

CITY OF CODY  
PLANNING, ZONING AND ADJUSTMENT BOARD AGENDA  
TUESDAY, April 11, 2023  
CITY HALL COUNCIL CHAMBERS @ 12:00 NOON

1. Call meeting to order
2. Roll Call, excused members
3. Pledge of Allegiance
4. Approval of Agenda for the April 11, 2023 meeting.
5. Approval of Minutes from the March 28, 2023 regular meeting.
6. Tabled Item: Review the conditional use permit request for an accessory dwelling unit at 1202 Red Butte Avenue.
7. New Business:
  - A. Public Hearing to consider a Special Exemption request to reduce the setback requirements for 203 C Street for a 16' by 80' manufactured home to be placed on the property.
  - B. Review the Special Exemption request to reduce the setback requirements for 203 C Street for a 16' by 80' manufactured home to be placed on the property.
  - C. Site Plan Review to consider a solar building display and fabrication facility at 3020 Duggleby Drive.
8. P & Z Board Matters (announcements, comments, etc.)
9. Council Update
10. 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 Regular Meeting**  
**March 28, 2023**

A regular 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, March 28, 2023 at 12:00 pm.

Carson Rowley called the meeting to order at 12:01 pm.

Present: Carson Rowley; Scott Richard; Dan Schein; Josh White called into the meeting on the phone; City Attorney Sandee Kitchen; Council Liaison Andy Quick; City Planner Todd Stowell; GIS Analyst Utana Dye.

Absent: Mathew Moss; Ian Morrison

Caron Rowley led the pledge of allegiance.

Scott Richard made a motion to move under New Business Item E to below B so it would be Item B2 for the March 28, 2023 regular meeting, seconded by Dan Schein. Vote on the motion was unanimous, motion passed.

Scott Richard made a motion to approve the minutes from the March 14, 2023 regular meeting, seconded by Dan Schein. Vote on the motion was unanimous, motion passed.

City Planner Todd Stowell gave a brief review on the nonconforming structure locate at 110 Goodturn Drive.

Public Hearing started at 12:04 p.m. for to consider a request to add a dwelling to a nonconforming structure at 110 Goodturn Drive.

No public comment.

Public meeting closed at 12:05 p.m.

City Planner Todd Stowell reviewed the request for adding a dwelling to a nonconforming structure at 110 Goodturn Drive.

Scott Richard made a motion, seconded by Dan Schein to approve the request to add a dwelling to the existing nonconforming structure located at 110 Goodturn Drive with findings 1-4 in the staff report. Vote on the motion was unanimous, motion passed.

City Planner Todd Stowell reviewed the site plan for a 3,500-square-foot dry storage building located at 73 Road 2AB.

Scott Richard made a motion, seconded by Dan Schein to approve the site plan for Block One LLC, a dry storage building to be located at 73 Road 2AB, subject to recommended conditions 1-2. Vote on the motion was unanimous, motion passed.

City Planner Todd Stowell reviewed the conditional use permit for an accessory dwelling unit in an R-1 zone located at 1202 Red Butte Avenue.

Public Hearing started at 12:15 p.m. for a conditional use permit for an accessory dwelling unit in an R-1 zone located at 1202 Red Butte Avenue.

Public comment: Tara Hart spoke on behalf of her mother who lives at 1208 Red Butte Avenue (Mary Schock). She stated that they were opposed to the accessory dwelling unit. She wanted to know what would happen when the property sold. If it is used as a short-term rental, how would it be regulated and how would the city know it was being used as a short-term rental. Neighbor going to have to let the city know?

Sandy Kitchens spoke to the board to let them know that the agreement that the applicants sign state that it would not be rented as a short-term rental or long term and that it would run with the current property owners. It would be filed at the courthouse as a zoning restriction.

Todd told the board that there is a short-term rental registration process and we check on the listings for short-term rentals to see what properties are being listed. Short-term rentals are not allowed within a R-1 Zone. If we discover one with in that zone, then the city goes and has them shut down as soon as possible. Long term rental is more difficult, and we would rely heavily on neighbor complaint. Any violation of a condition of a City conditional use permit is a violation of the zoning ordinance is punishable of a misdemeanor. He also stated that the agreement would only be with the current property owners and if sold the future owners would have to also apply to continue the same use. Todd also read his staff report on the portion of the kitchen condition.

Public meeting closed at 12:23 p.m.

Scott Richard made a motion, seconded by Dan Schein to table the item d until the next regular schedule meeting so that there will be a full panel of board members present. Vote on the motion was unanimous, motion passed.

P&Z Board Matters (announcements, comments, etc.): None

Council Updates: None

Staff Items: None

Scott Richard made a motion, seconded by Dan Schein to adjourn the meeting. Vote on the motion was unanimous. The meeting was adjourned at 12:26 p.m.

*Utana Dye*

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GIS Analyst

Update for Conditional Use Permit Review, 1202 Red Butte Avenue:

See the attached Draft Conditional Use Permit, which has been drafted based on the original staff recommendation.

See the applicant's email response indicating that they are fine with the conditions of the permit.

See the last few pages of the materials, which are responses received before the end of the March 28<sup>th</sup> meeting.



**CITY OF CODY**  
**WYOMING**

Matt Hall  
**MAYOR**

Jerry Fritz  
Andy Quick  
Lee Ann Reiter  
Don Shreve  
Emily Swett  
Kelly Tamblyn  
**COUNCIL MEMBERS**

Thomas P. Keegan  
**MUNICIPAL JUDGE**

Barry A. Cook  
**CITY ADMINISTRATOR**

1338 Rumsey Avenue  
P.O. Box 2200  
Cody, Wyoming 82414

**(307) 527-7511**  
**FAX (307) 527-6532**

Park County Court House  
County Clerk  
1002 Sheridan Avenue  
Cody, WY 82414

### **Conditional Use Permit**

On April 11, 2023 the City Planning, Zoning and Adjustment Board granted a Conditional Use Permit pursuant to City of Cody Code 10-14-1 for the following property:

Property Owners: Kayleigh N. Rust and Alexander G. Wright

Project Address: 1202 Red Butte Ave, Cody, WY

Legal Description: Lot 7, Block 12, according to the revised subdivision of Block 12, Glendale Addition, Cody, Park County, Wyoming, as located in Book "D" of plats, Page 41, Records of Park County, WY Clerk and Recorder.

#### **Description of Conditional Use Permit:**

This Conditional Use permit authorizes an existing 568-square-foot garage that faces Red Butte Avenue to be converted into an Accessory Dwelling Unit.

#### **Conditions of the Conditional Use Permit:**

1. The Accessory Dwelling Unit is authorized only for personal occupancy by the Kayleigh Rust and Alexander Wright household, or for accommodating their relatives and friends without compensation.
2. The Accessory Dwelling Unit shall not be rented, whether for long-term or short-term purposes.
3. Kayleigh Rust and/or Alex Wright must be living in the primary dwelling unit on the property in order for the Accessory Dwelling Unit to be occupied.
4. The Conditional Use Permit is limited in duration to the property ownership and residency of Kayleigh Rust and/or Alex Wright on the property.
5. Kayleigh Rust and Alexander Wright jointly and severally agree that they shall be responsible for all costs and arrangements for removing the kitchen from the accessory dwelling unit, thereby rendering it not an independent

dwelling, prior to the sale or transfer of the property to any other individual or entity; provided, this requirement shall not apply if the new potential owner first applies for and is granted a permit for the ADU pursuant to the City regulations in effect at that time.

6. The property owners agree that any and all costs incurred by the City in the enforcement of the conditions of this Conditional Use Permit, due to a violation thereof, shall be recoverable from them by the City.

We hereby agree to the conditions of the Conditional Use Permit, as outlined above.

\_\_\_\_\_  
Kayleigh N. Rust

\_\_\_\_\_  
Alexander G. Wright

State of Wyoming }  
                              } SS

County of Park }

The foregoing instrument was acknowledged before me by Kayleigh N. Rust and Alexander G. Wright this \_\_\_\_\_ day of April, 2023. Witness my hand and official seal.

\_\_\_\_\_  
Notary Public  
My commission expires

\*\*\*\*\*

\_\_\_\_\_  
Carson Rowley, Planning & Zoning Chairperson

State of Wyoming }  
                              } SS

County of Park }

The foregoing instrument was acknowledged before me by \_\_\_\_\_

this \_\_\_\_\_ day of April, 2023. Witness my hand and official seal.

