

CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD
TUESDAY, APRIL 9, 2013
CITY HALL COUNCIL CHAMBERS @ 12:00 NOON

AGENDA

1. Call to Order by Chairperson Rick Brasher
2. Roll Call, excused members
3. Pledge of Allegiance

4. Approval of Agenda
5. Approval of Minutes of the March 12, 2013 –Regular Meeting

6. NEW BUSINESS:
 - A. Downtown Architectural District Review — Gradient Mountain Sports at 1390 Sheridan Avenue
Proposed attached wall and freestanding sign application submitted by Andrew Quick
 - B. Preliminary and Final Plat — Boydston Minor Subdivision on Date Street
Proposed minor subdivision application submitted by Joe Boydston

7. P&Z Board Matters (announcements, comments, etc.)

8. Council Update: Steve Miller

9. Staff Items
Master Plan public comment meeting, April 10, 2013, 6:30 p.m., Cody Club Room.

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
STAFF REPORT**

MEETING DATE:	APRIL 9, 2013	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	GRADIENT MOUNTAIN SPORTS SIGN, DOWNTOWN ARCHITECTURAL DISTRICT REVIEW. SGN 2013-11	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	JOLENE OSBORNE, ENGINEERING ADMINISTRATIVE ASSISTANT	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

Gradient Mountain Sports and Wyoming Trout Guides at 1390 Sheridan Avenue would like to install two attached wall signs, two temporary/seasonal banners, and a freestanding sign on existing sign posts.

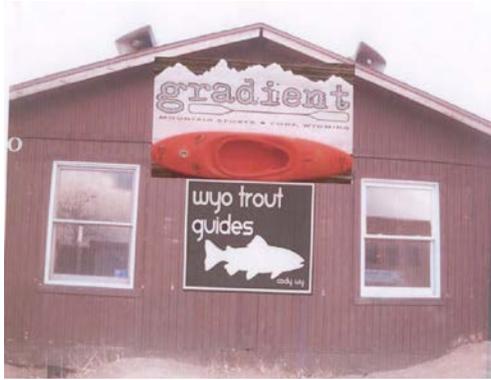
The Gradient Mountain Sports wall sign will be relocated from their previous location at 1723 Sheridan Avenue to the north side of the building at 1390 Sheridan Avenue. It is white with black outlining and pale blue lettering. The Wyoming Trout Guide's sign is proposed to be brown and white and located below the Gradient sign. Similar temporary/seasonal banners are proposed for the east side of the building. The temporary banners are proposed as the sign ordinance allows only two wall signs on the property. Temporary/seasonal banners are limited to no more than 120 consecutive days.

REVIEW CRITERIA:

The property is within the Downtown Architectural District established by Section 9-2-2 of the Cody City Code. Pursuant to Subsection B of 9-2-2, within the downtown Architectural District, *"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.*

STAFF COMMENTS:

The type, location and size of the proposed signs meet the requirements for the downtown architectural zone in which the property is located. The total attached wall signs are proposed to be a total of 56 square feet and the property is allowed 285 square feet of wall signage due to it being a corner lot. The total proposed size of the freestanding signage is 40 square feet and the property is allowed 240 square feet.



Proposed Attached Wall Signs



Proposed Freestanding Signs



Proposed Temporary Banners (east side of building)

The purpose of the Downtown Architectural District is understood to be the promotion of architectural compatibility and preservation of historic features. This sign proposal does not appear to significantly affect the architectural or historic character of the building. No changes are proposed to the building, other than maintenance painting and installation of an ADA access ramp, which are not typically reviewed by the Planning and Zoning Board.

ATTACHMENTS:

None.

ALTERNATIVES:

Approve the signs, with or without making recommendations and suggestions.

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

MEETING DATE:	APRIL 9, 2013	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	
SUBJECT:	BOYDSTON MINOR SUBDIVISION—A FIVE-LOT PRELIMINARY AND FINAL PLAT APPLICATION. SUB 2013-03	RECOMMENDATION TO COUNCIL:	X
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT OVERVIEW

Joseph Boydston, as property owner, has submitted a preliminary plat application and final plat application for a five-lot minor subdivision. The 4.84 acre property is located on the west side of Date Street, immediately south of Big Horn Avenue. The preliminary plat drawing showing the lot layout is attached.

The property is zoned Open Business/Light Industrial (D-3). Lots 1, 3, and 5 are vacant, while Lot 2 has the former Joe’s Auto repair facility (currently vacant building) and a barn/accessory dwelling. Lot 4 contains a residence built in 1996. The application indicates that the proposed usage of the lots is commercial/residential.

Date Street and Subject Property (Top 2 looking south, Bottom 2 looking north):



SUBDIVISION REGULATIONS

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

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- Date Street is classified as an arterial on the master street plan, which is a 58-foot wide street (curb to curb) within a 100-foot wide right-of-way. (FYI—The draft master street plan proposes that Date Street be classified as a minor collector, a 49' wide street (curb to curb) within a 60-foot right-of-way.)

Currently, the right-of-way for Date Street is 60-feet wide, but the road itself is only 18-feet wide south of Cottonwood Avenue, and 22 feet wide north of Cottonwood Avenue, except along Lot 1 of the Maiden Addition #1 (see plat) where development of that lot widened the east side of the street to the standard for a local street (approx. 43' wide from curb to curb). The intersection of Date Street to Big Horn Avenue was installed by WYDOT to the same local street standard—43' wide. The widening can be seen in the photos on page 1.

The applicant requests a variance from dedication of additional right-of-way for Date Street. Based on the current right-of-way width, the improved intersection width at Big Horn Avenue, and the width of the improvements in front of Lot 1 of the Maiden Addition #1 subdivision, such variance seems reasonable. As will be discussed later in the report, a 10-foot utility easement along the frontage of the plat will be required to provide adequate room for utilities along Date Street, so the reduced right-of-way width does not impede utility installation and maintenance.

Items "C" through "O" are standards that relate to construction of new public streets within a proposed development and are not applicable to this project.

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. A variance of up to four feet (4') may be granted by the commission and council in a residential development if setbacks are provided for utility boxes, garbage cans, etc. Alleys shall be

constructed with a minimum of six inches (6") of crushed aggregate base course for the finished surface. The specification for the gradation of the crushed aggregate base course may be obtained from the city engineer.

Staff Comment: The applicant requests a variance from the alley requirement. Alleys are typically for utilities and garbage collection. In this case, dumpsters are either on-street or on the commercial properties, and all utilities are along Date Street. There is no alley between this property and the subdivisions to the west.

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 adjustment 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.

