

Park County Board of County Commissioners
Regular Meeting
Tuesday, November 10, 2020

Chairman Tilden called to order a regular meeting of the Board of County Commissioners of Park County, Wyoming, on Tuesday, November 10, 2020. Present were Vice Chairman, Lee Livingston, Commissioners, Dossie Overfield, Jake Fulkerson, Lloyd Thiel, and Clerk Colleen Renner.

Leo Wolfson led the audience in the Pledge of Allegiance.

Consent Items:

Approve and Allow Chairman to Sign 2nd Park County Coronavirus Relief Grant Resolution and Certification Statement Awarded by the Wyoming State Lands

Commissioner Overfield made a motion to approve as listed, Commissioner Livingston seconded, and motion carried. **RESOLUTION 2020-75**

Park County Planning & Zoning Planner II, Kim Dillivan – RE: Public Hearing: TCT George Farms Tower Special Use Permit - 208

Chairman Tilden opened the public hearing.

Mr. Dillivan presented the SUP for a TCT tower. The applicant states that approximately two years ago they were involved in the Connect America Fund Auction. In addition, this year (2020) with the CARES Act Funding, the State allowed funds to be utilized for critical infrastructure that would allow better remote communication for work, telehealth and distance learning and allowed for these projects to be funded. The build out of this tower must be complete by the end of 2020.

The application was received in August this year showing the location of the tower and is over 35 foot in height. The location is 9 miles northeast of Cody and is in GR-P zoning. The location is mostly Ag land with some residential in the area. Legal notices and agency referrals have been met with some comments being received. Public comments were received and shared. Access has been approved along the irrigation Heart Mountain Road. Commissioner Overfield requested clarification on the use of the easement access road currently used by Heart Mountain Irrigation and clarification on TCT's use. Mr. Dillivan stated yes.

Chairman Tilden called for public comment. Jim Jolovich gave information to the board regarding his thoughts and evidence as he is a transmission engineer. He stated his objections to this site and its location to his home. Case studies show there could be health issues and neurological impacts and requests the board deny and have TCT investigate other locations.

Richard Waddell, representing TCT stated the project has been in the works for several years, in our research two towers in area, one withdrew and one was approved but never built, due to the McCullough peaks there were dead spots that made other areas not appropriate. TCT has been working with George Farms to bring better internet or cellular service to the area and stated we are doing what we need to meet our obligations to provide broadband and ask for your support of this tower going forward.

Scott George stated he owns the land, homesteaded in 1947, when power and gas came to the rural area we allowed and said yes where others refused to have those service put on their lands. The internet in the area is unstable which we found when schools closed. Once again George Farms has stepped up and is allowing the tower to go on our property so we will have high speed internet in the area.

Other comments were heard from Tony Jolovich who stated he believes TCT will not have access on the easement road as the third party. Judy Jolovich

Frisby also agrees with comments already made and agrees with those stated for the denial of this tower.

Commissioner Thiel questioned the distance from resident to location of tower and questioned FCC standards.

Commissioner Livingston made a motion to continue the public hearing to November 17. Motion died for a lack of a second. After discussion Commissioner Thiel made the motion to close the public hearing and Commissioner Fulkerson seconded and the motion carried. The chairman then stated that they would decide at 3:30 that afternoon.

Mr. Lynn George stated a reminder that this is time sensitive and Mr. Jolovich questioned the process to move to a new location closer to the George Farm home site. Mr. Dillivan stated the process would need to start over.

Park County Planning & Zoning Planner II, Kim Dillivan – RE: Public Hearing: TCT Northrup Tower Special Use Permit - 209

Chairman Tilden opened the public hearing.

Mr. Dillivan presented the SUP for a TCT tower, 60-foot-tall to provide internet services in the area. The location is 4.5 miles south of Powell. Neighboring land is mostly Ag and located on Northrup Farms property which is in GR-P zoning. Legal notices and agency referrals have been met with comments from certain agency in the staff report. No public comments have been received.

Chairman Tilden called for public comment, there being none, Commissioner Overfield made a motion to close the public hearing, Commissioner Fulkerson seconded, and motion carried.

Commissioner Overfield made a motion to approve stating all services and criteria be met, Commissioner Livingston seconded with the approval of an amendment stating the use is in harmony and compatible with surrounding land uses and with the neighborhood and will not create a substantial adverse impact on adjacent properties, has adequate services and infrastructure available to serve the use and complies with all specific criteria stated in these regulations for the use with additional requirements of overlay districts if applicable. Motion carried.
RESOLUTION 2020-72.

