

RESOLUTION # 2005-40

TITLE: APPROVAL OF SPECIAL USE PERMIT, NORTHFORK COMMUNITIES, INC., COPPERLEAF SUBDIVISION, LOCATED IN SECTIONS 15, 22 AND 23 OF T52N, R105W, PARK COUNTY, WYOMING.

WHEREAS, pursuant to Division 4-500 of the Park County Zoning Resolution, Northfork Communities, Inc., has made application for a special use permit as a step in the process of obtaining a subdivision permit to allow a major subdivision dividing 553 +/- acres into 131 residential lots and 24 townhouse units, on land described as portions of sections 15, 22 and 23 of T52N, R105W, Park County, Wyoming, said proposed subdivision being known as the Copperleaf Subdivision; and

WHEREAS, the Park County Board of County Commissioners (Board) held a public hearing on the above-mentioned special use permit on March 31, 2005 and met thereafter on May 3, 2005, at which time the Board reopened the public hearing process and set a second public hearing for June 8, 2005, and thereafter held a second public hearing on the special use permit on June 8, 2005; and

WHEREAS, in order to approve a special use permit the Board must make affirmative conclusions on four approval standards listed in the Park County Zoning Resolution at Section 4-515 as follows:

1. The proposed 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;
2. Adequate service and infrastructure are available or the applicant has agreed to provide service and infrastructure in time to serve the proposed use;
3. The use complies with all specific criteria stated in the Park County Zoning Resolution;
4. The proposed use complies with any overlay districts; and

WHEREAS, as it relates to whether the proposed 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, the Board finds as follows:

The Board finds that the density of the proposed subdivision would be approximately 3 acres per unit taking into consideration the open space acreage which comprises approximately 54% of the entire development acreage, and that the proposed 131 single-family residential lots would range in area from 1.2 acres to 1.8 acres, and that such density is consistent with residential lots near the proposed Copperleaf development and that there exist numerous subdivisions within one mile of the proposed Copperleaf development with average densities similar to Copperleaf; and

The Board finds that the applicant proposes single-family residential lots which is consistent with the residential use of neighboring properties; and

The Board finds that the proposal would require the open space to remain as such, and that the open space layout is such that actual development would occur on lowlands and away from steep slopes and no residences would be built on the slopes and ridges north of the river; and

The Board finds the proposed residences are planned to be set back a minimum of approximately 350 ft. from the highway; and

The Board finds that the proposed central water supply system, if approved by the Wyoming Department of Environmental Quality (DEQ), eliminates the concern that the alternative of individual wells on the proposed lots would impact groundwater availability and water wells on adjacent property and that the applicant has proposed either to develop a new water right, to use approximately 130 acre feet of water from the State of Wyoming's Water Account in Buffalo Bill Reservoir or to change the use of current water rights on the property to a domestic supply, that there has never been a water "call" on the Northfork of the Shoshone River; and

The Board finds that the applicant proposes and has agreed to require enhanced septic systems superior to conventional septic systems for the proposed single-family residential lots, and that systems superior to conventional systems need to be permitted and approved by DEQ prior to Board approval of the final plat and subdivision permit; and

The Board finds that the proposed development's gated entrance creates a closed space subdivision and is not in harmony with the open space nature of the area and that no "gated entrance" subdivision currently exists in the Northfork area, and further that the applicant is required pursuant to Park County Development Standards and Regulations to offer all subdivision roads to the county for public dedication and that the Board will accept such dedication when offered and that a gated entrance is inconsistent with publicly dedicated roads; and

The Board finds that the applicant's proposal to develop 24 tightly grouped multi-family dwellings on the eastern edge of the proposed development is not in harmony and not compatible with the surrounding neighborhood which consists of single family residential homes and that the proximity of the planned tightly grouped multi-family dwellings to adjacent residential development may create a health hazard as it relates to the effect of sewage; and

The Board finds that the area of the proposed development is occupied by predators including black and grizzly bears and that the following are considered attractants to bears and other predators: human food refuse and pet foods, livestock, particularly young livestock, and fruit and berry trees and plants; and