The criteria of 11-5-2(B) for granting a variance is as follows:

B. Variances: If during the approval process of a proposed subdivision it can be shown that strict compliance with the requirements of this title will result in extraordinary hardship to the subdivider due to unusual topography or other similar land conditions, or where the subdivider can show that variances will make a greater contribution to the intent and purpose of this title, the commission and council may, upon written request and proper justification, grant a variance to this title so that substantial justice may be done and the public interest secured; provided, that any such variance will not have the effect of nullifying the intent and purpose of this title.

Staff Comment: Date Street only has curb, gutter, and sidewalk on approximately the north 250 feet, on the east side. As mentioned previously, the road width is also substandard. Based on the subdivision ordinance, improvements to Date Street are required. Staff interprets the extent of the required improvements to be the half street along the frontage of the subdivision. The applicant requests a variance to the street improvements as follows: "This variance is requested as the developer feels curb, gutter and sidewalk improvements are not necessary at this point in time. It is acknowledged by the developer and noted on the final plat of the Boydston Minor Subdivision that future improvement districts for the development of curb, gutter and sidewalks shall be supported by future owners of the lots."

Section 11.2.2(B) of the City Code states, "*B. Improvements: No building shall be erected on any lot in any subdivision, nor shall a building permit be issued by the city for a building until all improvements reasonably expected and required by the city, such*

as streets, curb and gutter, sidewalk, sewer service, water service, etc., have been installed, approved and accepted by the city for the lot upon which the building is to be constructed. (Ord. 89-12)

Typically in a new subdivision, those improvements are provided well ahead of the building permit stage because they are provided by the subdivision developer. The above referenced code refers to the latest point that required improvements are to be done. The issue is primarily a matter of timing. The options are to require the street improvements to be completed by the developer (presumably prior to sale), require improvements at the time of the development/building permit of each lot (where the cost is likely to be on the lot purchaser), or to grant a variance that would entirely waive the road improvements.

Ultimately, it is the City Council's decision, based on the Planning and Zoning Board recommendation, but planning staff suggests that either the street improvements be required as specified by the subdivision ordinance, or that the improvements be completed along the frontage of each lot (or bonded for) prior to issuance of any building permit for new construction on that lot. The first option is preferred, as it would avoid potential segmented road improvements and ensure the full frontage is improved. The second option has issues, as there is the likelihood that Lot 4 with the existing residence and perhaps Lot 2 would not redevelop and its frontage would remain unimproved. This issue could be overcome by the developer providing funds for these improvements to the city and the city would have the work done at the time street improvement occurs on one of the adjacent lots.

The primary point for requiring the street improvements prior to development is that the suggested "future improvement district" solution requested by the applicant may not be a solution at all. A street improvement district has not been formed in the city in the last 18+ years. The reasons likely vary, but improvement districts are often politically unpopular, requires the city to put up the money up front, and no funding for such is in the city budget. Effectively it leaves the questions out there as to who is responsible for the street improvements and when will the improvements occur.

If a form of delayed improvement is decided on, it should be clearly noted on the final plat to help avoid a situation where a lot is sold and the purchaser is not fully aware of street improvement requirements. The option of phasing or waiving some of the street improvements, such as sidewalks and streetlights may be another factor to consider, (e.g. widen street now, put sidewalk in with development, etc.)

If construction in conjunction with individual lot development is the preferred method, the following note is recommended for the final plat.

"The owner of each lot of this subdivision is responsible for the improvement of their Date Street frontage to city street standards, including widening of the asphalt and installation of curb, gutter, and sidewalk, pursuant to 11.2.2(B) of

the City code, which states, "B. Improvements: No building shall be erected on any lot in any subdivision, nor shall a building permit be issued by the city for a building until all improvements reasonably expected and required by the city, such as streets, curb and gutter, sidewalk, sewer service, water service, etc., have been installed, approved and accepted by the city for the lot upon which the building is to be constructed." A performance bond for the construction to occur within one year of the building permit may be an option. Any utility service lines (e.g. water, sewer) must be extended to the lot before the street improvements are made."

If a variance to the timing of the street improvements is not granted, engineering plans for the street improvements are needed prior to considering the final plat.

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: Based on the discussion in "B" and "Q", a variance to the street width (42'8" pavement width instead of 55'8") would seem appropriate.

S. Valley Gutters: The use of valley gutters in areas where storm sewer facilities exist or are proposed will be discouraged.

Staff Comment: Such will need to be considered in the plan review for any street improvements.

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

Staff Comment: This is a minor subdivision, which is exempt from this requirement. However, commercial, light industrial or multi-family development on the property would be subject to the city storm water policy. Therefore, storm water facilities will need to be included with development of each site, and a note is included on the final plat indicating such.

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: Requirements 1 through 4 are met. It is noted that access for Lot 1 will be required to be from Date Street, rather than Big Horn Avenue (state access management requirements apply), and that the entrance from Date Street will need to be toward the south end of the lot at least 100 feet from Big Horn Avenue. It is recommended that a note be placed on the final plat to this effect.

V. Blocks: Blocks shall be at least three hundred feet (300') long, normally, not to exceed six hundred sixty feet (660') long. All blocks shall normally be of sufficient width to allow for two (2) tiers of lots of approximately equal width and an alley.

Staff Comment: The block length on the west side of Date Street exceeds 660', yet there is no option for connecting to any street to the west.

OTHER:

Section 11-5-1, DEVELOPMENT AND IMPROVEMENT also includes standards for construction, most of which relate directly to the items addressed above. Those items not addressed above are listed below.

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: Hydrants already exist as required—at the intersection with Cottonwood Avenue and at the northeast corner of the property.

J. Open Drains, Irrigation Ditches: All open drains and irrigation ditches shall be buried or, if possible, eliminated.

Staff Comment: Irrigation ditches run along the west, south, and east property lines. The irrigation ditch along the west side of the property will remain, but the ditch that runs along the south property line and east portions of Lots 3, 4 and 5 will be abandoned, as the owner has filed for detachment of the water rights from the property.

If the ditch along the west boundary will not be piped, a variance is required. Without a letter from the ditch company (Cody Canal, other?) we do not know its function or necessity, and therefore find it difficult to make a recommendation for a variance on this matter at this time.

M. Street Lighting: Street lighting shall be installed according to the standards and requirements established by the city electrical commissioner, the cost of which will be borne by the subdivider.

Staff Comment: Street lighting exists along Date Street.

N. Public Use Areas: ...

Staff Comment: Minor subdivisions are exempt from this requirement.

OTHER:

Power. Electrical service is required to be modified so that the existing overhead lines do not cross the intervening lots. The new system will be underground. The City Electrical Engineer has provided a design and cost estimate for the modifications. The payment will need to be made prior to the final plat being signed by the mayor. A 10-foot easement along Date Street is needed for the electrical lines and transformers.