Park County Planning & Zoning Planner II, Kim Dillivan – RE: Public Hearing: TCT Greybull Highway Tower Special Use Permit - 210

Chairman Tilden opened the public hearing.

Mr. Dillivan presented this SUP stating the Bureau of Land Management (BLM) manages this property and has provided TCT a signed letter acknowledging their receipt of an SF-299 application from TCT on 9/19/2019 to construct this tower. The tower is in Oregon Basin about 4.5 miles southeast of Cody in a sage grouse area. The disturbance 102 results for this proposed tower is over the 5% disturbance threshold. All seasonal stipulations will be applied to the project development through Wyoming Game & Fish. Legal notices and agency referrals have been met with comments from certain agency in the staff report. Comments from the public were regarding steep and fragile terrain, this site is highly used by the public for hiking, biking, horseback riding and other activities; the need for additional communication services is understood but this specific location is a concern and the possibilities of vandalism.

The tower will be located within a 30 x 30 fenced in area to address the public comments. This area is also concern with wildlife in the area in which Game & Fish has addressed.

Chairman Tilden called for public comments, there being no further discussion and no public comments, Commissioner Overfield made a motion to close the public hearing, Commissioner Livingston seconded, and motion carried.

Commissioner Livingston made a motion to approve stating the use is in harmony and compatible with surrounding land uses and with the neighborhood and will not create a substantial adverse impact on adjacent properties, has adequate services and infrastructure available to serve the use and complies with

all specific criteria stated in these regulations for the use with additional requirements of overlay districts if applicable, Commissioner Thiel seconded, and motion carried. **RESOLUTION 2020-73.**

Park County Planning & Zoning Planner II, Kim Dillivan – RE: Public Hearing: TCT Sunshine Tower Special Use Permit - 211

Chairman Tilden opened the public hearing.

Mr. Dillivan presented this SUP, the property is owned by Greybull Valley Irrigation District. GVID has provided TCT a signed letter authorizing TCT to initiate the application for the communication tower for broadband services. The property is located rural Meeteetse by Sunshine Reservoir. Legal notices and agency referrals have been met. Bart Kroger (Worland Wildlife Biologist) stated the proposed tower location falls within crucial mule deer winter range for the Owl Creek/Meeteetse mule deer herd. Typically, there are anywhere between 20-40 mule deer that will winter in this general location. To avoid disturbance to these deer during the crucial winter period, the WGFD recommendation is to avoid any work during the period from November 15 – April 30.

Chairman Tilden called for public comments, there being none, Commissioner Fulkerson made a motion to close the public hearing, Commissioner Livingston seconded, and motion carried.

Commissioner Livingston made a motion to approve stating the use is in harmony and compatible with surrounding land uses and with the neighborhood and will not create a substantial adverse impact on adjacent properties, has adequate services and infrastructure available to serve the use and complies with all specific criteria stated in these regulations for the use with additional requirements of overlay districts if applicable, Commissioner Thiel seconded, and motion carried. **RESOLUTION 2020-74.**

Executive Session.

Commissioner Livingston made a motion to enter executive session pursuant to W.S. § 16-4-405 (a) (ii) (iii) (ix), Commissioner Overfield seconded, and motion carried.

Commissioner Fulkerson moved to exit from executive session, Commissioner Livingston seconded, and the motion carried. No decisions were made in or as a result of the executive session.

Park County Planning & Zoning Planner II, Kim Dillivan – RE: Partial Vacation and Amended Plat of Circle Star P Subdivision Lots 1 and 3

Mr. Dillivan presented for approval the amended plat of Circle Star P Subdivision Lots 1 and 3, thereby vacating Lot 1 (4.48 acres) and Lot 3 (5.97 acres), and creating two newly configured lots within the existing 10.45-acre space: proposed Lot 101 (1.18 19 acres) and proposed Lot 301 (9.27 acres). Both lots are intended for residential use. Applicants are Greg & Tammy Poley and is in a GR-5 zoning district 3.3 miles southwest of Cody. This is a partial vacation of the existing plat to adjust lot lines. No public comments have been received and no public hearing is required. Lyle Casciato stated a separate document be recorded for the easement per the Poley's attorney.

