

CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD AGENDA
TUESDAY, JULY 11, 2023 AT 12:00 P.M. (NOON)
CODY AUDITORIUM, 1240 BECK AVENUE, CODY, WY

1. Call the Meeting to order.
2. Executive Session, pursuant to W.S. 16-4-405 (a)(ix).
3. Roll Call, excused members
4. Pledge of Allegiance
5. Approval of the Agenda for the July 11, 2023 Regular Meeting.
6. Approval of the Minutes from the June 27, 2023 Regular Meeting.
7. Special Exemption application related to building height of the proposed temple of The Church of Jesus Christ of Latter-Day Saints, proposed at 555 Temple View Lane.
8. Reconsideration of the Conditional Use Permit findings for the proposed temple of The Church of Jesus Christ of Latter-Day Saints, proposed at 555 Temple View Lane.
9. Tabled Item: Commercial Site Plan Application for the proposed temple of The Church of Jesus Christ of Latter-Day Saints, proposed at 555 Temple View Lane.
10. New Business:
 - A) Preliminary Plat Review for the Khan Unit Development Subdivision, a 3-lot commercial subdivision of 209 Yellowstone Avenue.
 - B) Final Plat Review for the Case Minor Subdivision, a 3-lot subdivision at 1420 Meadow Lane Avenue.
11. P & Z Board Matters (announcements, comments, etc.)
12. Council Update
13. Staff Items
14. 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
June 27, 2023

A regular meeting of the City of Cody Planning, Zoning and Adjustment Board was held in the Cody Auditorium in Cody, Wyoming on Tuesday, June 27, 2023 at 12:00 pm.

Carson Rowley called the meeting to order at 12:00 pm.

Scott Richard made a motion, seconded by Dan Schein, to go into an Executive Session, pursuant to W.S 16-4-405 (a) (ix). Vote on the motion was unanimous, motion passed.

Present: Carson Rowley; Dan Schein; Kim Borer; Scott Richard; Matt Moss; Josh White; City Attorney Scott Kolpitzke; City Planner Todd Stowell; Public Works Director Phillip Bowman; Building Official Sean Collier; Fire Marshall Sam Wilde; GIS Analyst Utana Dye.

Absent: Ian Morrison; Council Liaison Andy Quick.

Carson Rowley led the pledge of allegiance.

Matt Moss made a motion, seconded by Scott Richard, to discuss Item 7B from the last meeting which is the City Planner's interpretation of the code as it pertains to the height of the proposed LDS Temple at 555 Temple View Drive. It would be item 6B on the agenda. Scott Richard, Kim Borer, Matt Moss and Josh White were in favor of the motion. Carson Rowley and Dan Schein were opposed to the motion. Motion passed.

Scott Richard made a motion, seconded by Kim Borer, to approve the agenda for the June 27, 2023 regular meeting. Vote on the motion was unanimous, motion passed.

Scott Richard made a motion, seconded by Josh White, to approve the minutes from the June 15, 2023 special meeting with corrections. Vote on the motion was unanimous, motion passed.

Carson Rowley noted a point of clarification that the Board has closed public comment and presentations on the applications.

Matt Moss made a motion, seconded by Carson Rowley, that the Board finds the propose temple for The Church of Jesus Christ of Latter-Day Saints complies with the Cody Zoning Regulations for maximum number of stores and maximum built height as it: a) Does not exceed two stories, and b) does not exceed 30' in building height as defined by the Cody Zoning Ordinance. Furthermore, the Board rule that as the height requirement has been met, the Special Exemption Application is unnecessary for the Cody Temple proposal. Scott Richard, Dan Schein, Carson Rowley, and Josh White were opposed to the motion. Kim Borer and Matt Moss were in favor or the motion. Motion Failed.

Dan Schein made a motion, seconded by Carson Rowley, to reconsider the Conditional Use Permit finding related to building height -the section under Principle 3.1.F of the Conditional Use Permit would add the language that it is conditional on a Special Exemption on height. Scott Richard, Dan Schein, Carson Rowley, and Josh White were in favor of the motion. Kim Borer and Matt Moss were opposed to the motion. Motion passed.

Dan Schein made a motion, seconded by Kim Borer to table Agenda Item 8, the Consideration of the Findings of Fact of the Conditional Use Permit. Scott Richard, Kim Borer, and Matt Moss were opposed to the motion. Dan Schein, Carson Rowley and Josh White were in favor of the motion. Motion fails.

Kim Borer made a motion, seconded by Josh White, to remove from the table Item 9, the Special Exemption application related to building height to the proposed temple of The Church of Jesus Christ of Latter-Day Saints, proposed at 555 Temple View Lane from the table. Vote on the motion was unanimous, motion passed.

Kim Borer made a motion, seconded by Matt Moss, to approve the Special Exemption application related to building height to the proposed temple of The Church of Jesus Christ of Latter-Day Saints, proposed at 555 Temple View Lane as presented. Kim Borer and Matt Moss were in favor of the motion. Scott Richard, Dan Schein, Carson Rowley, and Josh White were opposed to the motion. Motion failed.

Matt Moss made a motion to approve the Special Exemption application related to building height to the proposed temple of The Church of Jesus Christ of Latter-Day Saints, proposed at 555 Temple View Lane with the condition that the height be up to 70'. Motion failed for lack of a second.

Dan Schein made a motion, seconded by Josh White, to remove from the table the Commercial Site Plan application for the proposed temple of The Church of Jesus Christ of Latter-Day Saints, proposed at 555 Temple View Lane. Vote on the motion was unanimous, motion passed.

Scott Richard made a motion, seconded by Carson Rowley to reconsider the Commercial Site plan application for the proposed temple of The Church of Jesus Christ of Latter-Day Saints, proposed at 555 Temple View Lane. Scott Richard, Dan Schein, Carson Rowley, Matt Moss and Josh White were in favor of the motion. Kim Borer was opposed to the motion. Motion passed.

Scott Richard made a motion, seconded by Dan Schein, to table the review of the commercial site plan application for the proposed temple of The Church of Jesus Christ of Latter-Day Saints, proposed at 555 Temple View Lane. Vote on the motion was unanimous, motion passed.

New Business: None

P&Z Board Matters (announcements, comments, etc.): Kim Borer made a comment that the mayor and council should review the master plan.

Council Update: None

Staff Items: None

Dan Schein made a motion, seconded by Kim Borer, to adjourn the meeting. Vote on the motion was unanimous. The meeting was adjourned at 2:00 p.m.

Utana Dye
GIS Analyst

DRAFT

CITY OF CODY PLANNING, ZONING AND ADJUSTMENT BOARD STAFF REPORT			
MEETING DATE:	JULY 11, 2023	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	CODY WYOMING TEMPLE OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS. SITE PLAN REVIEW. FILE NOS: SPR 2023-13	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

THIS REPORT SUPPLEMENTS THE REPORTS PREPARED FOR THE JUNE 15 AND JUNE 27, 2023 MEETINGS.

SITE PLAN REVIEW:

There has been some confusion regarding the City code language for the site plan review. This report is simply an attempt to clarify applicable language pertaining to the site plan review.

In almost all cases, the Planning and Zoning Board relies on the following language to conduct site plan reviews:

All structures within the district shall be architecturally compatible. Architectural and landscaping plans shall be submitted to the Planning and Zoning Commission for approval. Architectural and landscaping details shall be maintained as shown by the approved plans.

The above language does not exist in any of the residential zoning districts, as it is limited to the commercial and industrial zones. The temple project is in a Rural Residential zone. Therefore, the term "architecturally compatible" is not a specific criterion for the proposed temple. The lack of the above architectural and landscaping language is why staff noted that there is no architectural or landscaping plan review specifically required. However, that may have been confusing, as there is general authority in the building code provisions (not zoning code) of the City of Cody Code, as was quoted in the prior staff reports and noted below:

9-2-3: MEETING WITH PLANNING, ZONING AND ADJUSTMENT BOARD REQUIRED BEFORE BUILDING PERMIT ISSUED:

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.

For the staff recommendation on the site plan, please see the prior staff report.

The Board's packet for the July 11, 2023 meeting will include the prior staff reports for the June 27, 2023 meeting and the current Conditional Use Permit findings, for reference as needed.

CITY OF CODY PLANNING, ZONING AND ADJUSTMENT BOARD STAFF REPORT			
MEETING DATE:	JUNE 27, 2023	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	SPECIAL EXEMPTION: HEIGHT OF STEEPLE FOR THE CODY WYOMING TEMPLE OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS. SUP 2023-08	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

The following analysis of the Special Exemption review criteria as they relate to the proposed height of the steeple for the Cody Wyoming Temple of The Church of Jesus Christ of Latter-Day Saints is provided for the Planning and Zoning Board's consideration.

REVIEW CRITERIA:

Pursuant to Section 10-14-2(B) of the City of Cody Code, the Planning and Zoning Board may consider special exemptions to the dimensional standards of the zoning ordinance and waive or modify the standards.