\_\_\_\_\_  
Notary Public  
My commission expires



**CITY OF CODY**  
WYOMING

Todd Stowell <[todds@codywy.gov](mailto:todds@codywy.gov)>

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## Re: Draft Conditional Use Permit

1 message

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**kayleighrust@gmail.com** <[kayleighrust@gmail.com](mailto:kayleighrust@gmail.com)>

Wed, Apr 5, 2023 at 9:21 AM

To: Alex Wright <[alex.gr.wright@gmail.com](mailto:alex.gr.wright@gmail.com)>, Todd Stowell <[todds@codywy.gov](mailto:todds@codywy.gov)>

Hi Todd,

This all looks fine to us. Thanks for working with us on this issue!

Kayleigh

Sent from my iPhone

On Apr 5, 2023, at 9:16 AM, Alex Wright <[alex.gr.wright@gmail.com](mailto:alex.gr.wright@gmail.com)> wrote:

----- Forwarded message -----

From: **Todd Stowell** <[todds@codywy.gov](mailto:todds@codywy.gov)>

Date: Wed, Apr 5, 2023 at 8:13 AM

Subject: Draft Conditional Use Permit

To: Alex Wright <[alex.gr.wright@gmail.com](mailto:alex.gr.wright@gmail.com)>

Kayleigh and Alex,

I have drafted a conditional use permit to be presented to the Planning and Zoning Board for their consideration at their next meeting on April 11th. Please review and let me know what you think.

Thanks,

**Todd Stowell, AICP**

Community Development Director/City Planner

City of Cody, Wyoming

(307) 527-3472

[www.codywy.gov](http://www.codywy.gov)

Community Development Office Hours

7:30-5:00 Monday-Thursday, 7:30-11:30 Friday

All [City of Cody](#) electronic correspondence and associated file attachments are public records and may be subject to disclosure in the event of a [public records request](#).



**Conditional use permit Draft.docx**

40K

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

<b>MEETING DATE:</b>	MARCH 28, 2023	<b>TYPE OF ACTION NEEDED</b>	
<b>AGENDA ITEM:</b>		P&Z BOARD APPROVAL:	X
<b>SUBJECT:</b>	CONDITIONAL USE REQUEST FOR ACCESSORY DWELLING UNIT IN R-1 ZONE: 1202 RED BUTTE AVENUE. SUP 2023-02	RECOMMENDATION TO COUNCIL:	
<b>PREPARED BY:</b>	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

## **PROJECT DESCRIPTION:**

Kayleigh Rust and Alex Wright have submitted a Conditional Use application for authorization to convert an existing 568-square-foot, attached garage on their property at 1202 Red Butte Avenue into an Accessory Dwelling Unit. The 13,850-square foot property is a corner lot, located southeast of the Red Butte Avenue and 12<sup>th</sup> Street intersection, within the R-1 (Single-family Residential) zoning district.

The zoning ordinance defines a dwelling as, *"a building, structure, or portion thereof, designed or used exclusively for residential occupancy as a separate living quarter, with sleeping, cooking and sanitary facilities provided."* As can be seen in the floor plan on the next page, the proposed garage conversion contains sleeping, cooking and sanitary facilities, and therefore meets the definition of a dwelling.

## **REVIEW PROCEDURE:**

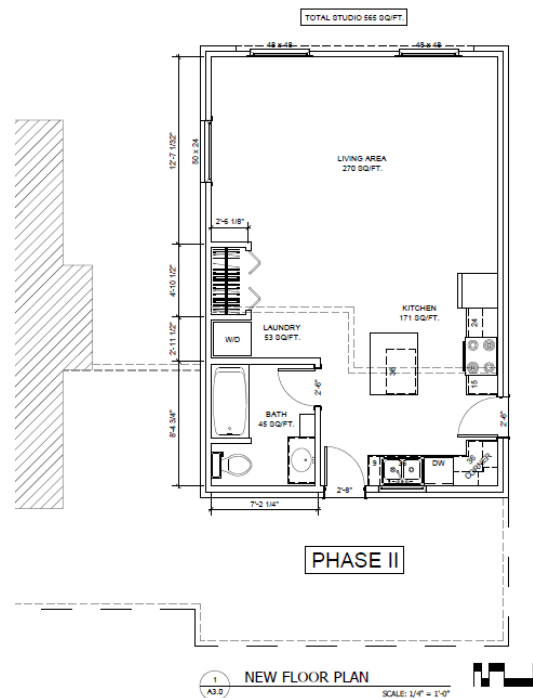
Accessory dwelling units can only be permitted in the R-1 zone by Conditional Use Permit, which permit request is considered and determined by the Planning and Zoning Board. In addition, there are supplementary development standards for accessory dwelling units (ADUs), as outlined in Chapter 10-8 of the City Code.





Notice of the public hearing for the conditional use permit was provided as required, at least 10 days prior to the meeting by publication in the Cody Enterprise (March 14) and mailing to neighboring property owners within 140' (March 10).

Neighbor responses to the notice have been generally opposed to the request. However, as staff held additional conversation with the applicant, it was evident that the applicant's intended use of the accessory dwelling unit was not explained in the notice, which led many of the neighbors to presume a "worst case scenario." The applicant has stated, and is agreeable to put into a written agreement, that the accessory dwelling unit will not be rented. They intend it only as a separate living area for their guests that visit—typically their parents, siblings, and other relatives. As such, it will not have the same impacts as a full-time rental, or as some neighbors speculated, a short-term rental, which is not permitted in the R-1 zoning district. The applicant intends to make contact with the neighbors with concerns before the public hearing to inform them of their intent.



To be upfront, the only difference between needing a conditional use permit and not in the proposed scenario, is that the current proposal includes cooking facilities. If it did not have any cooking facilities, no special authorization would be needed. They could still have their guests, and the neighbors would likely have the exact same impacts, or lack thereof. In this case, the homeowners are following the available process, as opposed to trying to sneak it in later, which is appreciated by staff.

### **REVIEW CRITERIA:**

The Accessory Dwelling Unit supplemental standards are listed below with staff comment.

1. Location: An accessory dwelling unit, where permitted, may be located only in one of the following manners:
  - a. Within a detached single-family dwelling, either initially at time of construction, or any time thereafter.
  - b. Within an addition to a detached single-family dwelling.
  - c. Above or within a residential garage or other building accessory to a detached single-family dwelling.
  - d. Within an accessory building on the same parcel as a detached single-family dwelling unit.

*Comment: Met. The garage being converted was an addition to the main house.*

2. Lot Area, Dwelling Size, And Density: The minimum lot size required for an accessory dwelling unit (ADU) is seven thousand (7,000) square feet. Accessory dwelling units are not subject to the minimum dwelling size requirement of this title and are not included in the density calculations for a lot.

*Comment: Met. The property is 13,850 square feet in size.*

3. Number: Only one (1) accessory dwelling unit (ADU) per lot may be permitted and the ADU must be accessory to a detached single-family dwelling. A lot already occupied by two (2) or more dwellings is not permitted to have an accessory dwelling unit.

*Comment: Met. Only one dwelling currently exists on the property.*

4. Height and Setbacks: A single-story detached ADU that does not exceed fifteen feet (15') in building height is subject to the setback standards applicable to accessory structures. Detached ADU structures that are taller than fifteen feet (15') in building height shall conform to setback standards applicable to a primary residence. An attached ADU is subject to setback standards applicable to a primary residence.

*Comment: Height and setback requirements are met.*

5. Lot Coverage: The footprint of a proposed building containing an ADU that is structurally detached from the primary residence may cover up to twenty percent (20%) of the lot.

*Comment: Not applicable, as the building is existing.*

6. Living Area: The total living area of an ADU may not exceed seventy five percent (75%) of the living area of the primary dwelling, or eight hundred (800) square feet, whichever is less, with the following exception...

*Comment: Met. The ADU is approximately 568 square feet.*

7. Type of Construction and Architecture:

a. Within the RR, R-1, R-2 and R-3 Zoning Districts, ADUs are to be of either conventional site-built or modular construction and meet the requirements of the adopted residential building code. ADUs in new buildings must have architectural features and materials that closely resemble those of the primary dwelling and/or are commonly found on architecturally significant houses in the immediate neighborhood, except when the ADU will be located behind the primary dwelling on an interior lot.

*Comment: Likely met. The exterior of the ADU is existing and matches the brick on the main house. The garage door will be removed. Details of the exterior material where the garage door is now located are not identified at this time.*

b. N/A

c. N/A

8. Bedrooms: An ADU may not contain more than two (2) bedrooms/sleeping areas.

*Comment: Met. A single studio bedroom/living area is proposed.*

9. Parking: An ADU must have a minimum of one off-street parking space...When required, the parking space shall meet the standards of chapter 16, "Off Street Parking", of this title. Any required existing parking may not be displaced by the ADU, unless such parking is replaced elsewhere on the lot.

