

CITY OF CODY
PLANNING, ZONING, AND ADJUSTMENT BOARD
TUESDAY, JULY 30, 2019
CITY HALL COUNCIL CHAMBERS @ 12:00 NOON

1. Call meeting to order.
2. Roll Call, excused members
2. Pledge of Allegiance
3. Approval of Agenda
4. Approval of Minutes of the June 25, 2019 regular meeting.
5. BUSINESS:
 - A. Review the final plat for the Nelson minor subdivision located at 1620 31st Street.
6. P & Z Board matters (announcements, comments, etc.)
7. Council Update
8. Staff Items
11. 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,
June 25, 2019**

A meeting of the City of Cody Planning, Zoning and Adjustment Board was held in the Council Chambers of City Hall in Cody, Wyoming on Tuesday, June 25, 2019 at 12:00 pm.

Present: Chairman Kayl Mitchell; Richard Jones; Stan Wolz; Sandi Fisher; Buzzy Hassrick; Klay Nelson; Erynne Selk; Scott Kolpitcke, City Attorney; Todd Stowell, City Planner; Bernie Butler, Administrative Coordinator

Absent: Glenn Nielson; City Deputy Attorney Sandee Kitchen

Kayl Mitchell called the meeting to order at 12:00 pm, followed by the pledge of allegiance.

Buzzy Hassrick made a motion, seconded by Richard Jones, to approve the agenda for June 25, 2019. Vote on the motion was unanimous, motion carried.

Stan Wolz made a motion, seconded by Buzzy Hassrick to approve the minutes from the June 11, 2019 meeting. Vote on the motion was unanimous, motion carried.

NEW BUSINESS:

A. Todd Stowell reviewed a site plan for an addition to the HBI Insurance building located at 2229 Big Horn Avenue.

Erynne Selk made a motion, seconded by Klay Nelson to approve the site plan, with staff recommendations 1-6. Vote on the motion was unanimous, motion passed.

B. Todd Stowell presented a minor commercial review for a pergola for outdoor seating to the Sunrise Motor Inn, located at 1407 8th Street.

Richard Jones made a motion, seconded by Sandi Fisher to approve the pergola at the Sunrise Motor Inn, with staff recommendations 1-2. Vote on the motion was unanimous, motion passed.

C. Chairman Kayl Mitchell asked for a motion to remove the site plan for 1502 Beck Avenue from the table. Klay Nelson made a motion, seconded by Richard Jones to remove the site plan for 1502 Beck Avenue from the table. Vote on the motion was unanimous, motion passed.

D. Todd Stowell presented a site plan review of a pergola for Mark Schneider, located at 1502 Beck Avenue. A discussion amongst the Board members, reviewed comments from the last meeting, and talked about the existing pergola. Todd Stowell answered questions from the Board, as the applicant was out of town.

Stan Wolz made a motion, seconded by Richard Jones to approve the pergola with recommendations 1-3 in the staff report. Sandi Fisher, Kayl Mitchell, Klay Nelson, Richard Jones, and Stan Wolz voted in favor of the motion, and Buzzy Hassrick and Erynne Selk were opposed. Motion passed with a vote of 5-2.

P&Z Matters - none

Council Updates – none

Staff Items – none

Klay Nelson made a motion, seconded by Sandi Fisher to adjourn the meeting. Vote on the motion was unanimous, motion carried.

There being no further business to come before the Board, Chairman Kayl Mitchell adjourned the meeting at 12:35 p.m.

Bernie Butler, Administrative Coordinator

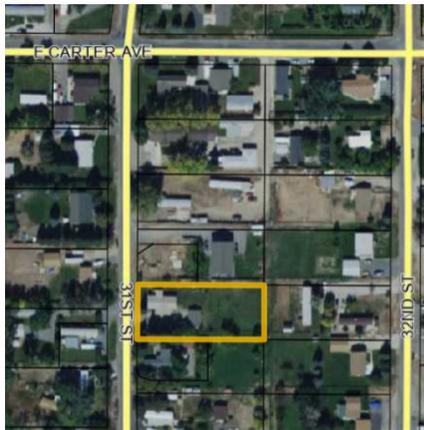
**CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD
STAFF REPORT**

MEETING DATE:	JULY 30, 2019	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	
SUBJECT:	FINAL PLAT OF THE NELSON MINOR SUBDIVISION. SUB 2019-04	RECOMMENDATION TO COUNCIL:	X
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT OVERVIEW

Darby and Chase Nelson as owners of 1620 31st Street, have submitted the final plat for their 2-lot subdivision. They have also updated the preliminary plat drawing as directed in the initial preliminary plat review. The subdivision is pursuant to the infill subdivision option of City of Cody Code 11-8.