The special exemption relates to the height of the steeple for the proposed temple. It is proposed to extend approximately 101 feet above the finished floor level of the temple building. Normally the extent of the exemption is also noted. However, the Board has not determined the official "building height" that is proposed. It is not 101 feet, but something less, due to the adopted definition of "building height" found in the zoning code. The following analysis simply reviews the special exemption criteria without reference to the extent of the modification.

The criteria for approval of a special exemption are as follows, with staff comments provided. The applicant has also provided responses to each of the criteria in their submittal letter.

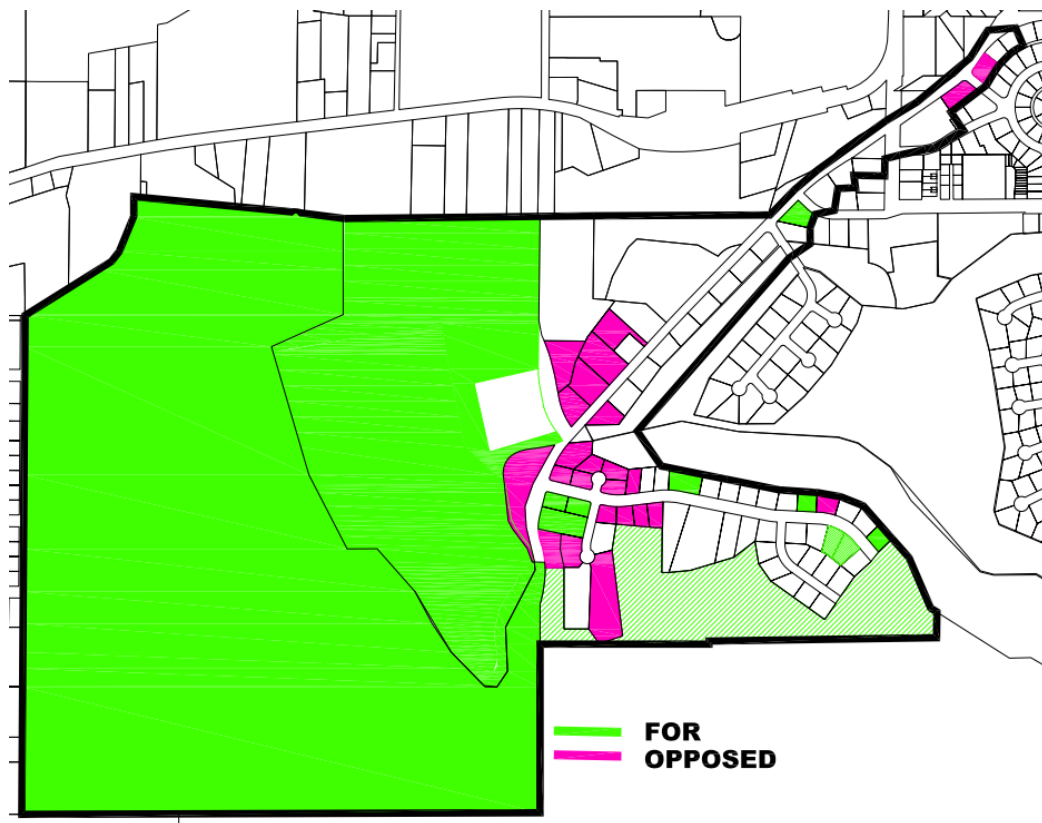
Approval Standards: No special exemption shall be approved unless the Planning and Zoning Board finds:

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

Comment: The scope of the special exemption is the height of the steeple—not the use, or any other component of the project related to construction of the temple for The Church of Jesus Christ of Latter-day Saints.

The only neighbor with property located in the same Rural Residential zone as the proposed temple is supportive of the temple project in its entirety, which includes the steeple at the height proposed. Refer to the area encompassed by the bold line on the following map, which map uses green to indicate “no objection”, pink as “objection”, and white (blank) as no comment. Note that the map boundary is somewhat subjective as to what the “neighborhood” boundary would include, but is among the broadest of the possible boundaries.

The “no comment” properties (50) greatly exceed in both area and number those properties owned by persons with objections (24) to the temple steeple.



It is up to the Board to find if the criterion is met, after considering relevant factors.

Two factor the board may consider are whether steeples and/or towers are common to churches, followed by whether churches are found in other residential zoning districts in the City of Cody? The answer to both is a yes. Approximately 70% of the churches in Cody are in residential zoning districts. Many do not have steeples or towers, but many do. One of the most identifiable architectural components of a church would be a steeple or tower. A steeple is not typically used for any other type of building. Therefore, churches are unique in this aspect. It would be inconsistent to determine that a steeple is not appropriate for a church (or temple) when that is one of its most identifiable features.

Based on the City records for variances or special exemptions, or perhaps more appropriately said the lack of mention of any church steeples in those records, steeples on churches have always been authorized by the City when requested. Only one other steeple in Cody appears to have been subject to any kind of variance or special exemption process, and that was the current steeple for the Cody Stake Center of The Church of Jesus Christ of Latter-Day Saints authorized by the Planning and Zoning Board and City Council in 2002 when it replaced a ground-mounted spire. It was processed just a few months before the then City staff realized they did not properly consider the building height definition when calculating building height (refer to 26 June 2002 memo from Steve Payne relating to the house on Lot 3 of the Panorama Subdivision—read at public meeting and provided to P&Z Board with the staff report sent June 16, 2023), which knowledge would have avoided the need for a variance for the steeple that was authorized to extend 68 feet above finished floor level of the building.

With steeples being a normal component of church buildings, and church buildings being commonly found in residential zoning districts due to their compatible nature, the only remaining objective analysis would relate to height of the steeple. The applicant provided a memorandum dated 13 June 2023 that provides significant information related to how the height of the steeple relates to fundamental architectural principles (memo to P&Z Board posted 13 June 2023 on City website and emailed to P&Z Board 19 June 2023). Please review. The steeple height has been carefully designed to be proportional to the size of the temple building, and the 30-60-90-degree triangle formed by the steeple and outside corners of the building are further reflected throughout the architecture of other components of the building, such that modification of the steeple height would disturb the proportionality of the entire temple design.

Other steeples throughout the Cody community generally extend in the range of 50 to 70 feet above finished grade. The proposed temple steeple would extend 101 feet. The proposed steeple would be located approximately 400' to the closest neighboring residences. The most effective mitigation measure for increased height is increased distance, as they are directly proportional—a doubling of distance reduces the perceived height in half. If staff analysis is correct, no other steeple located in a residential zoning district has greater setbacks from neighboring property lines than the proposed temple steeple, and the proposed temple steeple would be visually proportional to other major church steeples in Cody, when comparing the setbacks provided. Specifically, the ratio of steeple height to setback is approximately 1:4 for the proposed Cody temple; the Catholic church bell tower/cross at 50' tall, located 200' from residence would also have a ratio of 1:4; the Presbyterian bell tower at 72' tall, 300' from residence would have a ratio of 1:4; the Episcopal church cross at 35 feet, 130' from guest house (180' from main residence) would have a ratio of just less than 1:4; the Cody LDS stake center steeple at 70', 245' from nearest house would have a ratio of 1:4.8; the Cody mural LDS building steeple at 70', 190 feet from the nearest house would have a ratio

of about 1:2.7 (all measurements fairly reliable, but not guaranteed). The mitigation provided by the additional setback from the temple steeple to the nearest residences reduces the perceived impact to a level comparable with other steeples in the Cody community and is therefore sufficient mitigation from the perspective of an objective analysis.

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

Comment: See "a" above, which demonstrates that the design of the overall project mitigates the additional steeple height requested to a level consistent with other major churches in the Cody community. The surrounding neighborhood consist of residential zones where churches, including churches with steeples, are permitted uses.

c. The special exemption is the minimum deviation from the specifications of this title necessary and adequate for the proposed activity, structure or use;

Comment: See "a" above, specifically the point that modification of the steeple height, whether taller or shorter, would throw the entire architectural design of the temple out of proportion, thereby violating the foundational architectural principles used to create the design. The size of the building is consistent with other buildings permitted in the zoning district (e.g., golf course clubhouse), and is not significantly larger in square footage than residences in the area, while of a necessity must contain sufficient area to allow the purposes of the building to occur. Therefore, the size of the building need not be reduced, and the height of the steeple must be as proposed to remain architecturally proportional to the building.

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;

Comment: There are no other methods available to achieve the benefit sought, other than accepting the interpretation on building height that was presented by staff. As that has not been accepted by the Board as of the time of this report, only the Special Exemption process remains.

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

Comment: The steeple will comply with all applicable building and fire codes and does not create any need for special services or infrastructure.

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

Comment: As mentioned in the corresponding section in the Conditional Use Permit review and associated findings adopted by the Planning and Zoning Board, the temple project, including the steeple, complies with many, if not all, of the master plan goals, policies, and land use map. Those that pertain to the steeple could include the following. However, note that the master plan is not an adopted City ordinance, and itself states that "The goals, objectives, and principles found in the Master Plan Frameworks provide guidance for future planning and decision-making in Cody. These statements are not hard-and-fast regulations, but rather statements that reflect the community's aspirations."