*Comment: Met. There is a two-car garage for the main house off of 12<sup>th</sup> Street, which satisfies the two spaces required for the main house. Although the garage space where the ADU is proposed will be eliminated, there is an adjacent one-car carport plus a parking pad in front, so more than the minimum amount is still available. The spaces meet the applicable standards.*

10. Owner Occupancy: Within the RR and R-1 Zoning Districts, the owner of the property must utilize the primary dwelling unit or ADU as their primary residence; the dwellings shall not both be occupied unless this is the case.

*Comment: Met. The applicants indicate that this is their plan.*

11. Timing: N/A.

12. Utilities: Both the primary dwelling and the ADU must be connected to public sewer and public water, and be served with a functional fire hydrant meeting applicable requirements for distance to the dwellings. Utility services for the ADU may either be individual-serving only the ADU, or shared with the primary dwelling.

*Comment: Met. City water, sewer, and power will be shared with the primary dwelling. The location is within this required distance from a fire hydrant (approx. 450 ft., 600' is the max. allowed).*

13. Home Occupations: Any home occupation within an ADU shall be limited to the small-scale home occupation standards.

*Comment: No home occupations are proposed at this time.*

14. Addressing: The ADU will be assigned an individual address, which must be posted as required by Code.

*Comment: An address would be issued with the building permit.*

#### CONDITIONAL USE CRITERIA:

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

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

Comment: Yes, the ADU complies with the dimensional standards of the zoning ordinance, including height, building setbacks, lot size, lot coverage, and parking.

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

Comment: The question of compatibility with other uses in the immediate area is the crux of the conditional use review process. In this case we are dealing with a proposed dwelling unit, and dwelling units are the primary use in residential neighborhoods, so the use should be considered entirely compatible. The difference is density. ADUs typically represent an increase in density.

Neighbor comment is often an indicator of compatibility, and also serves to identify specific issues that may need mitigated. Of the 10 neighbors that were directly contacted, one has responded "no objection" and three have stated they object. Three additional neighbors beyond the notice area also submitted responses of "objection". All written responses are attached for your review. The map indicates the location of the responses, with green indicating no objection and pink indicating objection.

As stated in the introduction to this report, the lack of information in the notice triggered a worst-case interpretation from the neighbors. The Board should consider how neighbors responded after they have been more informed. Comments at the public hearing will also need to be considered.

Initial feedback is that much of the opposition would be removed if the ADU is indeed used only as guest quarters for family and other known visitors, and not for rental. To address concerns related to its use by future owners, the conditional use permit could be limited to the current owners, and require that the kitchen be removed prior to any transfer, unless the new potential owner first applies for and is granted a conditional use permit for an ADU. The agreement would be recorded against the property, so that it would be identified in a title search. Neighbors could help ensure it is enforced by letting the city know of any change in ownership.



3. *Does the proposed use involve activities, processes, materials, equipment, hours of operation, or any other operational characteristics that would be materially detrimental to any persons, property or the general welfare by reason of excessive*

*production of traffic, noise, smoke, fumes, dust, glare, odors, hazards, or similar impacts?*

Comment: Only standard residential activities are anticipated.

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

Comment: Yes. All standard utilities and public facilities are available.

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

Comment: No such excessive additional costs are anticipated.

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

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

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

The master plan shows this neighborhood as a low-density residential area. Even with the added unit, it is within the definition of low-density due to the relatively large lot size.

Some guidance is provided in Principle 3.2.b, Design of New Development: "Encourage infill and redevelopment that matches the desired future character of a neighborhood by matching size and scale where possible." The scale and architectural character of the ADU structure are consistent with the neighborhood, in that it fits within an existing structure that has the appearance of any other home in the neighborhood.

Principle 5.2.c notes that ADUs are one of many potential options for providing an adequate supply of housing. Although in this case, the dwelling is not proposed to be used for housing, but only visitor accommodations.

**ATTACHMENTS:**

Application materials.

**ALTERNATIVES:**

Approve, deny, or approve with conditions.

**RECOMMENDATION:**

(Note: Comments from the public hearing also need to be considered.)

Staff would recommend approval of the conditional use permit for the ADU if the owners make a written agreement to abide by the proposal to not rent the ADU, but to use it and the primary dwelling only for personal occupancy, or for accommodating family and guests without compensation; and, that the conditional use permit is limited in duration to the ownership and residency of Alex Wright and/or Kayleigh Rust on the property, with a provision that the kitchen be removed from the ADU prior to any transfer of the property, unless the new potential owner first applies for and is granted a conditional use permit for an ADU.

The above agreements can be written into the conditional use permit, which is signed by both the owners and the City and is to be recorded with the County Clerk's Office prior to issuance of a building permit for the ADU.

The conditional use permit form would be drafted by staff if the Board authorizes the permit.



**NOTICE OF PUBLIC HEARING  
AND OPPORTUNITY TO COMMENT**

**Notice to Owners of Neighboring Properties:**

**Please return this letter by March 23, 2023 to:**

March 8, 2023

Cody Planning & Zoning  
P.O. Box 2200  
Cody, WY 82414  
or email [todds@codywy.gov](mailto:todds@codywy.gov)

**RE: ACCESSORY DWELLING UNIT REQUEST**

**THE CITY OF CODY HAS RECEIVED THE FOLLOWING REQUEST. YOUR COMMENTS WOULD BE APPRECIATED.**

The City of Cody Planning and Zoning Board will hold a public hearing Tuesday, March 28, 2023, at 12:00 p.m. (noon) or as soon thereafter as practical, in the City Council Chambers located in City Hall at 1338 Rumsey Avenue, to consider a request from Alex Wright & Kayleigh Rust to construct an Accessory Dwelling Unit on their property at 1202 Red Butte Avenue, Cody, WY. The Accessory Dwelling Unit would be located in the existing garage off of Red Butte Avenue. Information regarding the Accessory Dwelling Unit review process and the current proposal is available by contacting the Community Development Department in City Hall, or calling (307) 527-3472. Everyone is welcome to comment on the proposal. If hearing assistance is needed, please call 527-7511, 24 hours in advance.

*(Responses may be submitted in any format. The following format is provided for your convenience if you wish to mail your comments.)*

Dear Planning and Zoning Board Members:

I am familiar with the Conditional Use application by Alex Wright and Kayleigh Rust to convert their existing garage into an Accessory Dwelling Unit on their property.



☒ I have NO OBJECTION to the requested Accessory Dwelling Unit.

Name: Marty Stannard & Linda Sudduth

Address: 1225 Moorhau Lane CY

Comments: no objection at this time

\*\*\*\*\*

☐ I OBJECT to the requested Accessory Dwelling Unit:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Specific Reason(s) for Objection: \_\_\_\_\_

\_\_\_\_\_

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



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*(Responses may be submitted in any format. The following format is provided for your convenience if you wish to mail your comments.)*

Dear Planning and Zoning Board Members:

I am familiar with the Conditional Use application by Alex Wright and Kayleigh Rust to convert their existing garage into an Accessory Dwelling Unit on their property.



☐ I have NO OBJECTION to the requested Accessory Dwelling Unit.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Comments: \_\_\_\_\_

\*\*\*\*\*

☒ I OBJECT to the requested Accessory Dwelling Unit:

Name: Ray + Donna Zubik

Address: 2008 12<sup>th</sup> St. Cody, WY 82414 (Next door neighbors)

Specific Reason(s) for Objection: See attachment

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



3/22/23

**Accessory Dwelling input on 1202 Red Butte Avenue**

I, Raymond Zubik and my wife Donna Zubik oppose the accessory unit dwelling request. Our reasons include:

When we moved to the area it was rated R1 single family area which meant no additional units in our area.

An additional dwelling will create the potential for more people, children, pets, and noise both short and long term depending on who lives in the dwelling.

Parking will increase and may become a problem especially on the school side on 12<sup>th</sup> street which is already congested during drop off and pickup.

To summarize my wife and I are opposed to the accessor dwelling at 1202 Red Butte Ave.

We do not plan to come to the meeting but would appreciate being informed of the outcome.

Sincerely,

Raymond Zubik  
Donna Zubik



NOTICE OF PUBLIC HEARING  
AND OPPORTUNITY TO COMMENT

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March 8, 2023

Cody Planning & Zoning  
P.O. Box 2200  
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RE: **ACCESSORY DWELLING UNIT REQUEST**

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(Responses may be submitted in any format. The following format is provided for your convenience if you wish to mail your comments.)



Dear Planning and Zoning Board Members:

I am familiar with the Conditional Use application by Alex Wright and Kayleigh Rust to convert their existing garage into an Accessory Dwelling Unit on their property.