Water. Lots 2 and 4 have domestic water services. Lots 1, 3 and 5 will require new taps. Payment of the minimum ¾" size taps for Lots 1, 3 and 5 is required and will need to occur prior to the final plat being signed by the mayor. Installation will need to occur no later than at time of development.

Irrigation. The application indicates that water rights for the property were transferred to a ditch company three days before application for the subdivision. The City would have preferred that the water rights be transferred to the City as outlined in the subdivision ordinance—see 11-3-3(B)(1). However, it appears that the specific language does not prohibit such action, even if it was just a few days before the time of application.

Sewer Connections.

Sewer services to the vacant lots will need to be installed at the time of development, along with payment of applicable sewer fees.

Letters from Utility Providers.

The application indicates that the letters will be provided before the city council meeting for the final plat. It is expected that the 10-foot utility easement will be sufficient for all of the other utility providers, except irrigation. Staff would prefer that the letter from the irrigation company be provided before the final plat is considered by the Planning and Zoning Board, as specified by the subdivision ordinance.

Setbacks.

The proposed lot lines provide setbacks as necessary for building code compliance based on type of construction (minimum 5-foot setback). There are no zoning setback or buffer requirements that need to be maintained at this time.

SUMMARY:

A list of conditions has been prepared. If any of the requested variances are not granted to the extent noted, additional conditions may be needed.

Requested Variances:

- A. From dedication of additional right-of-way for Date Street.
Staff recommends approval, subject to dedication of a 10-foot utility easement along Date Street.
- B. From construction/widening Date Street to arterial street standards.
Staff recommends partial approval—to reduce the requirement to the local street standard. The timing of construction should be discussed by the Planning and Zoning Board and if delayed, specified on the final plat.
- C. From the alley requirement.
Staff recommends approval.
- D. From installation of curb, gutter, sidewalk at this time.
There are many options for timing of these improvements, based on what is decided with "B". Additional discussion is needed.

Recommended Conditions of Approval:

Note: Planning staff is not entirely comfortable having the final plat considered at this time due to the expected complexity of the discussion relating to the improvement of Date Street and the lack of utility letters. Modifications in the following recommended conditions of approval could result. However, the final plat is presented with the preliminary plat based on the possibility that everything can be worked through in the meeting, and thus the applicant can proceed more quickly through the process.

- 1. Prior to consideration of the final plat by the Planning and Zoning Board/City Council(select applicable), submit the utility letters as required by City of Cody Code 11-3-3(B)(2). Be sure to include written correspondence from the irrigation/ditch company explaining the situation with the existing ditches and any necessary easements, and verifying that all of their requirements for the subdivision have been satisfied.
- 2. *(If a variance to the piping/covering of the irrigation ditch is not granted, include a condition stating the timing and responsibility for piping/covering of the irrigation ditch.)*
- 3. Provide utility easements as required by the utility providers. At a minimum, provide a 10-foot utility easement along Date Street.
- 4. The language on the final plat for the irrigation easement must be expanded to indicate the property or entity to which the easement is granted.
- 5. Note the variances granted on the final plat.

6. If a variance to the construction or timing of Date Street is not granted, the applicant must submit with the final plat application engineering plans for the construction of Date Street to city standards.
7. Sewer, water, and power are available and are to be provided to each lot as specified by the City as part of the subdivision. Payment of $\frac{3}{4}$ " or larger water connections for Lots 1, 3 and 5, and applicable electrical service fees must occur prior to final plat approval by Council. Installation of the sewer services to Lots 1, 3, and 5, and payment of applicable sewer fees, must be completed prior to any building permit or development on the lot.
8. If some form of variance is granted for the construction of Date Street, one or more of the following will be applicable.
 - A. No improvement required now: Include the following in the certificate of dedication on the final plat:

"And do hereby agree to promote and participate in an improvement district for curb, gutter, and sidewalk on Date Street when deemed necessary by the City of Cody. And further, that this language shall be contained in each and all conveyances of record."
 - B. Improvement with lot development: If construction of Date Street is required in conjunction with individual lot development, add the following note to the final plat.

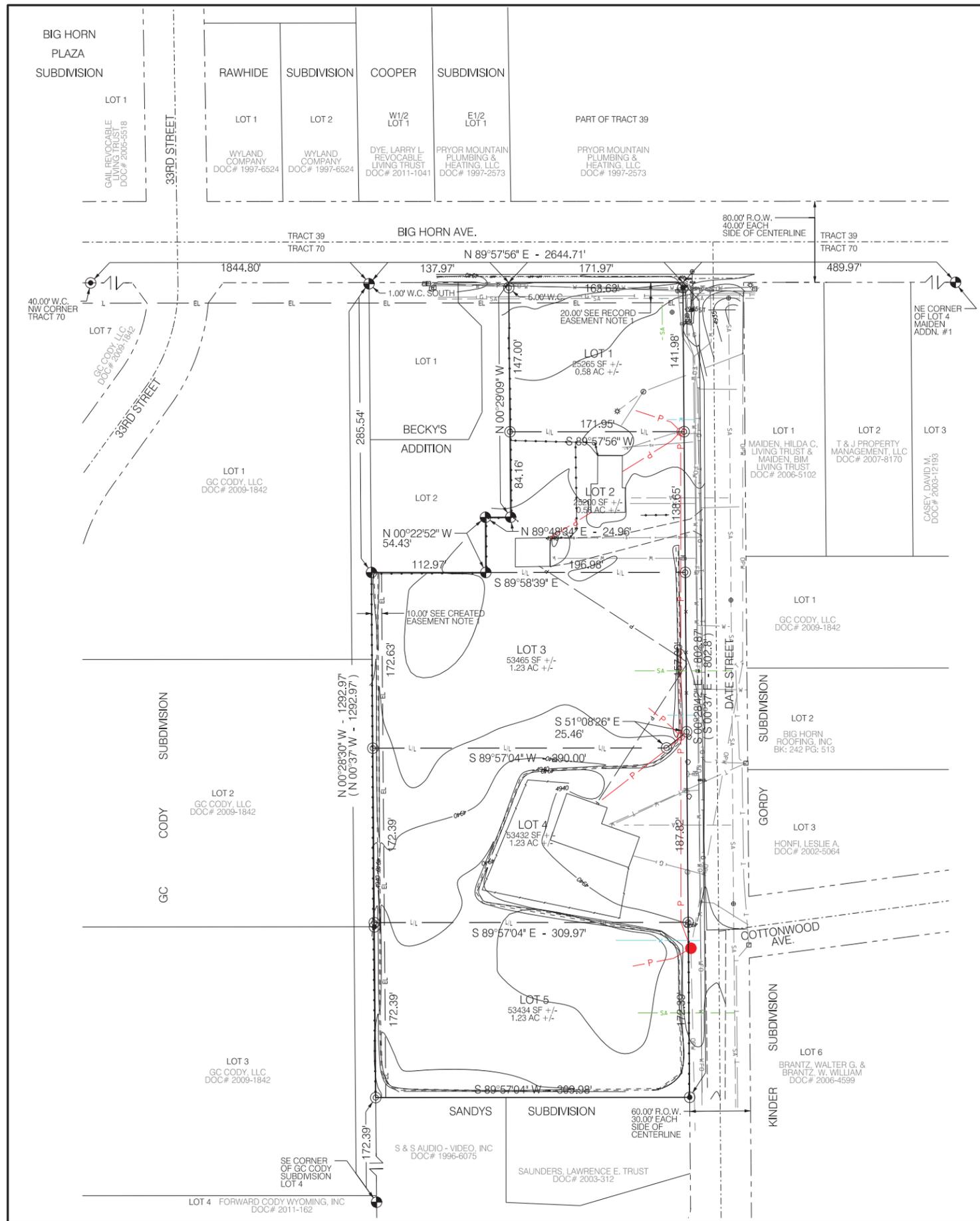
"The owner of each lot of this subdivision is responsible for the improvement of their Date Street frontage to city street standards, including widening of the asphalt and installation of curb, gutter, and sidewalk, pursuant to 11.2.2(B) of the City code, which states, "B. Improvements: No building shall be erected on any lot in any subdivision, nor shall a building permit be issued by the city for a building until all improvements reasonably expected and required by the city, such as streets, curb and gutter, sidewalk, sewer service, water service, etc., have been installed, approved and accepted by the city for the lot upon which the building is to be constructed." A performance bond for the construction to occur within one year of the building permit may be an option. Any utility service lines (e.g. water, sewer) must be extended to the lot before the street improvements are made."
9. If improvement of Date Street is to occur with lot development, the applicant shall either provide the engineer's estimated cost for the street improvements along the frontage of Lots 2 and 4 to the city prior to the mayor signing the final plat (so the city can have the improvements made); or, provide a performance bond for construction of these segments of street by the developer's contractor, prior to the mayor signing the final plat.
10. Add the following note to the final plat: "Access for Lot 1 will be required to be from Date Street, rather than Big Horn Avenue, and the entrance from Date Street will