It is acknowledged that it is possible for different portions of the master plan to conflict with other portions, causing them to have to be considered in their order of importance. Furthermore, the master plan does not specify the level of importance of each principle or goal. However, each of the items from the master plan that may relate to the proposed steeple height are listed below and could be interpreted as having been met, as noted below.

GOAL 1: Cody will maintain its character as an attractive western town that is welcoming to residents and visitors alike.

Finding: A portion of the community views the temple, with the steeple as proposed, as attractive. Evidence from the architect indicates that changing the steeple height would disrupt the proportionality of the temple design. The character of the town is found in its people—the teachings given in the temple promote the attractiveness (e.g. well-kept properties due to the concept of stewardship) and the welcoming attitude for fellow residents and visitors that is so important.

Objective 1.1: Advocate and promote attractive and appropriate development of the City.

Finding: Many view the building as attractive. The appropriateness of the development is evidenced through compliance with the other permit criteria.

Principle 1.1.a. Community Image. The future of the tourist-oriented component of the community is heavily dependent on how the City and community meet the expectations of its national and international visitors. So long as the community takes pride in the details, including aesthetics, amenities, and friendly attitudes, it will be attractive and inviting to visitors and residents alike.

Finding: Many view the temple and its grounds as aesthetically pleasing. It is an amenity serving the region.

Principle 1.1.d. Architecture. Encourage quality architecture and design for new commercial, office and multi-family buildings and renovations...

Finding: The Planning and Zoning Board promotes the utilization of quality building materials and construction. The temple building meets those expectations. Quality

architecture includes proportional design. If the steeple were taller or shorter, it would not be proportional to the building.

Principle 1.1.h. Award Great Design. Creativity on the part of private developers should be rewarded through recognition and support from the community.

Finding: Approval of the steeple would recognize great design.

Principle 3.1.b. Existing Neighborhoods. Protect the existing character in stable residential areas. New residential, office, commercial, or industrial development that is not in harmony with the existing or desired future character of these neighborhoods should be discouraged.

Finding: The conclusion of the other permit criteria is that the steeple is compatible with the neighborhood because the temple steeple has characteristics that do not exceed impacts created by other church steeples, due to the increased setbacks provided by the temple site.

Principle 3.1.c. Protect Residential Uses. Protect residential neighborhoods by transitioning between residential and non-residential land uses through appropriate zoning, development review processes, and buffer methods. In areas where non-residential land uses are located adjacent to or within neighborhoods, require screening or barriers to limit the impacts on residential uses. Buffer methods could include fencing, berms, native vegetation, plantings, trails and recreation areas, and density transitions.

Finding: The temple project provides adequate buffers due to greatly increased setbacks and the extensive landscaping provided within those setbacks.

Principle 3.1.f. Building Heights. Limit the height of new and remodeled construction to respect the existing or desired character of neighborhoods and districts, maintain a consistent scale of development, and preserve scenic views. Finding: [The temple building complies with the building height limit for the zone in which it is located.] OR [The height of the proposed steeple is mitigated to the level of many comparable steeples found in residential zoning districts throughout the City due to the large setbacks provided from neighboring residences, which mitigation is sufficient.]

Principle 3.3.a. Development Review. Expedite the development review process for developers when development includes a public benefit and meets the goals set forth in this plan.

Finding: There is no public benefit to delay a decision when all the necessary information has been provided and it has been shown that the applicable criteria are met.

Principle 3.3.b. Cooperative Approach. When working with property owners, developers, and City staff, all parties are expected to maintain a cooperative attitude, promote open

communication, and work to identify mutually-beneficial solutions to problems that may arise during the review process.

Finding: Efforts have been made to provide a legitimate review process, maintain a cooperative attitude, and seek proper and proportional mitigation of potential negative impacts to the extent of applicable regulations.

Principle 8.4.a. Opportunities for Civic Engagement. Include opportunities for meaningful public engagement and feedback in the City of Cody's planning and community development activities.

Finding: Opportunity to provide written comments throughout the notice period has been provided, as customary, although such is not required. The public hearing has also provided additional opportunity for meaningful public engagement.

The zoning ordinance states, "In approving a special exemption, the Planning and Zoning Board may impose any reasonable conditions or modifications pertaining to operational or physical features of the proposal to ensure conformance with the approval standards of subsection C2 of this section." As the scope of the special exemption is limited to the height of the steeple, there are no "operational or physical features" that exist that can be modified—either the steeple is the height proposed or it is a different height. Therefore, no conditions or modifications are proposed as part of the special exemption authorization.

ALTERNATIVES:

Approve, deny or approve with conditions.

ATTACHMENTS:

Application materials and neighbor responses.

RECOMMENDATION:

That the Planning and Zoning Board make the following findings:

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

1. That proper notice of the special exemption public hearing was provided by advertising in the Cody Enterprise and by U.S. 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(B)(2) are met.

AND,

Approve the Special Exemption to authorize the steeple as proposed for the Cody Wyoming temple of The Church of Jesus Christs of Latter-Day Saints.

CITY OF CODY PLANNING, ZONING AND ADJUSTMENT BOARD STAFF REPORT			
MEETING DATE:	JUNE 27, 2023	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	CODY WYOMING TEMPLE OF THE CHURCH OF JESUS CHRIST OF LATTER- DAY SAINTS. FILE NOS: SPR 2023-13, SUP 2023-08 (BOTH CUP AND SE) AND FNC 2023-01	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

THIS REPORT SUPPLEMENTS THE REPORT PREPARED FOR THE JUNE 15, 2023 MEETING.

The first part of this staff report is simply the same version of the site plan review analysis provided in the previous report, minus the fence height waiver topic that has been approved. The second part discusses the Height/Special Exemption topic (page 12).

PART I

SITE PLAN REVIEW:

The authority for site plan review is stated as follows:

9-2-3: MEETING WITH PLANNING, ZONING AND ADJUSTMENT BOARD REQUIRED BEFORE BUILDING PERMIT ISSUED:

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.

The City has consistently considered churches and schools as being subject to the above provision. The following are items typically reviewed as part of that process.

Architecture:

There is no architectural review required for development within the residential zoning districts, except multi-family housing, which this is not.

Landscaping:

There is no requirement to provide landscaping for development within residential zoning districts, unless the project is multi-family housing, or in an entry corridor overlay district—neither of which is the case. However, since landscaping is provided, the plan has been reviewed and the following comments are provided.

No trees are authorized in the City right-of-way along the east side of the temple site. Any shrubs, bushes and other woody vegetation placed in the City right-of-way will need to meet the standards of City code [7-4](#) (relates to spacing from utility lines). The landscaping plan will need to be revised accordingly. Grass or other groundcover in that area remains an option. Any disturbed areas beyond the landscaped areas that lack vegetation are to be planted with dryland grass seed, or any better alternative method authorized by Public Works, to help prevent weeds and control erosion.

Landscaping in the immediate area around the electrical switch gear cabinet must consider the minimum clearances required. Depending on the size of the cabinet, some of those shrubs shown nearest the cabinet may need to be removed from the plan. Based on a quick review, the selected plants generally appear suitable for the climate. Some plants may attract deer (e.g. red twig dogwood), which is an issue throughout town. I also wonder if a different fir species would do better than Douglas fir at this site.

Access:

The proposed access situation is shown on the site plan. A new street, to be known as "Temple View Lane" will be constructed from Skyline Drive, along the south boundary of the temple site, ending in a cul-de-sac bulb. Two accesses to the temple site will be from that new street, as shown. Although the eastern temple access is on City right-of-way, City staff have indicated their preference that that section be privately maintained, to which the applicant has verbally agreed. With the designation of private instead of public, staff recommends a memorandum of understanding, simply outlining that it is a private improvement, with no maintenance responsibility for the City, and that if the right-of-way is ever developed with a public street, the party constructing that street would have the right to remove and/or reconfigure that access as needed, working in good faith with the property owner. Current City staff put the probability of that right-of-way being improved with a public street as extremely close to zero—way too costly and way too constrained by existing utilities and topography to justify such minimal traffic circulation benefit.