☐ I have NO OBJECTION to the requested Accessory Dwelling Unit.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Comments: \_\_\_\_\_

\*\*\*\*\*

☒ I OBJECT to the requested Accessory Dwelling Unit:

Name: Mary Schock

Address: 1208 Red Butte Ave, Cody, WY

Specific Reason(s) for Objection: This is a Single Family Dwelling zoned.

I feel that if you allow this it will open the door for others. The owners should have looked at zoning before buying. Doing this will effect taxes and Resale value of my home. Currently there are no ADU's, multi family dwellings or short term Rentals. If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address; E-mail address: off this passes who will make sure it stays family Resided only?



**NOTICE OF PUBLIC HEARING  
AND OPPORTUNITY TO COMMENT**

**Notice to Owners of Neighboring Properties:**

**Please return this letter by March 23, 2023 to:**

March 8, 2023

Cody Planning & Zoning  
P.O. Box 2200  
Cody, WY 82414  
or email [todds@codywy.gov](mailto:todds@codywy.gov)

RE: **ACCESSORY DWELLING UNIT REQUEST**

**THE CITY OF CODY HAS RECEIVED THE FOLLOWING REQUEST. YOUR COMMENTS WOULD BE APPRECIATED.**

The City of Cody Planning and Zoning Board will hold a public hearing Tuesday, March 28, 2023, at 12:00 p.m. (noon) or as soon thereafter as practical, in the City Council Chambers located in City Hall at 1338 Rumsey Avenue, to consider a request from Alex Wright & Kayleigh Rust to construct an Accessory Dwelling Unit on their property at 1202 Red Butte Avenue, Cody, WY. The Accessory Dwelling Unit would be located in the existing garage off of Red Butte Avenue. Information regarding the Accessory Dwelling Unit review process and the current proposal is available by contacting the Community Development Department in City Hall, or calling (307) 527-3472. Everyone is welcome to comment on the proposal. If hearing assistance is needed, please call 527-7511, 24 hours in advance.

*(Responses may be submitted in any format. The following format is provided for your convenience if you wish to mail your comments.)*

Dear Planning and Zoning Board Members:

I am familiar with the Conditional Use application by Alex Wright and Kayleigh Rust to convert their existing garage into an Accessory Dwelling Unit on their property.

☐ I have NO OBJECTION to the requested Accessory Dwelling Unit.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Comments: \_\_\_\_\_

\*\*\*\*\*

☒ I OBJECT to the requested Accessory Dwelling Unit:

Name: Marilyn Townsend

Address: 1226 Red Butte Cody, WY

Specific Reason(s) for Objection: I want our house to stay in the zoning it is now. Single dwelling houses only.

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





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☐ I have NO OBJECTION to the requested Accessory Dwelling Unit.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Comments: \_\_\_\_\_

\*\*\*\*\*

☒ I OBJECT to the requested Accessory Dwelling Unit:

Name: Leah Ann Lakout & Devin Lake

Address: 1219 Red Butte Ave.

Specific Reason(s) for Objection: Live Residential neighborhood  
don't want that to change. DO NOT WANT SHORT  
term RENTALS in Neighborhood

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☐ I have NO OBJECTION to the requested Accessory Dwelling Unit.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Comments: \_\_\_\_\_

\*\*\*\*\*

☒ I OBJECT to the requested Accessory Dwelling Unit:

Name: Larry Dean Hazlett and Lynette Hazlett

Address: 1225 Red Butte Avenue, Cody

Specific Reason(s) for Objection: We are opposed if one accessory dwelling in our neighborhood is allowed that would open the door for more to be allowed and short term rentals we want our zoning to remain as is.

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



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Dear Planning and Zoning Board Members:

I am familiar with the Conditional Use application by Alex Wright and Kayleigh Rust to convert their existing garage into an Accessory Dwelling Unit on their property.

☐ I have NO OBJECTION to the requested Accessory Dwelling Unit.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Comments: \_\_\_\_\_

\*\*\*\*\*

☒ I OBJECT to the requested Accessory Dwelling Unit:

Name: Stephen & Kately Payne

Address: 2014 12<sup>th</sup> Street Cody WY

Specific Reason(s) for Objection: We object in that ADU is essentially creating a two family dwelling in a single family dwelling neighborhood. An illegal who finally just left our neighborhood and we don't want to return to overcrowded that use.

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

Swilsonpayne@gmail.com



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☐ I have NO OBJECTION to the requested Accessory Dwelling Unit.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Comments: \_\_\_\_\_

\*\*\*\*\*

☒ I OBJECT to the requested Accessory Dwelling Unit:

Name: Terry Tamara Clark

Address: 1231 Red Butte Ave

Specific Reason(s) for Objection: We do not agree as it could be used as a rental in the future.

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





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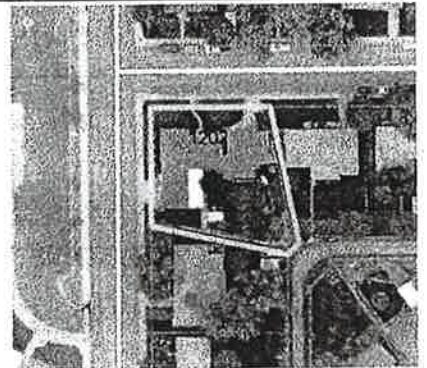
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☐ I have NO OBJECTION to the requested Accessory Dwelling Unit.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Comments: \_\_\_\_\_

\*\*\*\*\*

☒ I OBJECT to the requested Accessory Dwelling Unit:

Name: Shirley Popewinter

Address: 1232 Red Butte Ave, Cody, WY 82414

Specific Reason(s) for Objection: Sub division not zoned for the kind of dwelling. Keep it the way it is.

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



Additional Comments (received after staff report and before end of March 28th meeting). "X" indicates new, with green representing "no objection" and red "objection".





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☐ I have NO OBJECTION to the requested Accessory Dwelling Unit.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Comments: \_\_\_\_\_

\*\*\*\*\*

☒ I OBJECT to the requested Accessory Dwelling Unit:

Name: James C. Dalton

Address: 1213 Red Butte Ave.

Specific Reason(s) for Objection: Zone

**If you would like to receive a copy of the Planning and Zoning Board agenda materials for this**

**request, please provide your email address:** E-mail address: colt.dalton@gmail.com



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I am familiar with the Conditional Use application by Alex Wright and Kayleigh Rust to convert their existing garage into an Accessory Dwelling Unit on their property.



☒ I have NO OBJECTION to the requested Accessory Dwelling Unit.

Name: Marilyn Townsend

Address: 1220 Red Butte

Comments: \_\_\_\_\_

\*\*\*\*\*

☐ I OBJECT to the requested Accessory Dwelling Unit:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Specific Reason(s) for Objection: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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☒ I have **NO OBJECTION** to the requested Accessory Dwelling Unit.

Name: Alex Wright & Kayleigh Rust

Address: 1202 Red Butte

Comments: \_\_\_\_\_

\*\*\*\*\*

☐ I **OBJECT** to the requested Accessory Dwelling Unit:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Specific Reason(s) for Objection: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

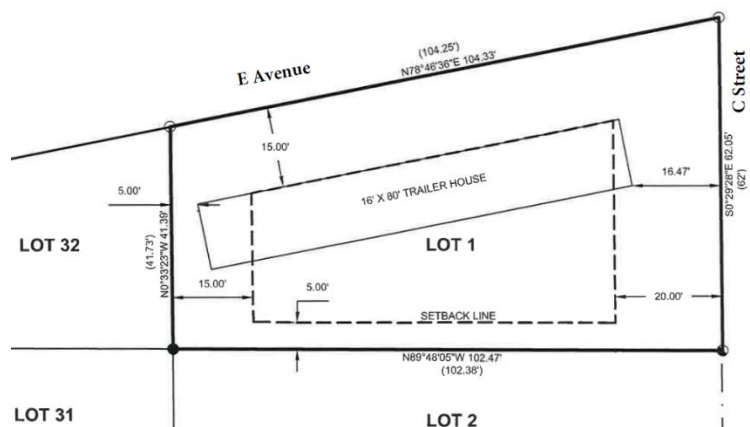
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CITY OF CODY PLANNING, ZONING AND ADJUSTMENT BOARD STAFF REPORT			
<b>MEETING DATE:</b>	APRIL 11, 2023	<b>TYPE OF ACTION NEEDED</b>	
<b>AGENDA ITEM:</b>		P&Z BOARD APPROVAL:	X
<b>SUBJECT:</b>	SPECIAL EXEMPTION PUBLIC HEARING: REDUCE THE SETBACK REQUIREMENT(S) AT 203 C STREET. SUP 2022-03	RECOMMENDATION TO COUNCIL:	
<b>PREPARED BY:</b>	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

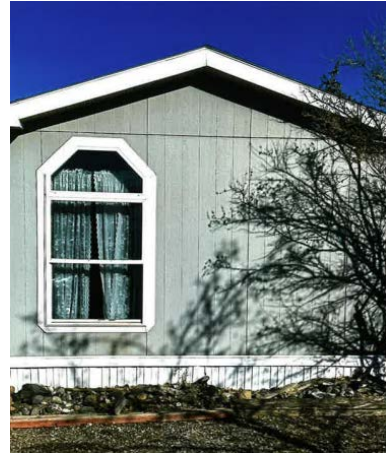
Scott Darby has submitted a special exemption application to reduce the setback requirements for 203 C Street so that a 16' by 80' manufactured home may be placed on the property. The property most recently contained a mobile home, which has been removed. The aerial photo to the right reflects the area of two lots. The proposed home would be located on Lot 1 (north lot), and meet the setback requirement from the south line of Lot 1. The property is located in an R-2MH zoning district, which allows manufactured homes that are placed on permanent foundations.