The property is 0.64 acres in size and located in the R-2 Manufactured Home zoning district. Proposed Lot 1 contains an existing house. Lot 2 is vacant and could be developed with a single-family home or duplex. An existing garage on the proposed lot line will be demolished in order to accommodate the subdivision.



SUBDIVISION REGULATIONS

Most subdivision ordinance requirements are reviewed with the preliminary plat. However, the topics of water rights is reviewed with the final plat. In addition, any conditions of preliminary plat approval are reviewed.

Water Rights: The property owner plans to retain water rights for Lot 2, but transfer the water rights from Lot 1. The transfer has been authorized by Cody Canal and the McMillan water district, but remains to be presented to the State Engineer’s Office (the agency that ultimately transfers the water rights). The water rights are requested to be transferred to a third party, as the State Engineer’s office prefers they be transferred elsewhere unless and until the city commences to expand their raw water (irrigation

system). The only item remaining to satisfy the City requirements is for the purchaser to enter into a contract with a surveyor or engineer to complete the transfer process with the State Engineers Office. The subdivision ordinance requires that to occur within one year of final plat approval, but a variance to allow up to two years is requested, as the person acquiring the water rights must first put them to beneficial use before the transfer can occur.

The Conditions of Preliminary Plat approval were as follows, with their status noted. Unless specified otherwise, the condition must be completed either within two years, or before issuance of a building permit, whichever occurs first. An updated version of the preliminary plat is also attached.

Preliminary Plat Conditions:

1. Include a note that the subdivision improvements were based on the property containing no more than three dwelling units—one on Lot 1 and two on Lot 2. Additional dwelling units would require additional subdivision improvements.
Status: Met.
2. The overhead power line serving Lot 1 must have at least 15 feet of clearance from ground level as it crosses the access drive. If the required clearance does not exist, the line must be raised to provide the clearance, or a new service line run underground.
Status: Pending.
3. The physical connection of the subdivision access drive to the public street shall consist of a paved entrance/exit extending from the curb cut (face of curb, or edge of roadway pavement if no curb exists), to a point at least twenty-five feet (25') from the public street, measured along the direction of travel. Asphalt thickness shall be at least three inches (3"), compacted depth.
Status: Shown on plans. Pending.
4. Include the improvement district language for 31st Street in the Owner's dedication on the final plat.
Status: Met.
5. Provide a maintenance agreement or covenants to set forth the maintenance responsibilities for the private access drive tract/easement, including maintenance of the access drive, fence, and stormwater facility. See 11-8-5(C).
Status: Draft provided. The document must be signed and recorded with the final plat.
6. Provide approval of the Cody Canal and McMillin Ditch Company for the irrigation plan for Lot 2 and the transfer of water rights from Lot 1. Provide the agreements for the transfer as noted above in the staff report.
Status: Approvals received from Cody Canal and McMillin Ditch Company. The only written agreement still pending is between the person acquiring the surface water rights and an engineer to complete the transfer process

with the State Engineer's Office. The agreement must be in place before the mayor signs the final plat.

7. The existing garage is to be removed and Lot 1 provided with at least two improved on-site parking spaces prior to the final plat being recorded.

Status: The plans show removal of the garage and installation of two parking spaces. The work is pending and will need to occur before the mayor signs the final plat.

8. Applicable utility fees will need to be paid before the final plat is recorded (water tap fee and sewer plant investment fee).

Status: Pending. Payment is needed before the final plat is recorded.

9. Include the following construction details on the plans either by drawing or note.

- a. The paved entrance, as noted in #3 above; ***(Met.)***
- b. Requirements of 11-8-4(B)3.h (sewer cleanouts); ***(Met.)***
- c. Requirements of 11-8-4(B)3.i (tracer wire); ***(Met.)***
- d. Requirements of 11-8-4(B)3.j (markers at end of service lines); ***(Met.)***
- e. Add size and depth of rock to the swale detail, and the fabric liner; ***(Met.)***
- f. Post address for Lot 2 (1624 31st Street) at entrance; and, ***(Will occur with building permit, as address format differs if two units are constructed.)***
- g. Show the required 6-foot solid fence along the south side of the access easement, except the first 15 feet off of 31st Street. ***(Status: The applicant has obtained a letter from the neighbor indicating that they are okay waiving the fence requirement. If agreeable, the Board would need to recommend a waiver to the City Council.)***

10. The final plat application must be submitted within one year and otherwise comply with provisions of the subdivision ordinance.