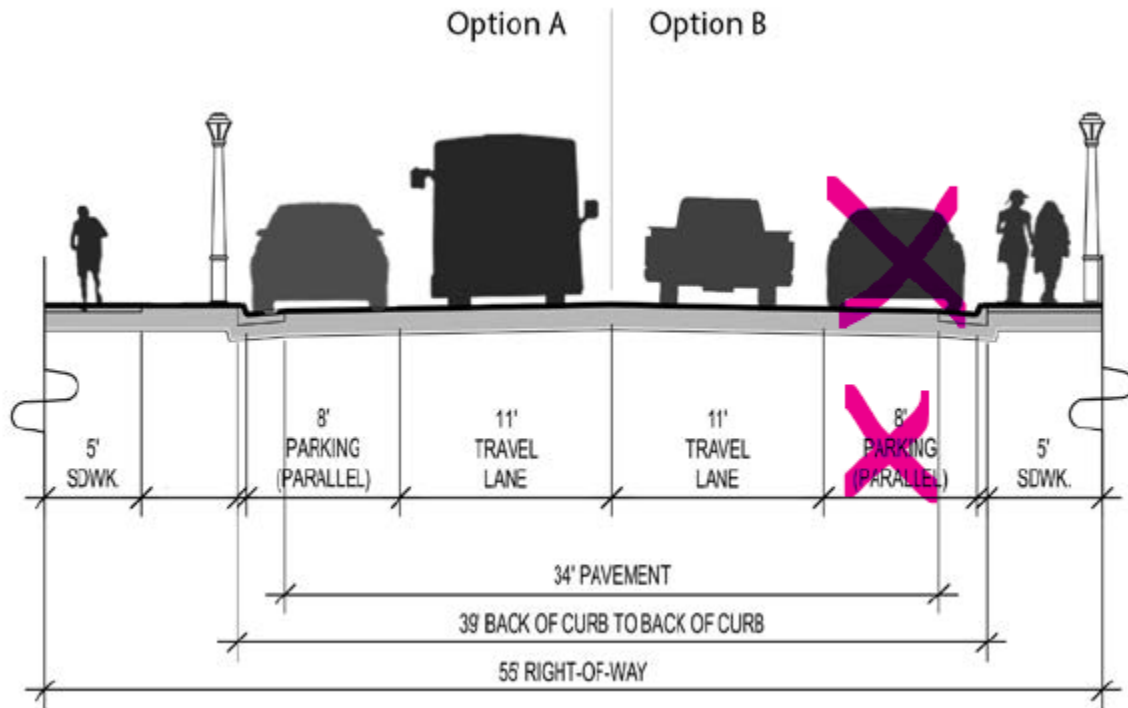
As the temple site has abundant on-site parking, there is no justification for requiring on-street parking along the north side of Temple View Lane. However, width for on-

street parking will be provided on the south side of Temple View Lane. Due to safety reasons (e.g. sight distance around the curve of Temple View Lane), there will be no parking in the intersection area of Temple View Lane and Skyline Drive—the street width is not designed in that area to provide parking on either side.

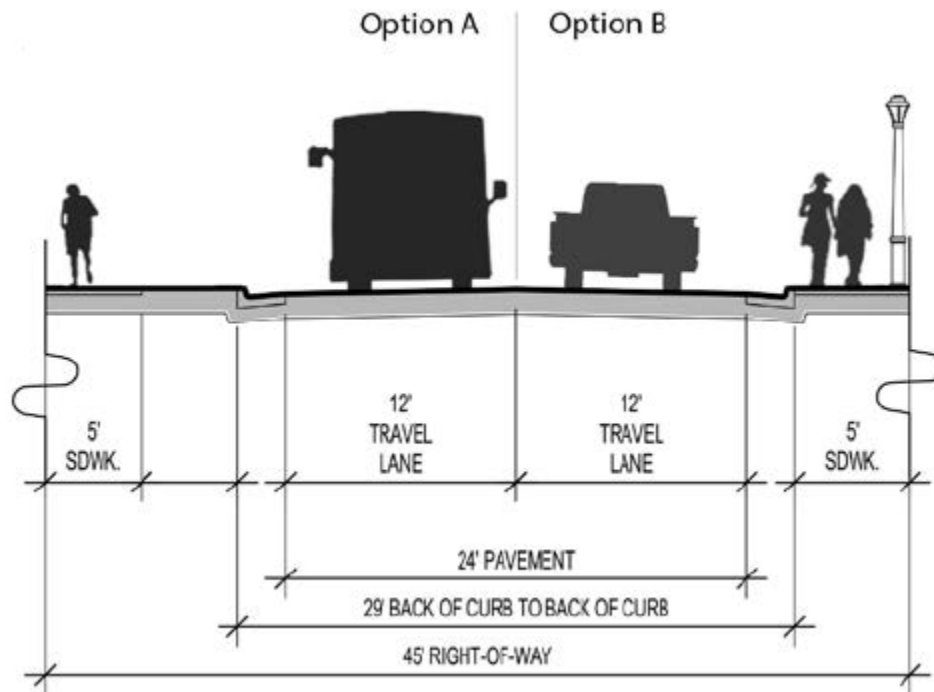
The street profile concepts for Temple View Lane are shown in the master plan, as the Minor Residential Street profile for the “no parking” section, and as the Local Street profile, minus the parking lane on the north side, for the remainder. As the City has allowed in other situations, the cul-de-sac bulb is at an 80-foot diameter based on it being marked and signed for no parking—the large lots that will be located around it will have plenty of room for parking. If desired, additional parking can be required of those large residential lots as part of the subdivision application to create those lots.

Both the Public Works Director and Fire Marshal are agreeable to the street profiles and dimensions proposed.

Local Street Profile:



Minor Residential Street Profile:



What has not entirely been worked out is the timing of when Temple View Lane would become a public street. As initially it would only serve the temple, City staff recommends that it remain private for the time being. If and when the adjacent Nielson property is subdivided, the City could consider at that time whether to accept it as a public street. Due to the potential of it becoming a City street, its construction is being designed, inspected, and certified as if it were a public street.

If Temple View Lane is indeed private for the time being, the property owner will need to grant that area as an access and utility easement to both the City and the Nielson property before the City will accept the City utility infrastructure that occupies that area.

Parking

The proposed site plan contains 140 parking spaces. All of the parking spaces and drive aisles meet City requirements as far as surfacing, dimensions, slopes, ADA spaces, and lighting. It is noted that 140 spaces are much more than what the City of Cody standards recommend, based on the capacity of the temple building and accessory building. Using City ratios, 140 parking spaces is enough parking for a capacity of 420 persons. Yet, based on proposed seating and the ratio of one space per three seats in the assembly areas that would be occupied at any one time, staff would likely come up with only around 50 spaces required, when using City recommended ratios.

However, the City does not impose maximum limits on parking. The abundance of parking will ensure that during occasional events, such as landscaping projects, that parking will be able to occur for large groups of participants without spilling outside of the temple site. It would also accommodate the occasional RV or vehicle with a trailer.

Exterior Lighting

Exterior lighting was discussed previously. However, there is one minor edit needed to the site plan related to exterior lighting. The lamp post shown just northeast of the entry monument sign needs shifted to be outside of the City right-of-way corridor along the east side of the property.

Setbacks and Buffers

The RR zoning of the property specifies a front building setback of 35 feet, a side street setback of 30 feet, a side setback from a property line of 15 feet, and a rear setback of 15 feet. The temple building complies with that those setbacks, as well as applicable lot coverage, and other dimensional standards. The ancillary building is right at the rear setback and side street setback, but complies with the building setbacks.

There are no buffer or screening requirements applicable to this project.

Grading/Storm Water Plan:

The grading and stormwater plan has been prepared by a professional engineer and meets minimum City requirements specified by the Stormwater Management Policy, and is acceptable to the Public Works Director. Stormwater calculations were appropriately based on an undeveloped condition being converted into a fully developed condition for the portion of the property and associated areas that flows onto the property. Out of an extreme abundance of caution, staff expressed concern with infiltrating the stormwater in the retention area at the north end of the site, due to the historical landslide on a nearby portion of that slope. Adding weight and lubrication (water) to a hillside is just something that generally should be avoided. The applicants amended the stormwater plan to avoid infiltration of the collected stormwater on the temple site, as the system is now designed to retain the stormwater in an underground chamber and then discharge it through a piped system into the historical discharge location of the ravine along the east side of the property. The stormwater plan is based on 100-year, 2-hour storm, as specified by Church policy, which greatly exceeds the City's 10-year or 25-year requirements and does not increase discharge rates or amounts for the 100-year, 2-hour design storm. Refer to Sheet C-141 in the Civil Site Plans file on the City website.

It is noted that the most recent version of the grading plan has removed as much fill from the City right-of-way along the east side of the project as possible, per the City's request. Only the fill necessary for the street remains, and the ground maintains a

conservative 3:1 slope where fill does occur. This change minimizes impacts to utilities caused by additional cover.

The one utility that is still performing some calculations regarding how the fill may affect their utility is the Shoshone Municipal Pipeline (SMP). Their 36-inch-diameter pipeline is likely thin-walled through this location, so special precautions may be needed. The SMP manager indicated their intent to work with the applicant, and the applicant is aware of the issue and intends to address it as needed.

Snow Storage

With so much excess parking, snow storage can occur in portions of the parking lot, where it can eventually melt into the stormwater collection system.

Utility Services

It is first noted that the sewer and water mains proposed under Temple View Lane relate to the subdivision of the Nielson property, not necessarily the temple project. However, if those lines are installed early enough for the temple to use them, it could allow for some efficiencies in the water lines, and perhaps other utilities.

While City staff (P.W. and Planning) are generally okay with the utilities as proposed, we are open to modifications that may result from the following requirements and suggestions.