Commissioner Livingston made a motion to approve, Commissioner Fulkerson seconded. Val Geissler stood and had a few questions regarding this amended plat as a neighbor to the Poley's. Mr. Geissler questioned why he was not notified and needed to have the driveway and utility access with these changes. Commissioner Livingston stated that would be a civil issue and does not involve the approval of the plat we are amending. Chairman Tilden and Commissioner Fulkerson assured Mr. Geissler that his utilities are protected. Motion carried. **RESOLUTION 2020-76**

Park County Planning & Zoning Planner II, Kim Dillivan – RE: L and J Simple Subdivision Final Plat Review - 264

Mr. Dillivan stated the applicants Jerry and Melissa Bales are requesting approval to create one 20.02-acre lot (proposed 13 Lot 1) out of an existing 79.35-acre parcel for residential use. The subdivision will result in a 14 59.33-acre exempt remainder parcel. The property is in GR-20 zoning district and located 11.5 miles southwest of Cody on the Southfork Highway. No public comments have been received and conditions need to be on the final plat. Commissioner Livingston made a motion to approve, Commissioner Thiel seconded, and motion carried. **RESLUTION 2020-77**

Park County Planning & Zoning Planner II, Kim Dillivan – RE: Amended Plat Musser Subdivision Parts of Lot 1 & 2

Mr. Dillivan presented the applicant Sherry Lynn Edgar is seeking approval to vacate portions of Lots 1 and 2 of the Musser Subdivision through a lot line adjustment with an adjacent unplatted parcel to the east. The Amended Plat of Musser Subdivision (Parts of Lot 1 and Lot 2), shown illustrates a decrease in the size of Lot 1 and Lot 2 from 6.26 acres to 2.01 17 acres (new Lot 101). The remaining 4.25 acres will be vacated from the subdivision and joined with adjacent land owned by Curtis L. Ryan and LaDaun M. Ryan AB Living Trust, growing their parcel from 10 acres to 14.25 acres.

A public hearing is not required, and neighboring land is residential. Commissioner Overfield questioned the buildings on the back of the property. Mr. Musser stated they are sheds. Commissioner Overfield made a motion to approve the partial vacation, Commissioner Fulkerson seconded, and motion carried. **RESOLUTION 2020-78**

Park County Planning & Zoning Director, Joy Hill – RE: Public Hearing: Continuance of Hooper Request to Amend Special Use Permit - 158

Ms. Hill read staff recommendations for reasons to deny.

After the completion of why the SUP should be denied Chairman Tilden called for more public comment. Attorney Simpson stated he found the staff recommendations disheartening as none are positive. Commissioner Livingston and Tilden made comments to the original SUP and the language and agreements that were made during that time. Comments were also heard again from Mr. Hooper, Mr. Burgin, and Ms. Hooper. Nina Webber commented in favor.

Commissioner Livingston made a motion to close the public hearing Commissioner Fulkerson seconded, and motion carried.

Commissioner Fulkerson made a motion to leave the SUP 158 in place as is, Commissioner Livingston seconded for discussion. Several are struggling with how to proceed as this is a business that is thriving and hate to hold them back stated Commissioner Thiel. Discussions continued and the Chairman called for the questions, Clerk Renner read the motion which Commissioner Fulkerson made to the board, motion carried. **RESOLUTION 2020-79**

TCT George Farms Tower Special Use Permit – 208 – Decision

Further discussions were had with regards to the comments made from the Jolovich families. Questions regarding moving to a different location was suggested, Ms. Hill feels that is at the discretion of the board and the applicant should be present for that decision to be made.

Commissioner Thiel made a motion to approve the TCT SUP 208 based on staff findings that state the use is in harmony and compatible with surrounding land uses and with the neighborhood and will not create a substantial adverse impact on adjacent properties, has adequate services and infrastructure available to serve the use and complies with all specific criteria stated in these regulations for the use with additional requirements of overlay districts if applicable, Commissioner Fulkerson seconded, Commissioner Livingston opposed and motion carried. **RESOLUTION 2020-80.**

Executive Session.

Commissioner Livingston made a motion to enter executive session pursuant to W.S. § 16-4-405 (a) (ii) (iii) (ix), Commissioner Thiel seconded, and motion carried.

Commissioner Livingston moved to exit from executive session, Commissioner Overfield seconded, and the motion carried. No decisions were made in or as a result of the executive session.

Adjourn.

Commissioner Overfield made a motion to adjourn, Commissioner Livingston seconded, and the motion carried.

Joe Tilden, Chairman

Lee Livingston, Vice Chairman

Jake Fulkerson, Commissioner

Dossie Overfield, Commissioner

Lloyd Thiel, Commissioner

Attest:

Colleen Renner, County Clerk