Status: Met.

POTENTIAL MOTION:

Recommend that the City Council approve the Nelson Minor Subdivision final plat with the following waivers and conditions:

Fence Waiver:

Waive the requirement for the 6-foot fence along the south side of the access drive, based on the letter from the property owner to the south.

Water Rights Transfer:

Variance to allow up to two years to submit the surface water right transfer to the State Engineer's Office. (Increased from one year.)

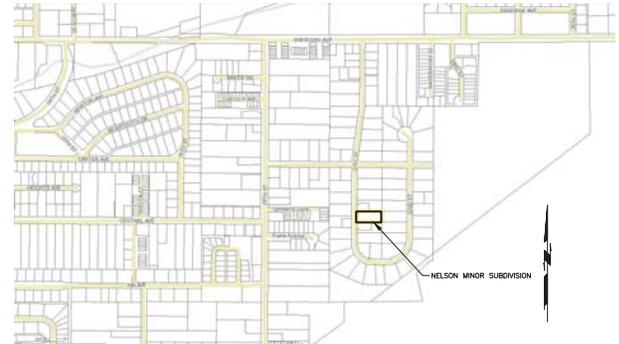
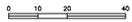
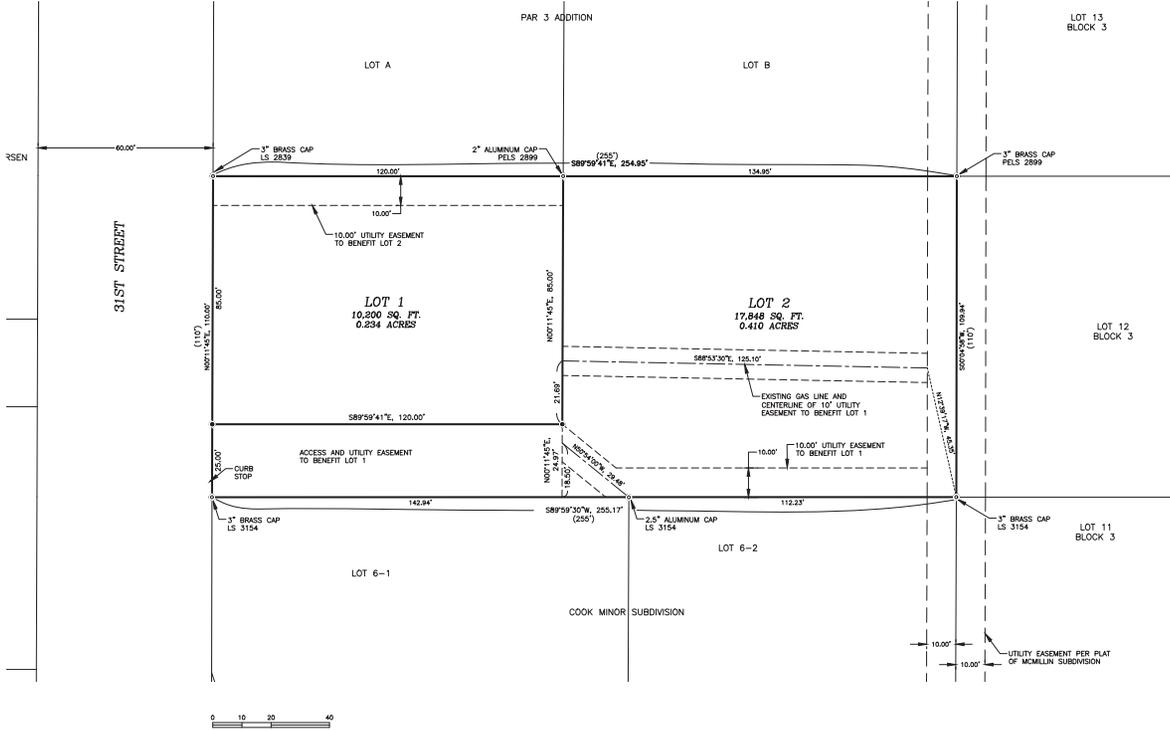
Proposed Conditions:

1. Prior to the mayor signing the final plat, complete preliminary plat conditions 5, 6, 7, and 8.

2. Preliminary Plat Conditions 2, 3, and 9f, as well as all other improvements identified by the preliminary plat must be completed either prior to issuance of a building permit on Lot 2, or within two years, whichever occurs first.
3. Continue to work with staff to provide more detail to the maintenance agreement—e.g. define maintenance, include schedule, include penalty for non-payment. (Staff has a “track changes” draft attached.)
4. The final plat must be recorded within 100 days of Council approval of the final plat, as required by the subdivision ordinance.