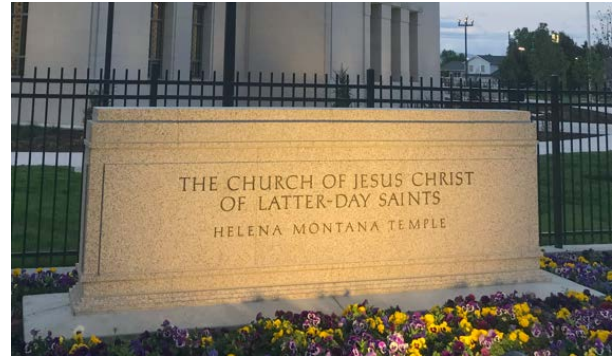
- a) The fire marshal states that one additional fire hydrant should be added to the temple site and one at the end of the cul-de sac. The additional hydrant for the temple site is recommended to be in the island near the fire line valving directly east of the temple building.
- b) If desired, the stormwater piping may be able to be reduced by relying more on gutter flow in the street entrance areas. In addition, the pipe to the ravine seems larger than needed.
- c) Black Hills Energy requests additional separation between the proposed natural gas line and the perimeter fence and electrical line. That could involve adjusting things a few feet, or just moving the gas line to the south side of Temple View Lane.

The electrical plan generally appears fine, but is missing the line from the existing fuse cabinet to the proposed transformer next to Skyline Drive. Also, shift the proposed transformer slightly to allow room for a future sidewalk along Skyline Drive (min. 5 feet behind back of curb.)

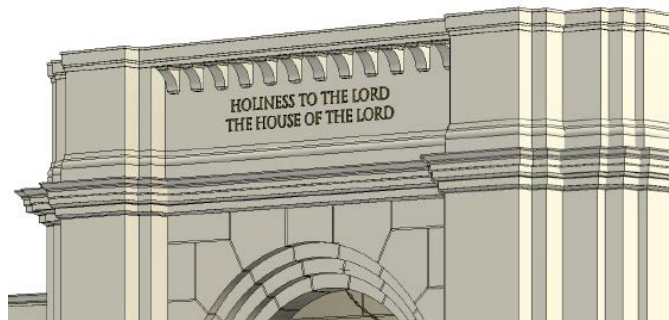
Additional coordination with 3rd party utilities, such as telecommunications is still needed, however the combined route with the electric line is typical.

Signs

The City sign code simply states that all signs for churches must be approved by the Planning and Zoning Board. There are no limits on number, height, or size. At the entrance there would be a monument sign, similar to the Helena temple sign shown here. Staff has no concerns with the sign itself, but would ask that the illumination not be as bright as the Helena sign. Other small directional and convenience signs, such as address numbers, building nameplates, ADA parking signs, etc. would also be installed.



The statement "Holiness to the Lord, the House of the Lord" above the entry of the temple is simply considered constitutionally protected non-commercial free speech.



Garbage Collection

The applicant has verbally stated that they plan to have garbage collection occur at the cul-de-sac bulb on Temple View Lane. However, details have not yet been provided. A dumpster enclosure would be appreciated, but we do not have a specific requirement for the residential zones, other than for multi-family development.

OTHER:

Erosion Control/SWPPP:

The application contains an erosion control plan, which appears acceptable as far as the containment fencing. A stormwater pollution prevention plan (SWPPP), and perhaps permit is required to meet WY DEQ requirements. The applicant is aware and plans to obtain those authorizations as needed—they are not permits issued by the local jurisdiction.

Easements/Right-of-way:

The reconfiguration of the entryway necessitates the property owner obtaining additional access/utility easements and/or right-of-way for the curve in Temple View Lane from the Erica Ashley Nielson Trust. In addition, the stormwater pipe proposed to run to the ravine and discharge on the City right-of-way crosses the Nielson property as well, which will also need an easement. Both parties are aware and plan to execute necessary documents.

It is noted that if and when Temple View Lane becomes a City street, there will need to be a legal acknowledgement from the property owner (Church) of a “right to drain” stormwater from the street through the private stormwater management system on the temple property to the discharge area on City property.

Encroachment permit.

Public Works required an encroachment permit for all work (excavation, landscaping, sidewalk installation, utility installation, etc.) in existing City rights-of-way, to ensure proper insurance and that approved plans are in place for the work. The contractor performing the work is responsible to obtain the encroachment permit(s).

Existing Nielson driveway.

The existing access for the Nielson Driveway will need to be removed or fenced once Temple View Lane is completed, to eliminate the safety issue of two side-by-side approaches. Temple View Lane will be available for use by the Nielsons.

ATTACHMENTS:

Application materials—site plan, elevation drawings, drainage report, etc.

ALTERNATIVES:

Approve or deny the site plan with or without changes.

RECOMMENDATION ON THE SITE PLAN

It is recommended that the Planning and Zoning Board approve the approve the commercial site plan application and signs, subject to the following conditions.

1. The streets are permitted to remain private for the time being, so long as the area of Temple View Lane is dedicated as an access and utility easement for the City of Cody, and as an access easement for the Erica Ashley Nielson Trust property. Any further private agreements between the property owners are up to them. Although the streets would be private, the water and sewer mains in Temple View Lane would be transferred to the City for operation and maintenance.
2. In order for Temple View Lane to have the option of being accepted as a public street in the future, the engineer must have the design approved by public works, and conduct inspections and testing as if it were a public street.
3. The engineered construction plans for all water lines larger than 2-inches in diameter, the sewer pump station, and the sewer main in Temple View Lane must be authorized by WY DEQ prior to construction. As part of that process the City engineer will review and authorize the plans for the City.
4. Prior to issuance of a building permit, make the following edits to the plans:
 - a. (Done) In anticipation of Temple View Lane being a public street, and for safety purposes, add a City standard streetlight at the intersection with Skyline Drive.

It will be fed from the transformer that feeds the existing irrigation pumps next to the canal.

- b. (N/A, going with roll out containers) Add provisions for garbage collection to the site plan for review and approval by the sanitation division. A dumpster pad behind the curb of the cul-de-sac is an option. An enclosure (3-sided unless someone is willing to open the gate on pickup days) installed around the pad would be appreciated. Recommended inside dimensions for a two-dumpster enclosure (one for garbage and one for cardboard recycling) are 18.5' long by 6.5' deep.
- c. (N/A) If the dumpster enclosure is added as contemplated, the sidewalk must be extended to pass around the back of the dumpster and back up against the curb. (A sidewalk easement would be needed for the portion around the back of the dumpster enclosure at such time that the street became public.)
- d. (Pending) Shift the light at the front monument sign off the City right-of-way.
- e. (Done) Add a fire hydrant in the island east of the temple building, closest to the valves.
- f. (Done) Relocate the water meters and the backflow preventer off of the City right-of-way. The area north of the monument sign would seem to work well. Provide details of the meter pits acceptable to Public Works.
- g. (Done) Include a sidewalk ramp where the proposed sidewalk meets Skyline Drive.
- h. (Done) It is recommended that the dry utilities (gas, power, telecommunications) be relocated to the south side of Temple View Lane. Doing so makes them available for the Nielson subdivision, but also avoids several utilities crossings in the City right-of-way along the east side of the temple site, satisfies Black Hills energy on their desired utility separations, and will better match the latest electrical layout plan. Otherwise, shift them as needed to provide the clearances requested. Moving them to the south side would require a 10-foot-wide City utility easement along the south side of Temple View Lane. Also, this and the related electrical work may necessitate relocating the Nielson's private utility lines sooner than currently planned.
- i. (Done, but electric division may want a little more fill than shown for the cabinet north of Temple View Lane) Based on the latest electrical layout designed by the City, adjust the alignment of the intersection with Skyline Drive closer to 90 degrees, in order to provide more room for the electrical boxes that will need to be installed to the south of Temple View Lane, and add fill to the north side of the street to allow the shifted sectionalizing cabinet to be close to street grade. The sectionalizing cabinet will be shifted northwest to the approximate location of the existing fuse cabinet, which will be removed. From that sectionalizing cabinet, new wire will be run to a PM9 switch cabinet (6' by 6') south of Temple View Lane, which will then feed into a sectionalizing cabinet next to it, before running to a sectionalizing cabinet on the south side of Temple View Lane directly south of the transformer pad, and then to the transformer. The PM9

switch cabinet will also need to be located to utilize the wire than runs to the southwest. The electrical boxes and streetlight in that area should be 6 feet or more from the back of the curb along Skyline Drive to allow the option of a future sidewalk. While the trench along Temple View Lane is open, it would be smart to also install 3' electrical conduit to feed back to the contemplated Nielson lot closest to Skyline, and 1 ½" conduit for future streetlights on the street.