need to be toward the south end of the lot at least 100 feet from Big Horn Avenue, unless approved otherwise by the City Engineer.”

ATTACHMENTS:

Application

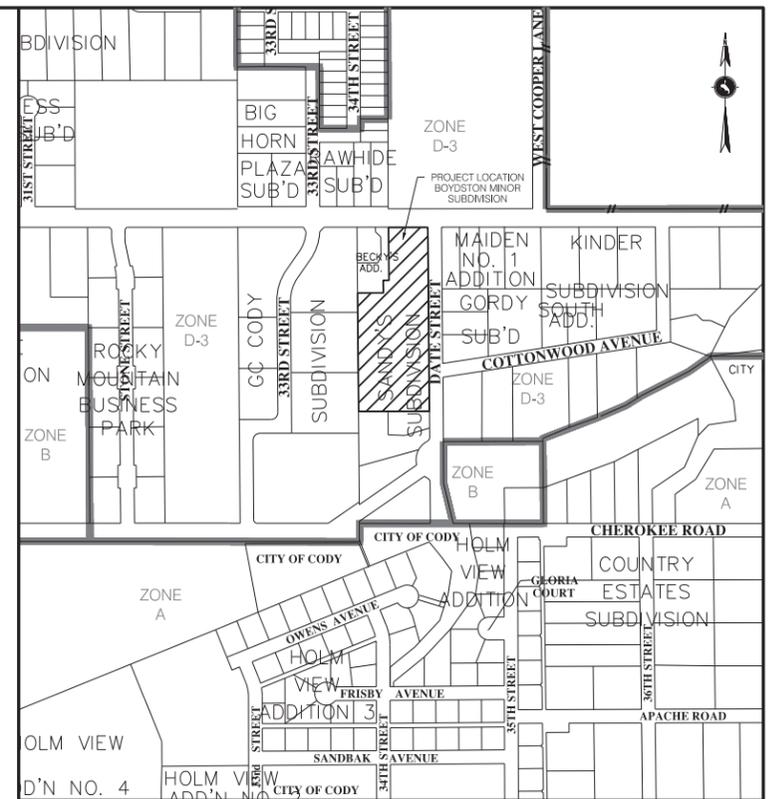
Preliminary and Final Plats



LEGEND

FOUND 2" ALUMINUM CAP	⊙
FOUND 3" BRASS CAP	⊙
SET 2 IN ALUMINUM CAP	⊙
EXISTING CURB STOP/VALVE	⊙
EXISTING TELEPHONE PEDESTAL	⊙
EXISTING TRANSFORMER	⊙
EXISTING SANITARY SEWER MANHOLE	⊙
EXISTING FIRE HYDRANT	⊙
EXISTING SANITARY SEWER	— SA —
EXISTING TREATED WATER	— W —
EXISTING FIBER OPTIC	— FO —
EXISTING TELEPHONE	— T —
EXISTING OVERHEAD POWER	— OPW —
EXISTING UNDERGROUND POWER	— P —
EXISTING IRRIGATION DITCH	— — — — —
EXISTING FENCE	— — — — —
PROPOSED SUBDIVISION BOUNDARY	— L —
PROPOSED SUBDIVISION LOT LINES	— L —
ADJACENT PROPERTY LINES	— — — — —
EASEMENT LINE	— EL —
PROPOSED UNDERGROUND POWER	— P —
PROPOSED TREATED WATER	— W —
PROPOSED SANITARY SEWER	— SA —
PROPOSED SINGLE SERVICE TRANSFORMER	⊙
PROPOSED TWO SERVICE TRANSFORMER	⊙

- NOTES**
- TOTAL SUBDIVISION AREA IS 4.84 ACRES +/-
 - PROPOSED SITE USAGE IS COMMERCIAL/RESIDENTIAL
 - ZONING FOR THIS SUBDIVISION AND ALL IMMEDIATELY ADJACENT PROPERTY IS ZONE D-3
 - EXISTING UTILITIES:
 CITY OF CODY - TREATED WATER: 8 FT DEPTH (APPROX.)
 CITY OF CODY - SANITARY SEWER: FIELD LOCATE 8 IN PVC, 10 FT DEPTH (APPROX.)
 CITY OF CODY - ELECTRICAL: FIELD LOCATED 36-48 IN DEPTH (APPROX.)
 ENERGY WEST - GAS LINE: FIELD LOCATE 3 FT DEPTH (APPROX.)
 - DRAINAGE: ALL LOT OWNERS WILL BE REQUIRED TO RETAIN AN ENGINEER TO ANALYZE THE DRAINAGE ON EACH LOT AT THE TIME OF SITE PLAN SUBMITTAL. SAID ANALYSIS MUST BE SUBMITTED TO THE CITY FOR APPROVAL TO ASSURE THAT ANY PROPOSED INCREASE IN RUNOFF WILL BE RETAINED ON SITE IN AN APPROVED MANNER
 - WATER RIGHTS FOR THIS PROPERTY HAVE BEEN DETACHED
 - CONTOURS SHOWN ARE 1.00 FOOT INTERVALS