ATTACHMENTS:

Updated Preliminary Plat and the Final Plat
Draft maintenance agreement



VICINITY MAP

CERTIFICATE OF OWNER

STATE OF WYOMING } ss.
 COUNTY OF PARK }
 I, DARBY LYN NELSON, OWNER AND PROPRIETOR OF LOT 5, BLOCK 3, MCMILLIN SUBDIVISION, AS LOCATED IN BOOK "10" OF PLATS, PAGE 30, ACCORDING TO THE RECORDS OF THE COUNTY CLERK AND RECORDER OF PARK COUNTY, STATE OF WYOMING, AS EVIDENCED BY THAT WARRANTY DEED RECORDED AS DOCUMENT #2018-1236 IN SAID CLERK AND RECORDER'S OFFICE, THAT WE HAVE CAUSED SAID PROPERTY TO BE SURVEYED AND PLATTED AS SHOWN HEREON AS THE NELSON MINOR SUBDIVISION LOCATED WITHIN THE CITY OF CODY, WYOMING, THAT THE SUBDIVISION AS APPEARS ON THIS PLAT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS AND PROPRIETORS; THAT WE HEREBY DEDICATE EASEMENTS LABELED HEREON TO THE USES SO NOTED; THAT SAID LANDS ARE SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY AND MINERAL RIGHTS OR RESERVATIONS ON RECORD; AND THAT ANY RIGHTS BY VIRTUE OF THE HOMESTEAD EXEMPTION LAWS OF THE STATE OF WYOMING ARE HEREBY RELEASED AND WAIVED.
 WE, THE UNDERSIGNED, ALL HEIRS AND/OR ASSIGNS ARE PROPONENTS FOR PARTICIPATING IN THE SUBDIVISION OF THE ABOVE DESCRIBED PROPERTY; AND BY THESE PRESENTS DO HEREBY AGREE TO PROMOTE AND PARTICIPATE IN AN IMPROVEMENT DISTRICT FOR CURB, GUTTER AND SIDEWALK ON 31ST STREET WHEN DEEMED NECESSARY BY THE CITY OF CODY; AND FURTHER, THAT THIS LANGUAGE SHALL BE CONTAINED IN EACH AND ALL CONVEYANCES OF RECORD.

BY: _____
 DARBY LYN NELSON CHASE P. NELSON

STATE OF WYOMING } ss.
 COUNTY OF PARK }
 THE FOREGOING CERTIFICATE OF OWNER WAS ACKNOWLEDGED BEFORE ME BY DARBY LYN NELSON AND CHASE P. NELSON, THIS _____ DAY OF _____, 20____, WITNESS MY HAND AND OFFICIAL SEAL.
 MY COMMISSION EXPIRES: _____

NOTARY PUBLIC: _____

CERTIFICATE OF SURVEYOR

L. LYLE & CASCIATO, OF ENGINEERING ASSOCIATES, HEREBY CERTIFY THAT THIS MAP WAS PREPARED USING DOCUMENTS ON FILE IN THE OFFICE OF THE PARK COUNTY CLERK AND RECORDER, AND FROM NOTES TAKEN DURING ACTUAL SURVEYS PERFORMED UNDER MY DIRECTION BETWEEN MARCH AND JULY, 2019, AND, THAT TO MY KNOWLEDGE, THIS MAP SHOWS THE SITUATION ON THE GROUND AT THE TIME OF ITS PREPARATION.



NOTES

- 1. BEARINGS ARE BASED ON THE CITY OF CODY COORDINATE SYSTEM, WHICH IS BASED ON THE WYOMING COORDINATE SYSTEM NAD83 WEST CENTRAL ZONE.

LEGEND

- FOUND 2" DIA. ALUMINUM CAP, UNLESS OTHERWISE NOTED.
- SET 2" DIA. ALUMINUM CAP ON 1/2" DIA. STEEL BAR.
- PROPOSED SUBDIVISION LOT LINES.
- () RECORD DIMENSIONS IN PARENTHESES.