- j. (Done) If raw water (irrigation) is anticipated for the Nielson subdivision, the line should be installed under Temple View Lane.
- k. (Done) Show the sewer, water, and if applicable raw water mains under Temple View Lane as extending to beyond the cul-de-sac bulb.
- l. (Done) Valving of the public water main (under Temple View Lane) needs to be added.
- m. (Optional, need not be shown on plans, but can still be coordinated) If the lot layout of the Nielson's subdivision is known, taps should be shown and provided as part of the construction of the sewer and water mains.
- n. (Pending) Provide a location with a more gradual slope off of the north side of the east access to allow utility maintenance vehicles (pickups) wanting to access the City right-of-way the ability to drive off of the paved access, towards the east portion of the City right-of-way.

Additional edits to the plans may be made by the applicant for purposes of increasing efficiency of the utilities or stormwater plan, or addressing in-field changes, if authorized by Public Works. The applicant's engineer plans to make most, if not all, of the above requested edits before the public hearing.

- 5. Prior to issuance of a building permit, obtain all necessary easements from the Erica Ashley Nielson Trust (additional access easement for the curve in Temple View Lane, stormwater pipe easement north of temple site, and an electrical easement for a short segment near the curve in Temple View Lane—or shift the electric line into the R/W).
- 6. Prior to issuance of a building permit, obtain agreement with Shoshone Municipal Pipeline on any plans necessary for protecting the SMP pipeline under the new street improvements, or show that additional protection is not necessary.
- 7. Prior to construction of access improvements in the City right-of-way along the east side of the temple site, enter into a memorandum of understanding with the City, simply outlining that the access on the City right-of-way is a private improvement, with no maintenance responsibility for the City, and that if the right-of-way is ever developed with a public street, the party constructing that street would have the right to remove and/or reconfigure that access as needed, working in good faith with the property owner of the temple site.
- 8. All work within the Skyline Drive and the City right-of-way along the east side of the property requires a street encroachment permit from Public Works. The contractor(s) doing the work is responsible for obtaining the permit(s).

9. Prior to installation of the landscaping, provide an updated landscaping plan that shows the removal/shifting of the trees to be off the City right-of-way, and demonstrates the necessary clearance around the switch gear cabinet.
10. Provide necessary easements within the temple property for the electrical line and switch gear cabinet prior to occupancy of the building.
11. Upon completion, the storm water facilities must be inspected and certified by the applicant's engineer that they were completed according to the approved plans or equivalent, prior to building occupancy.
12. Upon completion of the project, remove or fence/gate the existing approach of the Nielson driveway/canal access off of Skyline Drive. The fence would need to be placed along the right-of-way line, or further from the street.
13. Upon completion of the project ensure that any disturbed areas beyond the landscaped areas that are lacking vegetation are planted with dryland grass seed, or any better alternative method authorized by Public Works, to help prevent weeds and control erosion.
14. Prior to occupancy, provide a Knox (key) box for emergency service/fire department access through the two gates, or other method of emergency entry acceptable to the fire marshal.
15. 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 must be obtained within five years or this authorization will expire, unless delayed due to legal action, in which case the deadline will be 5 years from the conclusion of the legal action.

PART II

SPECIAL EXEMPTION

Before addressing the Special Exemption Criteria, it is necessary to interpret what effect the Planning, Zoning, and Adjustment Board's adoption of the findings related to the approval of the Conditional Use Permit may have on the applicability of the Special Exemption. Please note that the following is based on memory, and I have not had the chance to fully confirm, as the video from last night's meeting is not available at the time of this report.

When the Board adopted the findings for the conditional use permit on June 15th, the motion included adoption of the findings in the staff report. I read each of those findings in my staff presentation—remember it was that time when you were thinking when is he ever going to finish? A copy is attached. Among those findings was the following:

Principle 3.1.f. Building Heights. Limit the height of new and remodeled construction to respect the existing or desired character of neighborhoods and districts, maintain a consistent scale of development, and preserve scenic views. Finding: The temple building complies with the building height limit for the zone in which it is located.

While there was discussion as to whether the following finding was still pending, I did not remove it from the staff report. I do not believe the Board took any action to remove the finding from the staff report either, so when the Board adopted the conditional use permit findings it was included.

By adopting that finding, the Board has arguably acted to accept the staff recommendation on building height, finding that the Cody Wyoming temple complies with the building height requirements of the City of Cody Code. As such, the special exemption is not necessary.

If further action related to the steeple height is necessary, I, as staff am "resubmitting" the height interpretation application for the Board's consideration, before addressing the special exemption criteria. With the resubmittal, the following facts are presented.

Like all significant decisions related to the temple project, I have not made the recommendation that the temple project complies with the literal language of the zoning code on my own. Before issuing my report to the Board, I had heavily consulted with Scott Kolpitcke, the City attorney, to determine if my height interpretation was the proper interpretation of the plain language. I wanted to make sure it held no biases. I have no interest in the temple project being denied due to me not performing my responsibilities with exactness. He generally agreed with the above describe

interpretation. As such the only applicable section of the definition is section “a”. Here is the definition, as contained in the adopted City of Cody code, and which is the only language that can be considered in defining building height.

BUILDING HEIGHT: Building height refers to the vertical distance between the average finished grade and either: a) the highest point of the coping of a flat roof; b) the deck line of a mansard roof; or c) the height of a point midway between the eaves of the main roof and the highest ridge line of a gable, hip or gambrel style roof. For structures without a roof, building/structure height is the vertical distance from the average finished grade to the highest point of the structure, except those projections otherwise exempted or specified in this title.

For easy reference, the following Height Interpretation” and “Height Interpretation Notes” sections of the original staff report are included here:

Height Interpretation

The applicant, Haskell Engineering and Architecture, Inc, representing the property owner, The Church of Jesus Christ of Latter-Day Saints, brought forth the temple project and asked the City what permits they needed to construct a temple. The Cody zoning ordinance specified that a Conditional Use Permit was needed, so that was identified. In addition, as City staff initially looked at the language of the zoning code, we were unsure how the applicable height regulations would apply to such an architecturally complex building, so the City also requested a Special Exemption, in the event it was determined that one was needed. For efficiency we prefer that all applications be submitted and considered at once, rather than to get before the Board and have them determine an additional application was needed. Based on the schedule at that time, doing so required that the normal special exemption notice process be followed, which has occurred. However, before considering the Special Exemption application, staff is requesting from the Board an interpretation of whether the proposed temple complies with the applicable height limits.

In my role as City planner, I will state the regulation, do my best to be sure it is properly understood, and then state my understanding of how it applies to the proposal under review.

The Rural Residential zone, in which the temple is proposed, has two height limits—maximum number of stories, which is two, and maximum building height, which is 30 feet above finished grade. Regarding the maximum number of stories, there is only one floor level in the proposed temple, and as

10-6-2: TABLE:

Standard		
		RR
	Maximum number of stories* (excluding basements) and maximum building height*	2 stories and 30' above finished grade

stories are measured from a floor to the ceiling above a floor, the number of stories is one. At one story, the temple building complies with the limit on maximum number of stories.

(Footnote: As a side comment, the one story of the temple would generally be less than 12 ½ feet tall, except for that portion of the ceiling and associated roof assembly that is elevated to accommodate the higher ceilings above the Baptistry and Celestial Room, as well as some adjoining mechanical equipment. That elevated portion of the roof remains below the elevation of the parapet wall that extends 24 feet above the floor level of the building.)

Now we must analyze whether the temple complies with the “maximum building height” standard, which is 30 feet.