Opposite of the front lot line is the rear lot line, forming the west side of the lot. The rear setback requirement in the R-2 MH zone is 15 feet, and 5 feet is proposed to be provided. The required 15-foot setback from the north property line (E Avenue) and the 5-foot setback from the south property line would both be met.







The public hearing for the exemption request was advertised as required by mail to neighboring properties within 140 feet on March 27, and by publication in the newspaper on March 30, 2023.

**REVIEW CRITERIA:**

Pursuant to Section 10-14-2(B)(1) of the City of Cody Code, the Planning and Zoning Board may consider special exemptions to setback requirements.

The standards for approval of a special exemption are as follows, with staff comments provided.

*No special exemption shall be approved unless the planning and zoning board finds:*

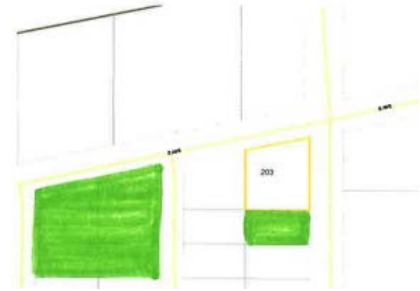
- a. The special exemption will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties;*

Staff Comment: The use of the property is remaining the same—it is just that a newer home is being proposed and it is too long to meet setback requirements. The property to the west has its home located more than 40 feet from the west end of the proposed manufactured home, and is located on the other side of a detached garage. That amount of separation between the homes allows a reasonable amount of privacy. The applicant did verbally indicate that if the Board determined that the reduced setback was too much of an impact to the neighbor to the west, that he would be willing to install a privacy fence along that west property line to minimize the impact.

The reduced setback from C Street should not have a measurable effect. It is about a 20% reduction, and the physical edge of C Street is about 15 feet further east from the property line, for a total distance of over 30 feet from the street to the proposed home location, so the home will still have the appearance of being set back the typical required distance from the street.

- b. *The special exemption is designed to be compatible with adjacent land uses and the area or neighborhood;*

Staff Comment: Neighbor comment is often a good indicator of whether there is any question of incompatibility. Eleven neighboring property owners were notified of the proposal. As of the time of this staff report, two responses of "no objection" have been received, and no "objection" responses. Any additional information presented at the meeting will also need to be considered. At this point, neighbor opposition does not appear to be the case.



- c. *The special exemption is the minimum deviation from the specifications of the zoning ordinance necessary and adequate for the proposed activity, structure or use;*

Staff Comment: The proposed home is pre-constructed, and cannot be modified in dimension.

- d. *The benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue other than a special exemption;*

Staff Comment: The availability of used manufactured homes is limited, and not many options come up. A new manufactured home could be selected that would fit on the property, but the cost difference would be very substantial. The proposed home is a 2010 model that is in excellent condition. Reducing the setback requirements is the only way to accommodate the specific proposal.

- e. *Adequate services and infrastructure are or will be available to serve the proposed activity, structure or use;*

Staff Comment: No additional services are proposed that do not already exist on the property.

- f. *The special exemption is consistent with the goals, policies and future land use map of the master plan.*

Staff Comment: The future land use map designation for this area is "low-density residential", which is consistent with the single-family residential use of the property. There are no identified master plan goals specific to the setback situation.

### **ALTERNATIVES:**

Approve, deny or approve with conditions, in full or in part.

**ATTACHMENTS:**

Neighbor responses.

**RECOMMENDATION:**

That the Board make the following findings:

(Draft, subject to information received at public hearing.)

1. That proper notice of the special exemption public hearing was provided by advertising in the Cody Enterprise and by mail to all property owners within 140 feet at least ten days before the hearing.
2. That the Planning and Zoning Board may grant special exemptions that are reasonable and harmless deviations from the zoning ordinance as determined by the standards outlined in Section 10-14-2, City of Cody Code.
3. That the Planning and Zoning Board has held a public hearing as required and has considered all comments pertaining to the request; and,
4. That the points identified in the staff report and at the Board meeting are adequate to set forth the reasoning why the criteria of 10-14-2(C)(2) are met.

AND,

Approve the setback reductions as requested (5-foot rear setback and 16-foot front setback), for the proposed 16' by 80' manufactured home, subject to compliance with the following condition:

The manufactured is to be placed on a permanent foundation and be "attached" to the land so that it becomes real property, as opposed to remaining personal property. (See City Code 10-8-2-M, Manufactured Home) In order for this to occur, the ownership of the manufactured home must exactly match the ownership of the land, and a form completed with the County Assessor's office once the home is installed. The applicant is aware of the requirement. Evidence of the matching ownership is to be provided prior to issuance of the building permit. (Currently one ownership is personal and the other is a trust.)



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**Please return your comments by April 6, 2023 to:**

Date: March 27, 2023

Cody City Planner

P.O. Box 2200

Cody, WY 82414

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RE: **SPECIAL EXEMPTION REQUEST**

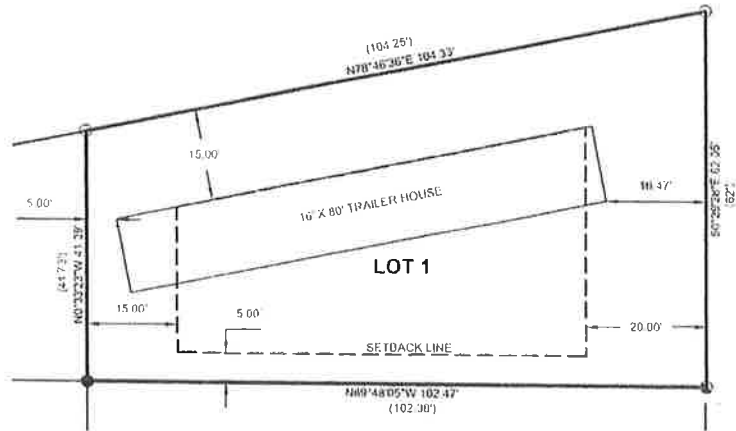
**THE CITY OF CODY HAS RECEIVED THE FOLLOWING REQUEST FOR A SPECIAL EXEMPTION.  
YOUR COMMENTS WOULD BE APPRECIATED.**

Applicant Name(s): John Scott Darby

Revocable Trust

Address of Property: 203 C Street, Cody

Description of Request: Reduce the setback requirements at 203 C Street to accommodate a 16' by 80' manufactured home on the property. The setback from the west property line would be approximately 5 feet (reduced from 15 feet); and, the setback from the C Street right-of-way would be approximately 16.4 feet (reduced from 20 feet). Alternatively, it could be considered that the setback from E avenue is being reduced from 20 feet to 15 feet, and all other setbacks would be met. The proposed location is depicted here. The existing mobile home would be replaced with the 2010 manufactured home.



**This request will be considered at a public hearing held by the City of Cody Planning & Zoning Board at their regularly scheduled meeting on Tuesday, April 11, 2023 at 12:00 p.m. in the City Hall Council Chambers, at 1338 Rumsey Ave. Anyone is welcome to attend and comment at the public hearing.**

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

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

Dear Planning and Zoning Board Members:

I am familiar with the proposal for the Special Exemption request described above.

☒ I have NO OBJECTION to the Special Exemption request.

Name Dianne S Henry

Address: 209 C St.

Comments: Hopefully they will keep the property better than what it has been!!