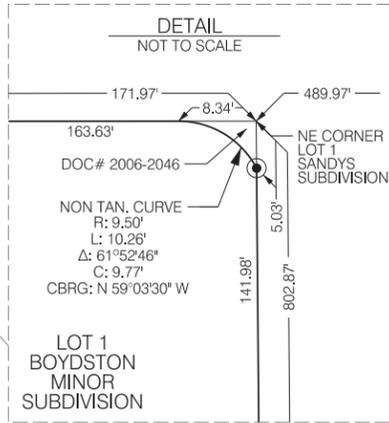
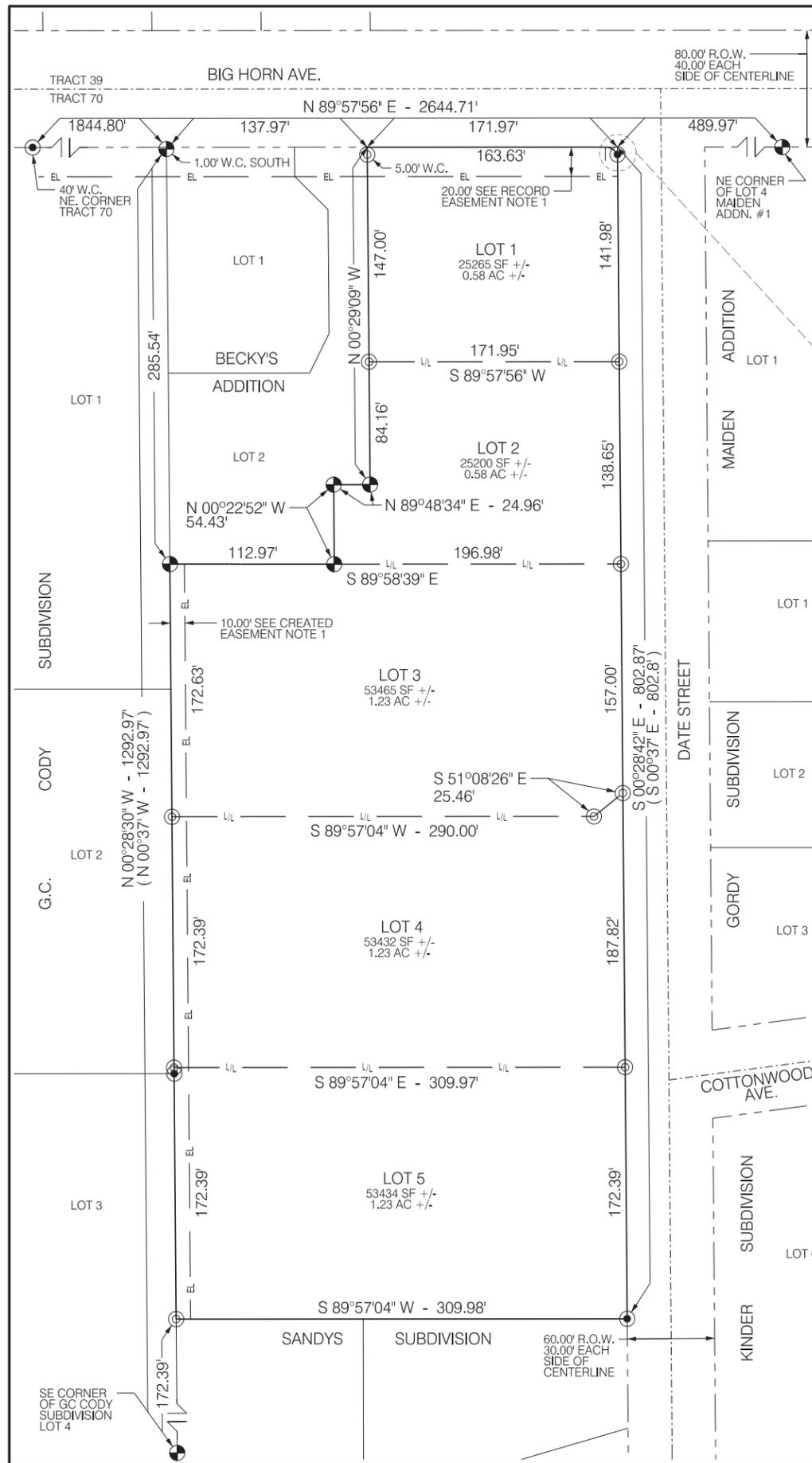
VICINITY MAP
SCALE: 1" = 400'
— CODY CITY LIMITS
— ZONING BOUNDARIES

PRELIMINARY PLAT

SHOWING
 BOYDSTON MINOR SUBDIVISION
 BEING A RE-SUBDIVISION OF
 LOT 1, BLOCK 3, SANDYS SUBDIVISION
 WITHIN A PORTION OF TRACT 70
 RESURVEY T.53N., R.101W., 6TH P.M.
 CITY OF CODY, PARK COUNTY, WYOMING

OWNER:
 JOSEPH C. BOYDSTON
 525 DATE STREET
 CODY, WY 82415
 307-899-3248

	SAGE CIVIL ENGINEERING 2824 BIGHORN AVE. CODY, WY 82414 307-527-0915	MARCH, 2013 W.O. 2012-70 2012-70_MSub_FFplat.dgn
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CERTIFICATE OF DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS THAT WE, THE UNDERSIGNED, ALL HEIRS AND/OR ASSIGNS HEREBY CERTIFY THAT WE ARE THE OWNERS AND PROPRIETORS OF THE LANDS NOTED HEREON IN THE DESCRIPTION OF LANDS;

THAT WE HAVE CAUSED SAID LANDS TO BE SURVEYED; THAT THE SUBDIVISION OF SAID LANDS IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS AND PROPRIETORS;

THAT WE HEREBY DEDICATE THE EASEMENTS AND RIGHT-OF-WAY LABELED HEREON TO THE USES SO NOTED;

THAT SAID LANDS ARE SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY AND MINERAL RIGHTS OR RESERVATIONS OF RECORD;

THAT THE SOLE PURPOSE OF THE SUBDIVISION IS TO SUBDIVIDE THE LANDS AS SHOWN HERON;

THAT BY THESE PRESENTS DO HEREBY AGREE TO PROMOTE AND PARTICIPATE IN AN IMPROVEMENT DISTRICT FOR CURB, GUTTER AND SIDEWALK ON DATE STREET WHEN DEEMED NECESSARY BY THE CITY OF CODY, AND THAT FURTHER, THIS LANGUAGE SHALL BE CONTAINED IN EACH AND ALL CONVEYANCES OF RECORD;

AND, THAT ANY RIGHTS BY VIRTUE OF THE HOMESTEAD EXEMPTION LAWS OF THE STATE OF WYOMING ARE HEREBY RELEASED AND WAIVED.