CITY PLANNING AND ZONING BOARD

APPROVED AS OF _____ DAY OF _____, 2019 BY THE CITY PLANNING AND ZONING BOARD OF CODY, WYOMING.
 CHAIRMAN: _____

CITY COUNCIL APPROVAL

APPROVED AS OF _____ DAY OF _____, 2019 BY THE CITY COUNCIL OF CODY, WYOMING.
 MAYOR - MATT HALL: _____
 ATTEST: CANDY BAKER, ADMINISTRATIVE SERVICES OFFICER

CLERK AND RECORDER ACCEPTANCE

THIS PLAT WAS ACCEPTED IN THE OFFICE OF THE CLERK AND RECORDER, PARK COUNTY, WYOMING, AT _____ O'CLOCK _____ AM ON THIS _____ DAY OF _____, 20____, FILED FOR RECORDING IN BOOK OR PLAT CABINET _____ AT PAGE _____ AND RECORDED AS COMPUTER RECORD DOCUMENT NUMBER _____
 PARK COUNTY CLERK: _____
 BY: _____, DEPUTY.

**- PLAT SHOWING -
 NELSON MINOR SUBDIVISION**

BEING A FURTHER SUBDIVISION OF LOT 5, BLOCK 3, MCMILLIN SUBDIVISION, CITY OF CODY, PARK COUNTY, WYOMING

LANDOWNERS: NELSON, DARBY LYN & CHASE P.
 1620 31ST STREET
 CODY, WY 82414

PREPARED BY: ENGINEERING ASSOCIATES CONSULTING ENGINEERS & SURVEYORS



JOB NO. 19000.13 JULY 23, 2019
 P:\2019\19000.13\19000.13 BASE

**DECLARATION OF MAINTENANCE AGREEMENT
FOR
NELSON MINOR SUBDIVISION**

This Declaration is made by the undersigned, Darby Lyn Nelson and Chase P. Nelson, hereinafter referred to as ("Declarant"), who are the owners of all lands within the following described property located in the City of Cody, Park County, Wyoming:

NELSON MINOR SUBDIVISION, according to the plat recorded in Plat Cabinet ____, Page ____, according to the records of the County Clerk and Recorder of Park County, Wyoming. (Being a further subdivision of Lot 5, Block 3, McMillin Subdivision.)

~~Both~~ The owners of each lots within said subdivision are subject to this Maintenance Agreement to insure maintenance of the private access drive and stormwater facility.

Now, therefore, the Maintenance Agreement for NELSON MINOR SUBDIVISION is hereby established in its entirety to read as follows:

MAINTENANCE RESPONSIBILITIES

Maintenance of the access drive located south of Lot 1 and the associated storm water swale shall be the responsibility of the owners of Lot 1 and Lot 2. All costs associated with said maintenance shall be split equally between both Lots so long as each lot contains no more than one dwelling. If a lot contains more than one dwelling, such costs shall be split equally based on the number of dwelling units each lot contains (e.g. one dwelling on Lot 1 and two dwellings on Lot 2 would mean owner of Lot 1 is responsible for 1/3 of the maintenance costs and the owner of Lot 2 for 2/3 of the maintenance costs).

Maintenance shall include, but not be limited to: annual weed control within the 25-foot access easement; regular grading and the addition of crushed rock/gravel to the access drive surface as needed to maintain the slope of the drive and avoid/fix potholes; snow removal as necessary to maintain vehicle access; and, cleaning (removal of sediment) and/or reconstruction of the storm water swale as needed to maintain its infiltration capacity.

A lot owner shall notify the other lot owner at least ten days before performing or ordering any maintenance on the access drive or storm water swale, and a plan for payment discussed. Any reimbursement for maintenance work identified herein shall be made no later than within 10 days of the work being completed, or as otherwise as agreed to by the lot owners. Failure to participate financially as outlined herein authorizes a lot owner that made payment to place a lien on the other lot for non-payment. Both property owners agree to cooperate in good faith to fulfill the intent of this maintenance agreement.

~~A. Maintenance of the stormwater facility shall be the responsibility of the owners of Lot 1 and Lot 2. All costs associated with said maintenance shall be split equally between both Lots.~~

IN WITNESS WHEREOF, Darby Lyn Nelson and Chase P. Nelson, owners of lands within the NELSON MINOR SUBDIVISION, Park County, Wyoming, have executed this Maintenance Agreement on this _____ day of _____, 20____.

Darby Lyn Nelson

Chase P. Nelson

STATE OF WYOMING)
) ss.
COUNTY OF PARK)

The above and foregoing instrument was acknowledged before me this _____ day of _____, 20____ by Darby Lyn Nelson and Chase P. Nelson.

WITNESS my hand and official seal.

Notary Public
My Commission Expires: _____