☐ I OBJECT to the Special Exemption request:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Reason for Objection: \_\_\_\_\_

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

**Notice to Owners of Neighboring Properties:**

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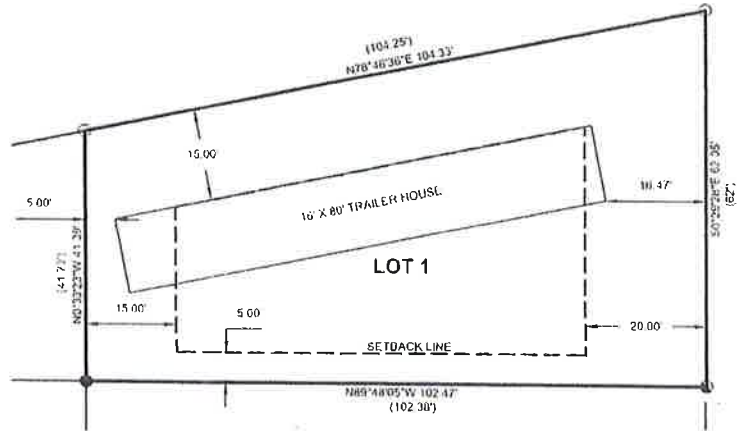
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Address of Property: 203 C Street, Cody

Description of Request: Reduce the setback requirements at 203 C Street to accommodate a 16' by 80' manufactured home on the property. The setback from the west property line would be approximately 5 feet (reduced from 15 feet); and, the setback from the C Street right-of-way would be approximately 16.4 feet (reduced from 20 feet). Alternatively, it could be considered that the setback from E Avenue is being reduced from 20 feet to 15 feet, and all other setbacks would be met. The proposed location is depicted here. The existing mobile home would be replaced with the 2010 manufactured home.



**This request will be considered at a public hearing held by the City of Cody Planning & Zoning Board at their regularly scheduled meeting on Tuesday, April 11, 2023 at 12:00 p.m. in the City Hall Council Chambers, at 1338 Rumsey Ave. Anyone is welcome to attend and comment at the public hearing.**

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

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

Dear Planning and Zoning Board Members:

I am familiar with the proposal for the Special Exemption request described above.

☒ I have NO OBJECTION to the Special Exemption request.

Name Cornett Revocable Trust

Address: 2702 E Ave Cody, WY 82414

Comments: We have no objections

Thomas & Margo Cornett

☐ I OBJECT to the Special Exemption request:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Reason for Objection: \_\_\_\_\_

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

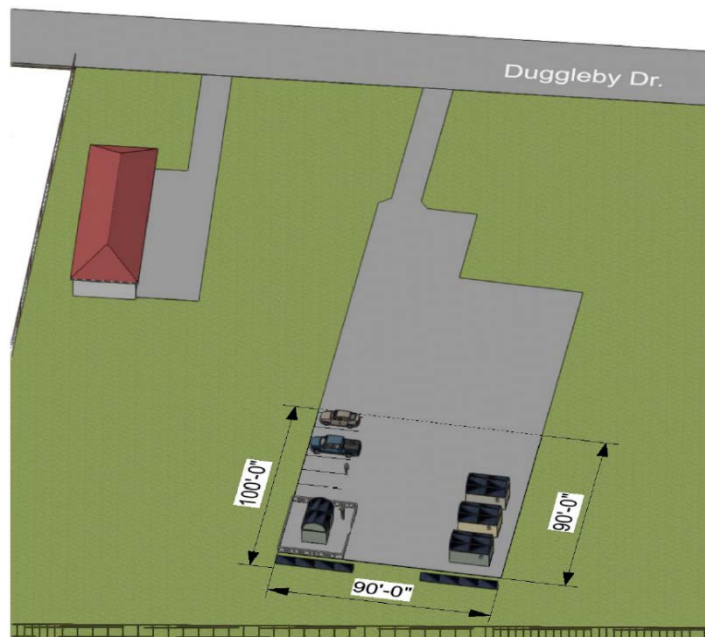
# CITY OF CODY PLANNING, ZONING AND ADJUSTMENT BOARD STAFF REPORT

<b>MEETING DATE:</b>	APRIL 11, 2023	<b>TYPE OF ACTION NEEDED</b>	
<b>AGENDA ITEM:</b>		P&Z BOARD APPROVAL:	X
<b>SUBJECT:</b>	SITE PLAN REVIEW: ENVIGOR ENERGY FACILITY. SPR 2023-06	RECOMMENDATION TO COUNCIL:	
<b>PREPARED BY:</b>	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

## **PROJECT DESCRIPTION:**

Envigor Energy, LLC has submitted a site plan application for a fabrication and sales facility for their solar energy buildings. The location is on airport leased property between the old airport terminal and the Greybull Highway (3120 Duggleby Drive). They plan to have one completed unit, consisting of a 10' by 16' prefabricated structure that is retrofitted with roof-mounted solar panels and internal components designed for generation of 15-20 kw of solar power, which unit would also be equipped as an Interactive Demonstration Unit. Up to five other units would also be within the leased area, and may be at various stages of assembly. The solar energy building package utilizes pre-fabricated sheds that are to be retrofitted with the solar equipment at this location. Employees would be present at the site as the sheds are retrofitted, but otherwise the company does not plan to have on-site employees.

The property is located in the Industrial E zoning district, which permits retail sales and well as fabrication and assembly activities.



**REVIEW CRITERIA:**

Section 9-2-3 is as follows:

*Before the issuance of any permit under the international building code for commercial buildings situated within the city, the applicant, property owner and occupant shall meet with the planning, zoning and adjustment board to review the application and plans insofar as they pertain to the exterior of a commercial building and site plan conditions. The issuance of a permit shall be conditioned upon the applicant receiving an affirmative vote of a majority of the planning, zoning and adjustment board members in attendance at said meeting.*

In addition, the site plan is reviewed for compliance with specific development standards of the zoning ordinance.

Board members may note that the architectural compatibility requirement does not exist in the Industrial E zone, so there is no discussion of architecture in this report.

**STAFF COMMENTS:**

Landscaping:

No landscaping exists on, or is proposed within the leased area. As the property is located within the Entry Corridor Overlay Zone, and a new use is being established, the following section is applicable:

*10-17-5: LANDSCAPING:*

*A. Landscaping Requirements: Landscaping shall be provided within the entry corridor overlay district in the following manner:*

*1. A minimum of five percent (5%) of the subject property shall be landscaped, except as noted below. For purposes of calculating the size of the subject property, any undevelopable land (e.g., hillside) shall not be included. Existing landscaping that is healthy and otherwise meets the standards of this chapter may be counted toward this requirement.*

*2. The required landscaping shall be primarily located in the front of the property and should typically be along the street frontage, in landscaped islands, and next to the building.*

*3. Landscaping materials shall be of sufficient size, number, and variety to give a three-dimensional presence (height, width, and depth) to the landscaped area(s).*

*4. Suitable landscaping materials include trees, shrubs, ground cover, flowers, ornamental grasses, decorative rock, landscape boulders, water features, works of art, and other similar materials approved by the planning and zoning board.*

*5. Trees shall be of good quality and measure in size a minimum of one and one-half inch (1½") caliper (tree diameter, measured 6 inches above ground) if deciduous, and a minimum of four feet (4') in height if evergreen. Tree seedlings and whips may*

*supplement larger trees, but alone shall not be considered sufficient where trees are used to comply with subsection A3 of this section.*

*6. All vegetation is to be climate and location appropriate, such that it will grow and thrive where planted.*

*7. All landscape plants shall be provided with a method of irrigation...*

With a lease area of 9,000 square feet, 450 square feet would need to be landscaped.

In this situation, which involving a lease of a portion of a larger property, staff believes that the landscaping need not be installed within the lease area, but could be located on airport property outside of the lease area. It is recommended that the area of the airport property within the Entry Corridor Overlay form the boundary for purposes of where the landscaping would need to be located. As such the existing landscaping within that area may be utilized to count towards the entire area.



The area within the entry corridor is about 7 acres, and with the current proposal about 1.5 acres of that would be developed. That would require a minimum of 3,267 square feet of landscaped area. The existing landscaping around the main sign is approximately 5,000 square feet in size and consists of evergreen bushes and sod. The existing 5,000 square feet of landscaping is sufficient to meet the requirements for the existing developed portion of the property and the current proposal.

#### Access/Parking:

The proposed access and parking layout is generally acceptable, except one ADA parking space, sign, and unloading area will need to be installed and the entrance off of Duggleby Drive needs widened/cleaned up. The submitted plan is not dimensioned. Minimum width for a standard stall on pavement is nine feet. The ADA space will need to be 11 feet wide, with an adjacent 5-foot-wide unloading area.

Parking lot lighting is likely not necessary, as expected usage is during daylight hours.



The surfacing of the parking lot is paved. Based on the area leased, there is room for about five parking spaces, which should be deemed sufficient for the anticipated use. The regular parking spaces will need to be marked either with paint or wheel stops.