JOSEPH C. BOYDSTON

STATE OF WYOMING)
COUNTY OF PARK) SS

THE FOREGOING CERTIFICATE OF OWNER WAS ACKNOWLEDGED BEFORE ME BY JOSEPH C. BOYDSTON ON THIS _____ DAY OF _____, 2013. WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

DESCRIPTION OF LANDS

A PARCEL OF LAND BEING LOT 1 OF SANDY'S SUBDIVISION WITHIN A PORTION OF TRACT 70, RESURVEY, T.53N., R.101W., 6TH P.M., PARK COUNTY, WYOMING, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE S 89°57'04" W ON AND ALONG THE SOUTH LINE OF SAID LOT 1 FOR A DISTANCE OF 309.98 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE N 00°28'30" E ON AND ALONG THE WEST LINE OF SAID LOT 1 FOR A DISTANCE OF 517.41 FEET TO A BRASS CAP MONUMENT FOUND IN PLACE THIS SURVEY; THENCE S 89°58'39" E FOR A DISTANCE OF 112.97 FEET TO A BRASS CAP MONUMENT FOUND IN PLACE THIS SURVEY; THENCE N 00°22'52" W FOR A DISTANCE OF 54.43 FEET TO A BRASS CAP MONUMENT FOUND IN PLACE THIS SURVEY; THENCE N 89°48'34" E FOR A DISTANCE OF 24.98 FEET TO A BRASS CAP MONUMENT FOUND IN PLACE THIS SURVEY; THENCE N 00°29'09" W FOR A DISTANCE OF 231.16 FEET ON AND ALONG THE EAST LINE OF BECKY'S ADDITION TO THE CITY OF CODY FILED IN PLAT CABINET 1 PAGE 61 IN THE PARK COUNTY CLERK AND RECORDERS OFFICE, TO A POINT ON THE SOUTH RIGHT-OF-WAY OF BIG HORN AVENUE, SAID POINT BEING N 89°57'65" E A DISTANCE OF 137.97 FEET FROM THE NORTHWEST CORNER OF BECKY'S ADDITION; THENCE N 89°57'65" E ON AND ALONG THE SOUTH RIGHT-OF-WAY OF BIG HORN AVENUE FOR A DISTANCE OF 163.63 FEET TO A NON TANGENT CURVE BEING CONCAVE TO THE SOUTHWEST; THENCE ON AND ALONG SAID CURVE FOR A DISTANCE OF 10.26 FEET, SAID CURVE HAVING A RADIUS OF 9.5 FEET, A DELTA ANGLE OF 61°52'46", A CHORD BEARING OF S 59°03'30" E AND A CHORD LENGTH OF 9.77 FEET, TO A POINT ON THE WEST RIGHT-OF-WAY OF DATE STREET; THENCE S 00°28'41" E ON AND ALONG THE WEST RIGHT-OF-WAY OF DATE STREET FOR A DISTANCE OF 797.84 FEET TO THE POINT OF BEGINNING.

SUBDIVISION NOTES

- BEARING BASE: BEARINGS AND DISTANCES SHOWN ON THIS PLAT ARE GEODETIC BASED ON THE WYOMING STATE PLANE COORDINATE SYSTEM, NAD83, WYOMING WEST CENTRAL ZONE.
- ALL SURVEY WORK WAS COMPLETED TO AN ACCURACY OF 1:15,000.
- ALL LOT OWNERS WILL BE REQUIRED TO RETAIN AN ENGINEER TO ANALYZE THE DRAINAGE ON EACH LOT AT THE TIME OF SITE PLAN SUBMITTAL, SAID ANALYSIS MUST BE SUBMITTED TO THE CITY FOR APPROVAL TO ASSURE THAT ANY PROPOSED INCREASE IN RUNOFF WILL BE RETAINED ON SITE IN AN APPROVED MANNER.
- BIG HORN AVENUE IS A CONTROLLED ACCESS STATE HIGHWAY, ACCESS IS LIMITED TO PERMITTED APPROACH LOCATIONS.
- WATER RIGHTS FOR THIS PROPERTY HAVE BEEN DETACHED.
- TOTAL SUBDIVISION AREA IS 4.84 ACRES.

APPROVALS

STATE OF WYOMING)
COUNTY OF PARK) SS

CITY PLANNING AND ZONING BOARD

RECOMMENDED FOR APPROVAL THIS _____ DAY OF _____, 2013 BY THE CITY PLANNING AND ZONING BOARD OF CODY, WYOMING.

BY CHAIRMAN: _____

CITY COUNCIL

APPROVED THIS _____ DAY _____, 2013 BY THE CITY COUNCIL CODY, WYOMING.

BY MAYOR: NANCY TIA BROWN

ATTESTED BY: ADMINISTRATIVE SERVICES DIRECTOR

LEGEND

- FOUND 2" ALUMINUM CAP
- FOUND 3" BRASS CAP
- SET 2" ALUMINUM CAP ON 1/2" REBAR
- (100') RECORD DIMENSIONS
- BROKEN SCALE
- SUBDIVISION BOUNDARY
- SUBDIVISION LOT LINES
- ADJACENT PROPERTY LINES
- STREET RIGHT-OF-WAY
- STREET CENTERLINE
- EASEMENT LINE