The Board finds that conditions should be placed on the proposed development to ensure that the proposed 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, and that such conditions include the following:

1. Human food refuse shall be contained in forest service-approved bear-proof containers or otherwise contained inside homes or secure garages and that no pet foods shall be kept outside any home as such items constitute attractants to bears which exist in the area;
2. No livestock shall be kept by any homeowner on any lot as such livestock constitute attractants to bears and other predators which exist in the area;
3. No homeowner or lot-owner shall plant berry or fruit producing trees or plants as such plants constitute attractants to bears which exist in the area;
4. The proposed ponds on the proposed development shall not be stocked with fish as fish constitute attractants to bears and other scavengers which exist in the area;
5. No feeding of big game occur in the proposed subdivision;
6. Individual residential lots and open space shall be cared for in such a way as to prevent growth of noxious weeds;
7. Homeowners shall keep pets in reasonable numbers, contained on the individual lots so that such pets cannot run free within the subdivision;
8. Perimeter fencing around the subdivision boundaries shall not be built in such a way as to prevent wildlife from crossing such fencing and that there be no boundary fencing of residential lots;
9. No mobile homes, modular homes or manufactured homes shall exist anywhere in the subdivision;
10. Prior to approval of the final plat and subdivision permit septic systems superior to conventional systems shall be recommended as adequate for the area by the Wyoming Department of Environmental Quality (DEQ);
11. Prior to submission of the final plat the proposed central water supply system and supply source shall be approved by DEQ and the Wyoming State Engineer;
12. The open space area as set forth in the applicants' proposal shall remain open space as set forth and shall not be further divided;
13. Residential lots shall not be further divided;
14. There shall be no gated entrance;
15. No multi-family dwellings shall be allowed as part of this proposed development; and
16. The proposed development shall comply with county regulations relating to glare standards at Appendix 6 of the Park County Zoning Resolution and that all external lights shall be downcast and shielded; and

WHEREAS, as it relates to whether adequate service and infrastructure are available or the applicant has agreed to provide service and infrastructure in time to serve the proposed use, the Board finds as follows:

The Board finds that the applicant proposes and has agreed to construct a central water system to serve the individual lots, and that the applicant has proposed either to develop a new water right, to use approximately 130 acre feet of water from the State of Wyoming's Water Account in Buffalo Bill Reservoir or to change the use of current water rights on the property to a domestic supply, and that such system and source shall be permitted and approved by DEQ and the Wyoming State Engineer prior to Board approval of the final plat and subdivision permit; and

The Board finds that the applicant proposes and has agreed to require enhanced septic systems superior to conventional septic systems for the proposed single-family residential lots, and that systems superior to conventional systems shall be permitted and approved by DEQ prior to Board approval of the final plat and subdivision permit; and

The Board finds that Pacific Power has stated that adequate transmission facilities exist in the area to serve the proposed subdivision; and

The Board finds that Qwest has stated that adequate telephone service and transmission facilities exist or will exist in the area to serve the proposed subdivision; and

The Board finds that the applicants' proposed internal road system will provide two access points to public roads and will be constructed to Park County Road Standards including paving, and that there will be no cul-de-sacs; and

The Board finds that the applicant has proposed ponds will be fitted to provide emergency firefighting water, and will be accessible to fire equipment from Park County Fire District No. 2; and

The Board finds that conditions should be placed on the proposed development to ensure that adequate service and infrastructure are available or the applicant has agreed to provide service and infrastructure in time to serve the proposed use, and that such conditions include the following:

17. Because the proposed development includes a proposed central water system, the applicant shall provide fire hydrants in accordance with National Fire Protection Association Standards, as required by Park County Development Standards and Regulations, Chapter IV, Section 2(f)(1)(d), and approved by the Cody Fire District No. 2;
18. The bridge over the Northfork of the Shoshone River which is within the boundaries of the proposed subdivision is part of the subdivision infrastructure and shall be brought up to county standards as required by county regulations and must be reviewed by the State of Wyoming, Department of Transportation; and

WHEREAS, as it relates to whether the use complies with all specific criteria stated in the Park County Zoning Resolution, the Board finds as follows:

The Board finds there are no specific criteria identified in the Park County Zoning Resolution for single-family residential subdivisions; and

The Board finds that the proposed development takes advantage of the "grouped lot subdivision with density bonus" type of subdivision authorized by the Park County Zoning Resolution, that the proposed development is within the GR-5 zoning district which allows a special minimum lot size of one acre under the "grouped lot with density bonus" type of subdivision, that this type of subdivision requires that at least 50% of the acreage of the parent parcel be set aside as open space, and that the proposed development proposes lot sizes above the minimum lot size and has set aside more than 50% of the parent parcel as open space configured as a separate parcel; and

WHEREAS, as it relates to whether the proposed use complies with any overlay districts, the Board finds as follows:

The Board finds that the proposed development lies within an agricultural overlay district and that conditions should be placed on the proposed development to ensure that the proposed use does not adversely impact nearby existing agricultural uses and that such conditions shall include the following:

19. That individual residential lots and open space shall be cared for in such a way as to prevent growth of noxious weeds;
20. That homeowners shall keep pets in reasonable numbers, contained on the individual lots so that such pets cannot run free within or outside the subdivision;
21. That individual lot owners nor the Homeowners' Association shall unlawfully interfere with any existing irrigation facilities located within the proposed development; and

The Board finds that the proposed development lies within an area currently devoted to agricultural purposes but that following development the proposed subdivision will occupy the bulk of the area currently devoted to agricultural use and that the agricultural use as it exists will not occur so that preserving such current agricultural use is not practical; and

The Board finds that the proposed development is bordered by areas already developed as residential lots which are subject to problems arising from exposure to legal and generally accepted commercial agricultural practices, and that based on the existing uses in the area, the proposed development is not particularly vulnerable to problems resulting from exposure to legal and generally accepted commercial agricultural practices; and

The Board finds that the proposed development lies within a floodplain overlay district; and

The Board finds that the applicant's engineer has submitted an Engineered Flood Study demonstrating that the proposed residential building sites and septic systems would not encroach into the 100-year floodplain; and

The Board finds that the applicant proposes channel improvements within the Green Creek floodplain, and that these will require proper legal permits from the U.S. Army Corps of Engineers as well as a formal map amendment with the Federal Emergency Management Agency; and

The Board finds that conditions should be placed on the proposed development to ensure that the proposed use complies with the floodplain overlay district, and that such conditions include the following:

22. Proper permits shall be obtained from the Army Corp of Engineers prior to channelization of Green Creek and that the applicant shall obtain a formal map amendment from the Federal Emergency Management Agency relating to the effects of such channelization;
23. That all construction of buildings comply with county regulations related to the floodplain overlay district as necessary.

The Board finds that no other overlay districts occur in the area of the proposed development; and

THEREFORE, the Board concludes that considering the above findings and conditions as placed on the proposed development, that the proposed 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; and

THEREFORE, the Board concludes that considering the above findings and conditions as placed on the proposed development, that adequate service and infrastructure are available or the applicant has agreed to provide service and infrastructure in time to serve the proposed use; and

THEREFORE, the Board concludes that considering the above findings, the use complies with all specific criteria stated in the Park County Zoning Resolution and is otherwise in compliance with the Park County Zoning Resolution as it applies to the "grouped lot with density bonus" type of subdivision; and

THEREFORE, the Board concludes that considering the above findings and conditions, the proposed development would not adversely impact nearby existing agricultural uses, and would not be adversely impacted by such existing agricultural uses; and

THEREFORE, the Board concludes that considering the above findings and conditions, the proposed development complies with requirements of the floodplain overlay district; and

NOW, THEREFORE, BE IT RESOLVED that based on the foregoing, the Board of County Commissioners hereby approves the special use permit.

ADOPTED by the Board of County Commissioners this 21 day of June, 2005.

BOARD OF COUNTY COMMISSIONERS
PARK COUNTY, WYOMING

Tim A. French
Tim A. French, Chairman

Marie A. Fontaine
Marie A. Fontaine, Vice-Chair

Bucky Hall
Bucky Hall, Commissioner

SEAL:



ATTEST:

Karen Carter
Karen Carter, Park County Clerk