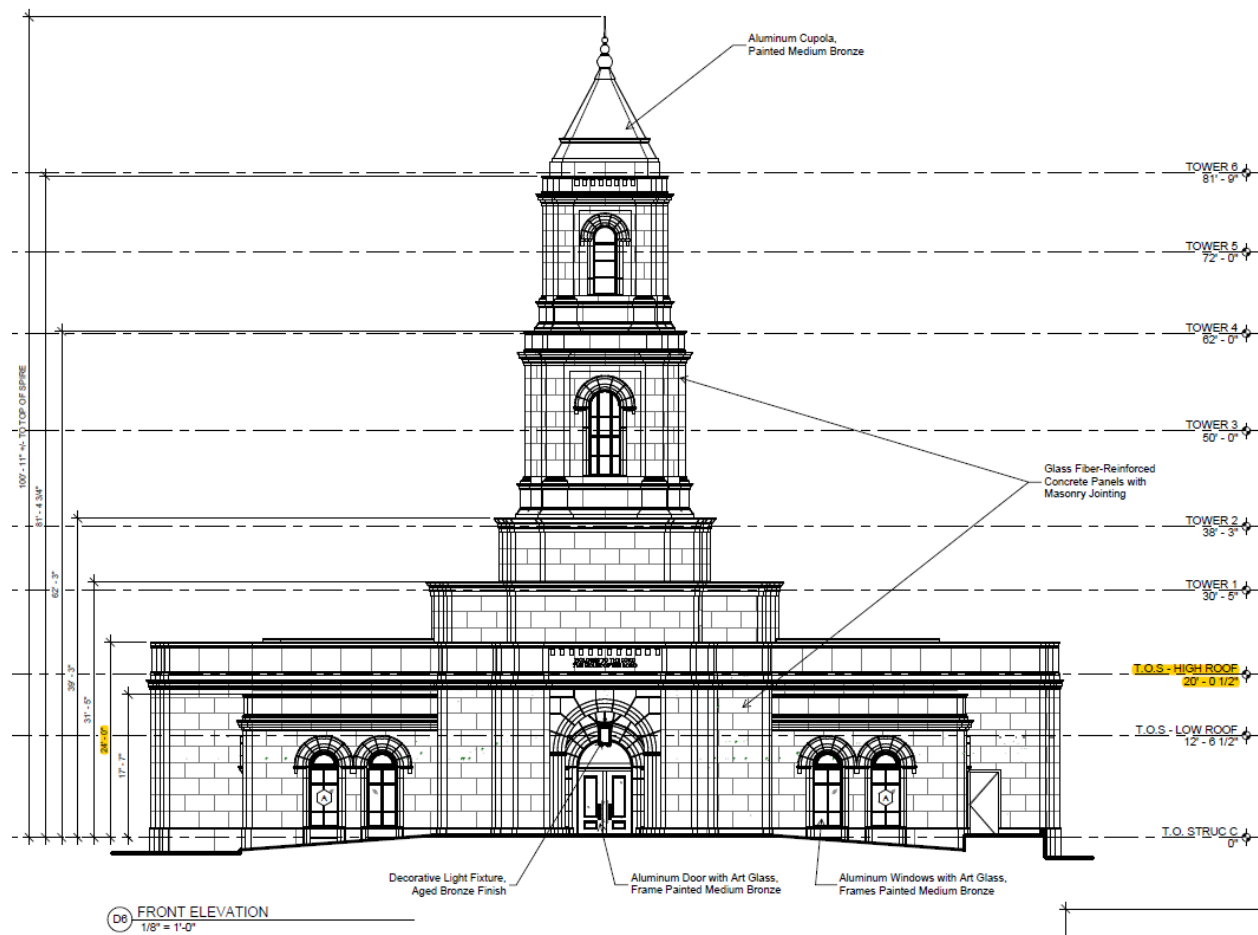
Building height is defined in the Cody zoning code as follows:

BUILDING HEIGHT: Building height refers to the vertical distance between the average finished grade and either: a) the highest point of the coping of a flat roof; b) the deck line of a mansard roof; or c) the height of a point midway between the eaves of the main roof and the highest ridge line of a gable, hip or gambrel style roof. For structures without a roof, building/structure height is the vertical distance from the average finished grade to the highest point of the structure, except those projections otherwise exempted or specified in this title.

The following is how I interpret the literal language of that definition.

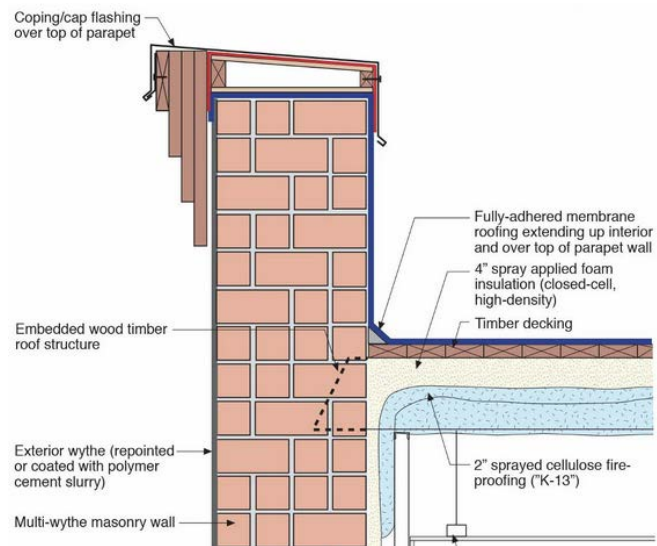
First, notice that building height is not necessarily the highest point of a building. For example, on sloped roofs building height is measured only to the midpoint between the eave and ridge of the main roof. More than one home in the immediate proximity of the proposed temple can be used to illustrate the point. However, some of the materials that have been circulated relating to the temple project have not taken this into account—likely unintentionally. Correct information is necessary for a proper analysis.

Since the proposed temple has a flat style of roof, section “a” of the building height definition is the applicable standard, which is the vertical distance from finished grade to the highest point of coping of the roof. Initially, I did not have detailed information about the interior ceiling height of the temple, nor what components of the building contained a roof. I needed to determine where the roof(s) were located, so that I could determine what was the associated coping, and therefore determine official building height. To what elevation would the one story extend? Would there be a roof on what visually forms the steeple base? Did the ceiling extend up into the steeple? And if so, how far? These were all factors that could affect the building height calculation.

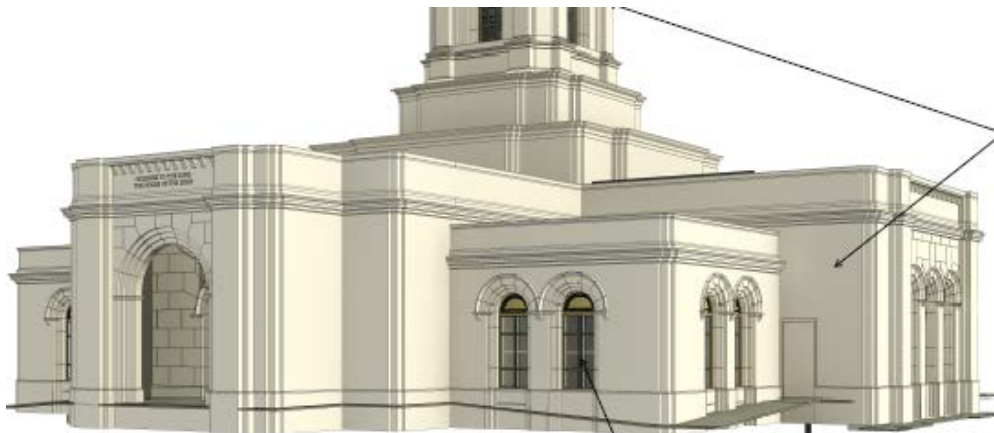


While I have not seen the building permit set of plans for the Cody temple, the architect has recently stated that the roof and steeple concept used for the Cody temple is almost exactly the same as the Helena temple, differing only in the shape of the steeple. What I discovered while viewing a time-lapse video of the Helena temple construction is that there is no roof or skylight (for those familiar with the Billings temple skylight) above the flat membrane roof that covers the main level of the building. The panels that visually form the base of the temple steeple are actually suspended by a steel framework above the roof of the temple and are entirely open vertically—rain and snow would fall all the way to the roof of the main level, which is below the 24-foot-tall parapet wall. The steeple base has no roof. The flat roof on the temple is immediately above the ceiling of the occupied space of the main level. No portion of the steeple contains space that is considered habitable or that would be occupied.

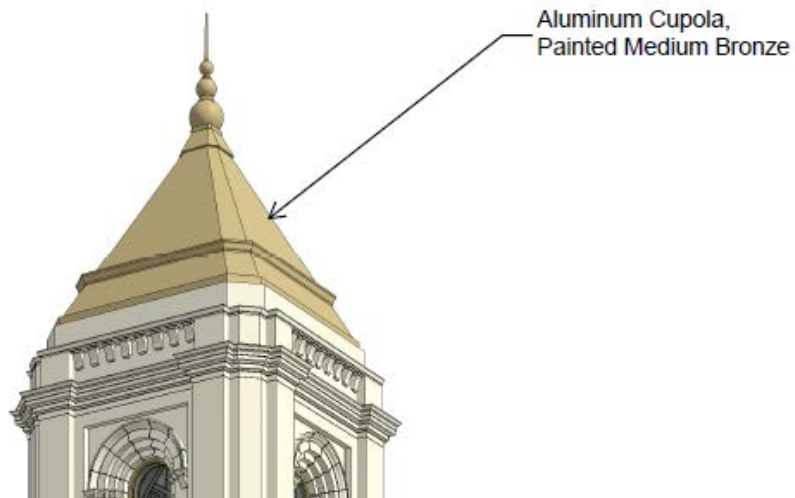
Now that we know the location of the flat roof, the next question for determining “building height” of the temple is “What is the highest point of the coping” associated with that flat roof? Coping is the weatherproof flashing that protects the top of a parapet wall—see insert (*Building Science.com*, accessed 6.2.2023). A parapet is “a low wall along the edge of a bridge, a roof, etc. to stop people from falling.” (*oxfordlearnersdictionaries.com*, accessed 6.1.1023)



In the case of both the Helena and Cody temples, the only parapet walls are found around the perimeters of the buildings—the panels that form the visual base of the steeple are not parapets, as they are suspended above the roof. Therefore, the coping on the 24-foot-tall parapet walls of the proposed temple constitutes “the highest point of the coping” to which building height is measured.



The cupola is technically a component of the steeple, but in the shape of a hip style roof, which may at first suggest that building height should consider the cupola. However, the cupola does not form the “main roof” of the building. Its size is only a small fraction of the flat roof below. As such, part “c” of the building height



definition—shown in context below, is not applicable, due to the cupola not being the main roof.

