Mr. Stowell shared that past zoning for manufactured homes did not include a foundation. Now, the City of Cody may ask for new additions to this area to put manufactured homes on a permanent foundation. I currently live in a mobile home park and am paying for lot rent which is due to increase. I located this property on C Street and knew the seller was living in a recreational vehicle. I contacted them when I saw the for-sale sign on the lot and it was never mentioned that I would have to have a permanent foundation. I have provided pictures of my home as it stands on the mobile home lot so you are able to see the energy I put into keeping my home clean, painted, and kept up.

I take pride in my home and surrounding property. As you can see by the photos, I have my mobile home skirted and have worked hard to have a nice yard surrounding it. The skirting that I purchased is high quality and does not rust. With the skirting in place, one could not tell by looking from the street that it isn't on a permanent foundation. As I observed on both sides of C Street there are numerous mobile homes without permanent foundations, and yards that are not cared for. This will not be the case on my new property.

I am single and my income fluctuates because I am self-employed. I viewed purchasing this lot as an opportunity to have a place that, as I become older, could alleviate my expenses because I would have the land paid for and would only have utility costs. If I am required to put my manufactured home on a permanent foundation it would greatly increase my costs, and I already have increased costs involved with moving the home. (i.e. moving costs for home and porch, plumbing disconnect and reconnect, electrical disconnect and reconnect etc.) Having seen that almost all the mobile homes in the neighborhood are without permanent foundations, I did not plan for that additional cost.

As I stated, I am a single woman and will have to pay for many additional things because I am not able to do the work myself. My employment does not allow for paid vacations or other benefits. I work within a consistent budget and manage all my responsibilities well. The extra expense of a permanent foundation is not something I have planned for.

I appreciate any consideration you can give me in allowing me to purchase this lot and move my manufactured home without having to put it on a permanent foundation. I can guarantee that this property will be significantly improved once I take ownership, as I have already begun the process of cleaning and landscaping.

If you have questions that I have not addressed, please allow me the opportunity to respond in a timely manner.

Sincerely,

Kimberly C. Fowler

Kimberly C. Fowler

307-250-6329

shed

TREE

Trailer House

Arctic Busker

WOOD

TREE

TREE

DRIVE WAY

TREE

DRIVE COOP

Notice to Owners of Neighboring Properties:

Please return this letter by June 10, 2017 to:

Date: May 30, 2017

Cody City Planner
P.O. Box 2200
Cody, WY 82414

RE: **CONDITIONAL USE PERMIT**

THE CITY OF CODY HAS RECEIVED THE FOLLOWING REQUEST FOR A CONDITIONAL USE PERMIT. YOUR COMMENTS WOULD BE APPRECIATED.

Applicant Name(s): Kimberly Fowler
Address or Location/Legal Description: 240 C Street

Description of Request: Install a single-wide manufactured home (approx. 1999) at 240 C Street without a permanent foundation. (Zoning of the area requires manufactured homes to be placed on permanent foundations of concrete, masonry, or material of similar appearance and durability, but exceptions may be considered through the conditional use permit process.)

This request will be considered by City of Cody Planning & Zoning Board at their regularly scheduled meeting on Tuesday, June 13, 2017, at 12:00 p.m. in the City Hall Council Chambers, at 1338 Rumsey Ave.

Response Letter from Owners of Neighboring Properties within 140 Feet of Subject Property:

(Responses may be submitted in any written format. The following form is provided for your convenience.)

Dear Planning and Zoning Board Members:

My name is Kathy Dallman and I am familiar with the proposal by Kimberly Fowler
(Printed name)

for the conditional use permit described above.

I have NO OBJECTION to the request.

Name: Scott & Kathy Dallman

Address: 232 C. St. Cody

Comments: she has been out cleaning the lot, mowing the lot & taking care of it. Her Trailer she wants to put on has had upgrades & looks very nice. We have known her for over 20 years & believe

she would be a good neighbor to all around her lot. Many

I OBJECT to the request: trailers on our street are not on foundations so

Name: another on a existing narrow lot will not affect

Address: the neighborhood (or property values)

Reason for Objection: We oppose of Kim's conditional use permit.

Buying the lot, paying for moving trailer, paying

for hookups is a very spendy endeavor, & then

having to pay for a foundation would be a hard

ship for anyone.

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: _____

Notice to Owners of Neighboring Properties:

Please return this letter by June 10, 2017 to:

Date: May 30, 2017

Cody City Planner
P.O. Box 2200
Cody, WY 82414

RE: **CONDITIONAL USE PERMIT**

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Response Letter from Owners of Neighboring Properties within 140 Feet of Subject Property:

(Responses may be submitted in any written format. The following form is provided for your convenience.)

Dear Planning and Zoning Board Members:

My name is Gary W Jensen and I am familiar with the proposal by Kimberly Fowler

for the conditional use permit described above.

I have NO OBJECTION to the request.

Name: _____
Address: _____
Comments: _____

I OBJECT to the request:

Name: Gary W Jensen

Address: 920 Spine Ave, Cody, WY 82414

Reason for Objection: I manage the Frontier Storage Containers "46" that are individually owned @ 319 C Street.

This zone requirement suggest permanent housing rather than a temporary ones. The land adjoining the south property line is neat and very well maintained.

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address:

A temporary resident may not maintain the yard as well as a permanent resident. I favor the current zone requirement for this request.

Gary W Jensen, Manager 6/5/17