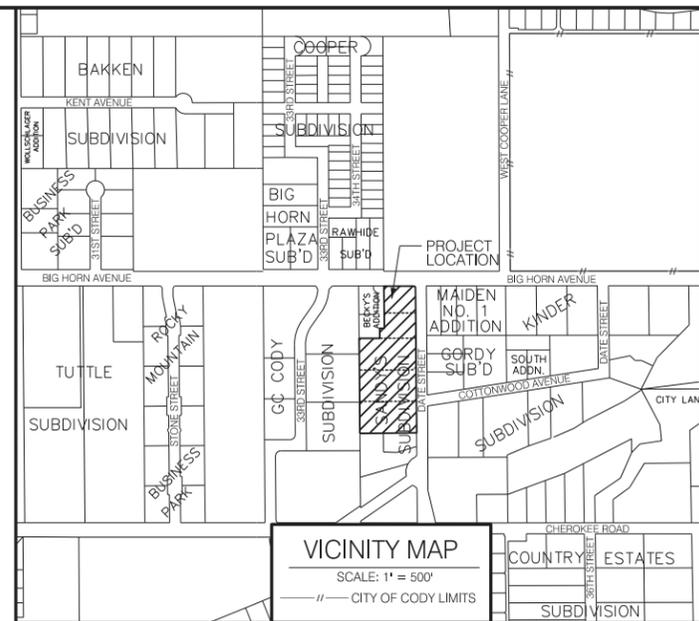


EASEMENTS OF RECORD

- BOOK # 126 PAGE # 669: A 20.00' PUBLIC UTILITY EASEMENT

EASEMENTS CREATED WITH THIS PLAT

- AN DRAINAGE EASEMENT BEING 10.00 FEET IN PARALLEL DISTANCE ALONG THE WEST LINE OF LOTS 3, 4 AND 5 AS SHOWN HEREON



RECORDERS ACCEPTANCE

STATE OF WYOMING)
COUNTY OF PARK) SS

THIS INSTRUMENT WAS FILED FOR THE RECORD ON THE _____ DAY OF _____, 2013, AT _____ O'CLOCK, AND WAS DULY RECORDED UNDER DOCUMENT # _____ IN PLAT CABINET _____.

CITY OF CODY RESOLUTION _____ RECORDED AS DOCUMENT # _____

CERTIFICATE OF SURVEYOR

I, PAUL R. CAMPBELL, A DULY REGISTERED LAND SURVEYOR IN THE STATE OF WYOMING, DO HEREBY CERTIFY AS FOLLOWS: BETWEEN OCTOBER 2012 AND FEBRUARY 2013, THE BOYDSTON MINOR SUBDIVISION SHOWN HEREON WAS SURVEYED BY ME OR UNDER MY DIRECT SUPERVISION, THE LAND SURVEYED IS CORRECTLY DESCRIBED IN THE OWNER'S CERTIFICATE OF DEDICATION AND THE SUBDIVISION THEREOF IS CORRECTLY SHOWN ON THIS PLAT, WHICH IS DRAWN TO THE SCALE INDICATED. I AM FAMILIAR WITH THE CITY OF CODY SUBDIVISION REGULATIONS AND BELIEVE THIS SUBDIVISION COMPLIES WITH THEM IN EVERY RESPECT.

PAUL R. CAMPBELL
WYOMING REGISTRATION NO. 2571 L.S.

FINAL PLAT

SHOWING
BOYDSTON MINOR SUBDIVISION -
BEING A RE-SUBDIVISION OF
LOT 1, BLOCK 3, SANDY'S SUBDIVISION
WITHIN
A PORTION OF TRACT 70,
RESURVEY T.53N., R.101W., 6TH P.M.
CITY OF CODY, PARK COUNTY, WYOMING

OWNER:
JOSEPH C. BOYDSTON
525 DATE STREET
CODY, WY 82414
307-899-3248

<p>SAGE CIVIL ENGINEERING AND SURVEYING</p>	<p>SAGE CIVIL ENGINEERING 2824 BIGHORN AVE. CODY, WY 82414 307-527-0915</p>	<p>FEBRUARY, 2013 W.O. 2012-70 2012-70_MSub_FFplat.dgn</p>
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AUTHORIZATION FOR DETACHMENT OF WATER RIGHTS

I, Joseph C. Boydston, of 525 Date St., Cody WY, 82414, as owner(s) of a parcel of land described in QuitClaim Deed 2013-118 recorded in the Park County Clerks Office, being within NE4NW4 Tract 70 Resurvey, T.53 N. R.101 W., Park County, Wyoming, hereby authorize the detachment by the Shoshone Irrigation District of the following water rights:

AFFECTED WATER RIGHTS

ACRES	PROOF PERMIT	PRIORITY	FACILITY
4.84	16213 1042	AUGUST 7, 1895	CODY CANAL

This authorization allows the grantee or his assignee to petition the Board of Control for change of use or change of place of use of the water right attaching to the above described lands as provided for in Section 41-3-104, W.S. 1977, within five (5) years of the date of this authorization. By this authorization both the Grantor and Grantee request voluntary abandonment of the water attached to the lands described herein if no petition for change is received within the five-year period.

Recent historical use, generally the five (5) years previous to the signing of the Authorization, and other requirements will be needed to support a petition and map to change the use. If the water rights are to remain in or are being placed in a subdivision, a Water Distribution Plan will also be required. Until such change or voluntary abandonment is granted by the Board of Control, the water rights involved in this Authorization and Petition remain attached for the permitted use on the lands described thereon. **Notice to successor owners of these lands that this water right will be removed or abandoned after five (5) years is the responsibility of Grantor or Grantor's successors.**

The Grantor and Grantee hereby waives any and all notices which may be required by Statute, and especially those required in condemnation proceedings provided by Section 41-3-103, W.S. 1977, and states that neither he nor his successors or assigns shall, at any time in the future, file any adverse claim or institute any proceedings in law or equity attacking adversely, or in any manner whatsoever, the equities, right, title or interest of any of the water rights herein referred to and for which it is hereby agreed that the Grantor has received full and adequate compensation.

GRANTOR AND GRANTEE UNDERSTAND AND AGREE THAT IF NO PETITION FOR CHANGE OF USE OR CHANGE OF PLACE OF USE FOR ALL OF THE WATER RIGHTS ATTACHING TO THE ABOVE DESCRIBED LANDS IS RECEIVED WITHIN THE FIVE (5) YEAR PERIOD AND SUCH PETITION SUBSEQUENTLY GRANTED BY THE BOARD OF CONTROL, GRANTOR AND GRANTEE HEREBY REQUEST THAT THE BOARD OF CONTROL ISSUE A PROPER ORDER DECLARING ALL OF THE REMAINING WATER RIGHTS ATTACHED TO THE ABOVE DESCRIBED LANDS ABANDONED.

This authorization along with proof of ownership and a map certified by a professional engineer or land surveyor licensed to practice in Wyoming describing the above lands are to be submitted to the State Board of Control, Herschler Building, 4th Floor East, Cheyenne, Wyoming 82002. This document hereby supersedes and replaces any document formerly referred to as a "Water Right Deed."

Joseph C. Boydston
Joseph C. Boydston - Grantor

The foregoing instrument was acknowledged before me this 18th day of February, 2013 ^{JB} 2012.

Witness my hand and official seal.

Kalli Jo Oberosler
Notary Public



My commission expires:

Michael Smith
Michael Smith, Agent
Shiloh Estates Ditch Association, Grantee

The foregoing instrument was acknowledged before me this 15th day of February, 2013 ^{MS} 2012.