#### Exterior Lighting

The applicant has verbally indicated that he would like to have some exterior lighting mounted on the display building for security purposes. So long as the lighting is full-cutoff in style and modest in intensity, there should be no issue. Staff can be directed to verify that the lighting is designed as such.

#### Neighborhood Compatibility, Setbacks and Buffers

The location of the property does not trigger any zoning setbacks or buffer requirements, as it is not immediately next to any residential property.

#### Grading/Storm Water:

The lease area is on an existing paved surface. As impervious area is not being increased and the airport has an airport-wide stormwater management system, the current project does not have any specific storm water requirements.

#### Utility Services

The facility does not plan to connect to City utilities. It will have a connection to TCT, which is coordinated with them.

#### Signs

Sign details have not been provided. A sign permit will need to be submitted in the future.

#### Fencing:

The rendering shows a short perimeter fence around the display unit. The location and height meet applicable requirements.

#### Hydrant

A fire hydrant is within the required distance.

#### Garbage

Garbage service is not planned. Any construction waste material will need to be hauled to the landfill, rather than placed in City dumpsters, per City code.

**ATTACHMENTS:**

Application materials.

**ALTERNATIVES:**

Approve or deny the site plan with or without changes.

**RECOMMENDATION:**

It is recommended that the Planning and Zoning Board approve the proposal, subject to the following conditions.

1. The exterior lighting plans are to be provided to the City Planner for review and approval. The lighting shall be full cutoff in style, and modest in intensity.
2. Provide a 20-foot-wide driving surface at the entrance off of Duggleby Drive. (Combination of existing pavement and new gravel or pavement.)
3. The parking spaces are to be marked and an ADA space, sign, and unloading area provided to code. ADA access (e.g. ramp) will also need to be provided into the demonstration unit.
4. The project must otherwise comply with the project description, as described in the application and at the Planning and Zoning Board meeting. A building permit for the display unit must be obtained prior to placement.



**March 23, 2023**

### **Summary of Lease at Yellowstone Regional Airport**

- Envigor Energy, LLC is a Wyoming-based company that provides electrical power to areas where electricity is not readily available and/or when a customer desires increased autonomy from the power grid. Envigor generates this power largely from renewable sources, such as roof-mounted solar panels or ground array(s).
- On September 14, 2022 Envigor Energy head Construction Manager Chris Lierheimer and CEO John Newkirk met with the Yellowstone Regional Airport (YRA) Joint Powers Board to discuss the possibility of leasing commercial space in the Duggleby Drive area.
- The purpose of the lease is to showcase the Envigor PowerHut™, a 10'x16' structure with roof-mounted solar panels and internal electronics that generate 15 kW of clean power.
- Over the ensuing months, Envigor worked with Airport Manager Aaron Buck and Operations Manager Bruce Ransom to address any questions and concerns the YRA Board might have. The resulting focus became a portion of the decommissioned helipad situated between Duggleby Drive and the Greybull Highway per the drawing below.
- At the February 8, 2023 YRA Joint Powers Board meeting, Envigor CEO John Newkirk (accompanied by QC Manager Brett Belden) addressed the Board and presented drawings and renderings of Envigor structures on the proposed lease area as requested by the Board. Supporting the proposal, it was noted that the lease area is specifically designated as "Revenue Generating Non-Aviation" on Morrison Maierle's YRA Work Plan.
- Airport Manager Buck drafted a sample Use and Operating Agreement lease which went through several iterations. The final lease was approved by the YRA Joint Power Board on March 8, 2023 with a start date of May 1, 2023. The Board approved placement of one semi-permanent Interactive Demonstrator Unit (IDU), up to five saleable units, and one sign to be approved at a later date.
- The structures are manufactured in Powell, WY with final assembly and inspection in Cody. The Interactive Demo Unit is self-sustaining as it provides its own electricity. Other than TCT internet, no services (water, power, sewer, gas, etc) are anticipated as there will be no ongoing employees stationed at the site.
- Per the attached application, we respectfully request that P&Z issue approval for this site and provide us with a street address (Google™ Maps shows this to be in the 3200 Block of Duggleby Drive, so an easy-to-remember number such as 3232 Duggleby would be much appreciated if possible).

- End of Summary -





## **REVISED PROPOSAL v2**

**TO:** Yellowstone Regional Airport Board of Directors

**FROM:** John Newkirk, CEO  
Envigor Energy, LLC  
1021 Missouri Breaks  
Thermopolis, WY 82443

**RE:** Commercial Lot Lease south of Duggleby Drive

**DATE:** February 8, 2023

### **ABSTRACT**

Envigor Energy, LLC is a Wyoming-based company that specializes in providing primary and backup electricity to commercial and residential sites, primarily via solar and other renewable energy sources.

### **PROPOSAL**

We propose leasing a 90' x 100' portion of the vacant asphalt lot south of Duggleby Drive (Fig. 1) which would accommodate a single Envigor PowerHut™ interactive demonstrator unit and up to five production units in the final assembly stage.

### **DISCUSSION**

The Envigor PowerHut™ (Figs. 2 & 4) is a 10'x16' utility structure with solar panels covering the roof surfaces and various electrical components inside. This configuration can generate approximately 20 kilowatt-hrs of electricity per day, making the unit suitable for both off-grid and grid-optional power production. The structures are pre-manufactured and painted in Powell, Wyoming and shipped in units of three on a flatbed trailer. Final assembly involves installing rooftop solar panels and interior electronics.

The asphalt area south of 3001 Duggleby (Guardian Flight Wyoming) is well-suited for this, as the demonstrator unit is visible from the highway and accessible to potential customers.

Our target date for occupancy would be May 15, 2023.

While some concern has been raised that Envigor is not exclusively aviation-related, we respectfully ask the Board to consider the following:

- Envigor's CEO, John Newkirk, is a pilot with an aircraft based in Cody
- His company pays *ad valorem* aviation tax in the State of Wyoming
- One of Envigor's specialties is primary and backup power to aviation hangars
- The Yellowstone Regional Airport Work Plan by Morrison-Maierle, Inc. (Fig. 3) specifically designates the proposed area as "Revenue Generating Non-Aviation"

## **BENEFITS**

We submit that the proposed lease would be of mutual benefit. Some positives for Envigor:

- Close proximity to our headquarters over the other contenders (Billings/Casper)
- Good visibility from the Greybull Highway for our interactive demonstrator unit
- TCT fiber internet dropbox 50 yards from the demonstrator unit

Positives for Yellowstone Regional Airport:

- Ongoing revenue and beneficial use from a historically underutilized area
- Increased commercial traffic into the airport as potential customers fly in to evaluate the Envigor products
- No permanent structures are anticipated (should the proposed area be needed for future use, the buildings can easily be relocated)
- The optics of a state-of-the-art solar installation (along with responsible energy use) is generally seen as positive in a modern municipal setting

## **SUMMARY**

Envigor Energy is actively searching for a location near a Wyoming or Montana airport with commercial airline service for the purpose of a) showcasing our interactive demonstrator unit and b) final assembly of end units to be sold to the public. A portion of the vacant asphalt lot at YRA (Fig. 5) would be ideal for this. It's our hope that we can come to a mutual agreement that furthers our firm's mission of "A New Era in Self-Reliance," all with the goal of enhancing the aesthetics of the Yellowstone Regional Airport while adding economic value to the Cody area.

*John Newkirk holds an Electrical Engineering degree from Rensselaer Polytechnic Institute in New York.*



Fig. 1 - Proposed Lease Area



Fig. 2 - Unfinished Envigor PowerHut™



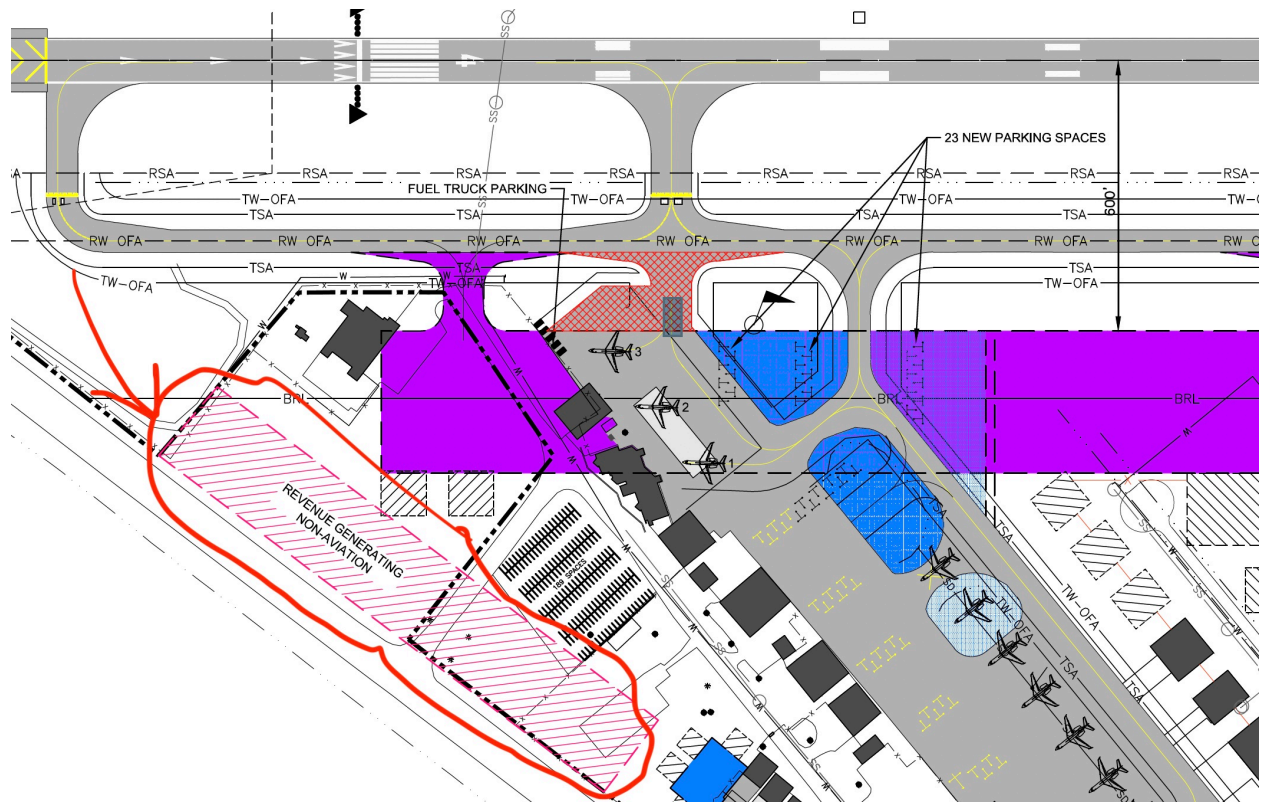


Figure 3 - Revenue Generating Non-Aviation Area



Fig. 4 - PowerHut™ with Solar Panels

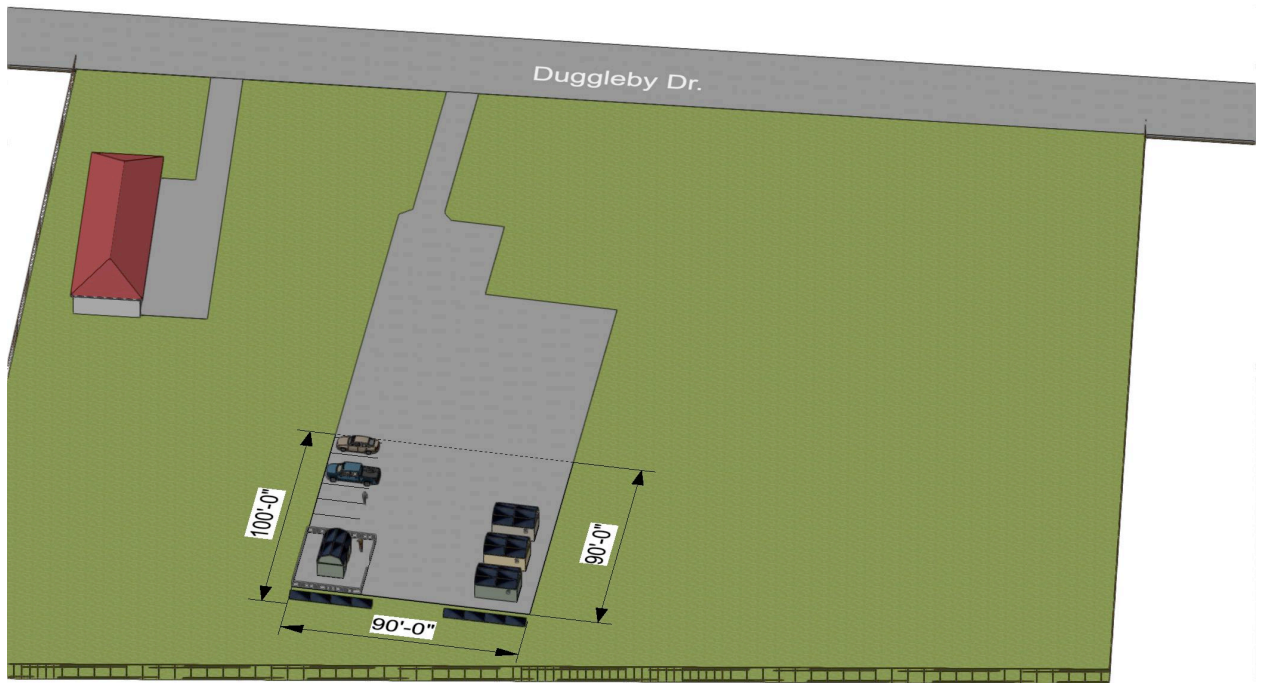


Fig. 5 - Overhead view of proposed lease area

[https://www.codyenterprise.com/news/local/article\\_3d756c32-434f-11ed-9349-e7c41475f5f5.html](https://www.codyenterprise.com/news/local/article_3d756c32-434f-11ed-9349-e7c41475f5f5.html)

# Solar-powered demonstrator unit may come to airport property

By STEPHEN DOW [stephen@codyenterprise.com](mailto:stephen@codyenterprise.com)  
Oct 3, 2022



John Newkirk of Thermopolis-based Envigor Energy, LLC, speaks to the Yellowstone Regional Airport Sept. 14, 2022. The airport board is considering leasing an acre of property to the company to house a "demonstrator unit" of one of the company's "power sheds."

Stephen Dow

A company working to bring electricity to areas without it may soon be leasing land near the Yellowstone Regional Airport's General Aviation entrance.

During its Sept. 14 meeting, the airport board heard from John Newkirk and Chris Lierheimer of Thermopolis-based Envigor Energy LLC. Newkirk said Envigor's goal is to provide a "one-size-fits-all" solution for properties without access to electricity.



“For the past couple of decades, I’ve been in the business of bringing electrical power to commercial and residential installations that otherwise don’t have power readily available ... or to sites that desire to have independence or backup from the power grid,” Newkirk said. “After about 20 years of doing these types of installations, it has become clear to me that these one-off installations in various facilities aren’t as cost-effective as making a one solution that fits all.”



That one-size-fits-all solution, Newkirk said, is a “Tuff Shed” retrofitted with solar panels on the roof and electronics on the inside. These 10-foot-by-16-foot buildings can then be transferred to any site without access to electricity or in need of a backup system, he said.

The acre of property Newkirk wants to rent out at the airport is located east of Duggleby Drive on airport land currently reserved for non-aviation purposes. He said his company would use the property for two main purposes.

First, the property would house a “demonstrator unit” that potential buyers from across the country could fly out to and tour before making their purchase, Newkirk said.

“When people are going to spend (thousands of dollars) on a backup system, they’re going to want to go hands-on first,” Newkirk said. “And Hot Springs County frankly isn’t the central location we would like for people to come and get a look at our power sheds.”

The property will also be used for “light, final assembly” work on the sheds, Newkirk said.

“These units are made in Powell, so we can bring them out (to Cody) and do our final assembly, which is pretty much all interior (work),” Newkirk said.

Both Newkirk and YRA Airport Director Aaron Buck said they did not expect the solar panels on the demonstrator unit to cause any reflections that could blind or distract pilots.

“I’ve participated in a study looking at solar farms by an airport, and grass has a greater reflective value than the solar panels they’re putting on the top of that roof do,” Buck said.

No final decision was made by the airport board but board members, including Bucky Hall, were in favor of continuing the conversation.

“It would be revenue for the airport, so my two-cents worth is it would be worth looking into,” Hall said. “At this point, I would support it unless I am given information that would convince me not to.”

Board member Heidi Rasmussen noted the property was currently overgrown and poorly maintained, and expressed interest in revitalizing the property in partnership with Envigor.

“If we can landscape it a little, and in the process make the general aviation entrance a little more attractive in a combined effort with you all (Envigor) and the airport, potentially this has the ability to make that entrance better,” she said.

The board asked Buck to begin negotiations with Newkirk including drafting a lease and setting a price for the property, and the board will cast its vote once the lease is drafted.

The lease will include a provision that the demonstrator unit will be moved if the Duggleby Drive property becomes desirable for aviation purposes, Buck said.

Newkirk said, if the airport board approves his plan, he hopes to have the demonstrator unit installed on the property by April or May of 2023.