Witness my hand and official seal.

Kalli Jo Oberosler
Notary Public

My commission expires:



QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, That Rebecca M. Boydston of the County of Park, State of Wyoming, in consideration of the sum of ten dollars (\$10.00) to her in hand and other valuable consideration paid by Joseph C. Boydston whose address is 525 Date Street, Cody, Wyoming the receipt hereof is hereby confessed and acknowledged, has remised, released and forever quitclaimed and by these presents do for the heirs, executors and administrators, remise, release and forever quitclaim unto the said Joseph C. Boydston, as sole owner, and his heirs and assigns, forever, all such right, title, interest, property, possession, claim and demand as I have, in or to all the following described premises commonly known as, to-wit:

Lots 1 and 7, Block 3 in Sandy's Subdivision in Tract 70, T.53 N., R.101 W., 6th P.M. according to the records of the County Clerk and Recorder of Park County, State of Wyoming.

Together with all improvements and appurtenances appertaining thereto; Subject to all reservations, covenants, easements, rights-of-way actual or of record.

Hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of the State of Wyoming.

To have and to hold the said premises unto the said Joseph C. Boydston, as sole owner and his heirs and assigns, to their own proper use and behoove forever. So that neither I nor any other person in my name or behalf, or any other person in my name or behalf shall or will hereafter claim or demand any right or title to the premises or any part thereof, but they and everyone of them shall by theses presents be excluded and forever barred.

In Witness hereof, I have unto set my hand this 16 day of May, 2012.

Rebecca M. Boydston
Rebecca M. Boydston

ACKNOWLEDGMENT

State of Wyoming)
)ss.
County of Park)

The foregoing instrument was acknowledged before me by Rebecca M. Boydston this 16 day of May, 2012.

Witness my hand and Seal.



[Signature]
Signature, Notary Public

My Commission expires: August 20, 2014.



Describe Parcel SUBBDY<* 2 \$ Parcel Closure Report: SUBBDY

- <* 3 \$ -----
- <* 4 \$ Start Coordinates, North: 1469568.306 East: 1897877.957 Name: 500
- <* 5 \$ Line: S 89° 57' 04" W Dist.: 309.981 PtNum: 501
- <* 6 \$ Line: N 0° 28' 30" W Dist.: 517.400 PtNum: 502
- <* 7 \$ Line: S 89° 58' 39" E Dist.: 112.971 PtNum: 102
- <* 8 \$ Line: N 0° 22' 52" W Dist.: 54.427 PtNum: 106
- <* 9 \$ Line: N 89° 48' 34" E Dist.: 24.955 PtNum: 107
- <* 10 \$ Line: N 0° 29' 09" W Dist.: 231.159 PtNum: 503
- <* 11 \$ Line: N 89° 57' 56" E Dist.: 163.628 PtNum: 504
- <* 12 \$ Curve: C1 Rad.: 9.500 Delta: 61° 52' 46" rt. Arc: 10.260
- <* 13 \$ Degree: 243° 06' 48" Tan.: 5.695 Mid Ord.: 1.352 Ext. 1.576
- <* 14 \$ Chord Bearing: S 59° 03' 30" E Chord Dist.: 9.769
- <* 15 \$ Line: S 0° 28' 42" E Dist.: 797.837
- <* 16 \$ End Coordinates, North: 1469568.306 East: 1897877.957
- <* 17 \$ Error North: -0.000 Error East: 0.000
- <* 18 \$ Error Direction: N 58° 51' 35" W Total Distance Error: 0.000
- <* 19 \$ Error of Closure Greater than 1/10,000,000.00
- <* 20 \$ Perimeter: 2222.618
- <* 21 \$ Area: sq. Feet: 210796.580 Acres: 4.839

Variance Requests
Boydston Minor Subdivision

A variance for providing 100 feet of right-of-way and construction of Date Street to arterial street standards is requested. Ordinance 11-4-1 (K)

Right-of-Way:

As platted with Sandy's Subdivision, Date Street exists with a 60 foot right-of-way. The 40 foot right-of-way along the length of the Boydston Minor Subdivision would compose 0.73 acres more or less which is 15% of the proposed subdivision acreage. It is felt to be an undue hardship to the developer to require that the additional 40 feet necessary to meet the 100 foot right-of-way requirement, be taken from the Boydston Minor Subdivision. Existing right-of-ways south and east of this property are only 60 feet. The Boydston minor subdivision is consistent with these areas.

Construction:

Currently, the portion of Date Street bordering the Boydston Minor Subdivision is paved with the exception of the south 164 feet more or less (roughly Lot 5 of the subdivision). Date Street continues on as a dirt road in good condition serving six additional properties and dead ending at the south end of Sandy's Subdivision. In addition, the Boydston Minor subdivision will only create additional traffic to three lots and will not significantly change the amount of traffic on Date Street.

A variance for no alleys is requested. Ordinance 11-4-1 (P)

This variance is requested as an alley is not necessary for or fit the layout of the proposed use of the lots, and that there are no existing alleys within the adjoining subdivision lots for proposed alleys to outlet. Alleys are not necessary for utility installation or any other purpose.

A variance for Curb, Gutter, Sidewalk and Paved Streets is requested. Ordinance 11-4-1 (Q)

This variance is requested as the developer feels Curb, Gutter and Sidewalk improvements are not necessary at this point in time. It is acknowledged by the developer and noted on the final plat of the Boydston Minor Subdivision that future improvement districts for the development of curb, gutter and sidewalks shall be supported by future owners of the lots.



SAGE CIVIL ENGINEERING
AND SURVEYING

2824 Big Horn Avenue
Cody, WY 82414
307.527.0915•307.527.0916
www.sagecivilengineering.com

P.O. Box 1153
715 E. Roosevelt
Riverton, WY 82501
307.851.9252

April 1, 2013

Todd Stowell
1338 Rumsey Avenue
Cody, WY 82414

RE: Application for 5-Lot Minor Subdivision, SUB 13-03

Dear Mr. Stowell,

In response to the comments in the review letter of the Boydston Minor Subdivision, we would like to offer the following:

1. Utility comments – Letters from utility companies will be submitted prior to Final Plat approval by the City Council.
2. Power – Underground power will serve all lots within the subdivision.
3. Variances – Variance requests are detailed in the enclosed letter.
4. Water Rights – All water rights for this property have been detached.
5. Typos on the plat have been addressed.

Please find enclosed 12, 11 x 17 copies of both the Preliminary and Final Plats and one 24 x 36 copy of each. Should there be any questions or comments, please do not hesitate to call.

Sincerely,

Brett Farmer
Sage Civil Engineering
2824 Bighorn Avenue
Cody, WY 82414
307-527-0915