BUILDING HEIGHT: Building height refers to the vertical distance between the average finished grade and either: a) the highest point of the coping of a flat roof; b) the deck line of a mansard roof; or c) the height of a point midway between the eaves of the main roof and the highest ridge line of a gable, hip or gambrel style roof...

The conclusion is that the official building height of the proposed Cody Wyoming temple will be approximately 25-26 feet—the distance from average finished grade to the highest point of coping of the parapet wall of the flat roof, which height complies with the maximum 30-foot building height limit of the Rural Residential zone in which the temple is proposed. The applicant is encouraged to submit documentation for the Cody temple to verify the presumptions upon which this determination is based.

To determine whether the Planning and Zoning Board agrees with this analysis and conclusion, I believe a motion should be made and voted on. The following draft motion is provided for your consideration.

Proposed Motion:

That the Board finds that the proposed Cody Wyoming temple of The Church of Jesus Christ of Latter-Day Saints complies with the Cody zoning regulations for maximum number of stories, and maximum building height, as it;

- a) Does not exceed two stories; and,

- b) Does not exceed 30 feet in “building height” as defined by the Cody zoning ordinance.

Furthermore, the Board rules that as the height requirements are met, the Special Exemption application is unnecessary for the Cody temple proposal.

If the above motion is approved, a staff analysis of the Special Exemption is unnecessary, so the analysis is not provided at this time. If the motion fails, I will provide additional information as needed.

Height Interpretation Notes:

- a) The adopted building code is consistent with the proposed building height conclusion. Attached are comments from the Cody Building Official and Park County Fire Marshal that conclude that the steeple does not constitute a “story” under the building code, but is a “rooftop projection”, and that rooftop projections are independent of the building height limitations of the building code. The building code allows rooftop projections, including towers and steeples of any height, so long as they are constructed of and supported by noncombustible materials and otherwise meet standards for structural, wind and seismic design. Here are links to the code references cited in their attached comments: [Chapter 5 Section 504](#) and [Chapter 15 Section 1511](#).
- b) The second portion of the “building height” definition that relates to structures without a roof is not applicable to the steeple, as the steeple is part of the temple building, not a separate structure.
- c) The fact that Cody’s zoning ordinance definition of building height does not specify or require items that extend above the roof to be included in determining building height is not uncommon. The concept is there and the practice is relatively common in other zoning codes. For example, see the caption from Cheyenne’s development (zoning) code to the right.

ARTICLE 1 GENERAL PROVISIONS

The height limitations of this Title, with the exception of the airport height restrictions and unless specified otherwise, shall not apply to church spires, belfries, cupolas, domes not intended for human occupancy, flag poles, light poles, monuments, water towers, transmission towers, smokestacks, chimneys, derricks, antennas and aerals.

- d) Perhaps a note about the history of building height regulation would provide additional context. The roots of building height regulation are found in the earliest building and zoning codes as a way to address the need to provide adequate light and air. They were developed because the developers of tenement buildings did not consider the need for light and air in their building designs, much less the impact of their buildings to residents of neighboring properties, which led to all sorts of sanitation and health issues. By imposing building heights and building setbacks between buildings and from neighboring property lines, residents could have access to adequate amounts of clean air and sunshine. With the proposed temple steeple being almost 400 feet away from even the nearest neighbor, it is problematic to claim that the height of the temple spire impacts the ability of any neighboring resident to receive adequate light and air to avoid sanitation and health issues.
- e) Considering the above purpose, building height limits are based on minimum setbacks. For example, in the rural residential zone, side yard setbacks from lot lines are to be at least 15 feet—all other residential zones only have a 5-foot minimum side yard setback. Two structures on neighboring lots, could then be as close as 30 feet. With building height at 30 feet the RR zone defines adequate light and air as being satisfied by only that area above about 45-degrees horizontal, measured from the base of the one house to the height of the other. The combination of the proposed building height and setbacks for the temple are nowhere near that ratio or of that level of impact.
- f) Note that removal of the cupola covering, leaving the underlying steel framework exposed, is an option and would technically eliminate any remaining claim that the cupola must be considered in the building height determination, thereby allowing the steeple to otherwise be constructed exactly as proposed. However, for architectural purposes I do not recommend it as it would introduce a modern architectural style to an otherwise classical design. This point is included solely to demonstrate how it would be better to amend the code as suggested in “c)” above, so as to avoid such trivialities.
- g) The interpretation is consistent with how building height would be measured if the temple had a sloped roof, rather than the flat roof—the steeple would be excluded from the building height calculation, as for sloped roofs, building height is from finished grade to the midpoint of the main sloped roof.
- h) The analysis of building height is based on the strict language of the definition.

CODY PLANNING, ZONING & ADJUSTMENT BOARD

FINDINGS OF FACT FOR THE CONDITIONAL USE PERMIT FOR THE CODY WYOMING TEMPLE OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

WHEREAS, Haskell Architecture & Engineering, Inc., representing The Church of Jesus Christ of Latter-Day Saints has submitted the Conditional Use, Special Exemption, and Site Plan applications and associated review fees for development of a temple, accessory building, street, and associated improvements on a 4.69-acre parcel (highlighted on map), and an entrance road on adjacent City right-of-way;

WHEREAS, The property is located just west of Skyline Drive and north of the Cody Canal, about 400 feet north of the Olive Glenn Drive intersection (Tract B2 of the Record of Survey showing Boundary Line Adjustment recorded in Plat Cabinet P, Page 197, Records of the Park County Clerk and Recorder); the property would have an address of 555 Temple View Lane;

WHEREAS, The June 15, 2023 public hearing and opportunity to comment on the conditional use permit and special exemption has been advertised through a notice in the Cody Enterprise newspaper on May 30, 2023, and direct mailing to immediate neighbors within 140' of the applicant's private property on May 25, 2023, which meets notice requirements;

WHEREAS, the Board has considered hundreds of comments in the form of emails, letters, phone calls, and further testimony at the advertised public hearing, and considered them within the context of applicable local laws, state and federal law, and the U.S. Constitution.

NOW THEREFORE, THE CODY PLANNING, ZONING, AND ADJUSTMENT BOARD MAKES THE FOLLOWING STATEMENTS AND FINDINGS RELATED TO THE CONDITIONAL USE PERMIT FOR THE CODY WYOMING TEMPLE OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS:

The following are the Standards of Review for conditional use permits.

The Board finds that the City of Cody's conditional use permit criteria are met due to the reasons noted, as follows.

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?

Finding: Everything proposed and required for the temple project is able to be accommodated on the property while complying with all dimensional standards and development regulations of the zoning district. This finding is supported by the following:

- a) The temple building complies with applicable zoning setbacks, as well as applicable lot coverage and other dimensional standards. The ancillary building will also comply with the building setbacks.
- b) All of the parking spaces and drive aisles meet City requirements as far as surfacing, dimensions, slopes, ADA spaces, lighting, and total amount required.
- c) As the temple site has abundant on-site parking, there is no justification for requiring on-street parking along the north side of Temple View Lane.
- d) Both the Public Works Director and Fire Marshal are agreeable to the street profiles and dimensions proposed.

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?

Finding: The temple proposal does not otherwise impose any impacts (e.g. traffic, lighting, noise) that are greater than other permitted uses in the area, particularly when considering distance from neighboring residences. The facts support a finding that the applicant has met this condition.

In support of the above finding, and as evidence of similar uses determined compatible in the RR zoning district, the following findings are noted.

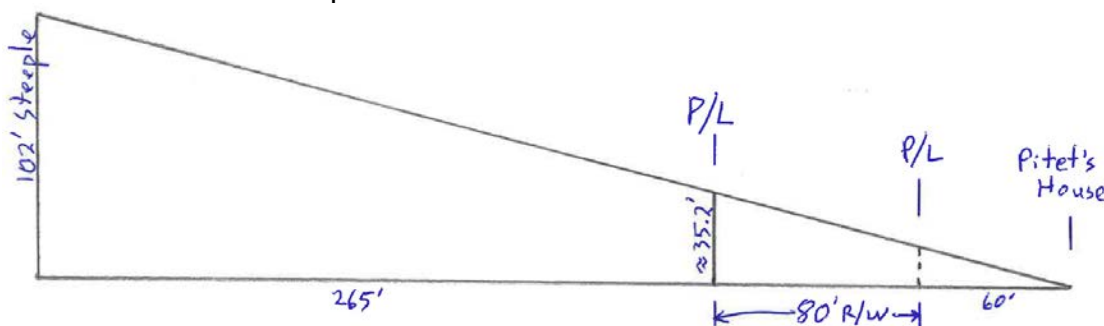
Finding: Other permitted uses in the RR zone, or in the immediate area include:

- i) Playfields, such as the softball fields towards the east end of Sheridan Avenue, with six, 72-foot-tall light poles providing playfield lighting much brighter than the lighting of the proposed temple, and parking capacity of at least 150 spaces—again greater than the proposed temple. As a permitted use in the RR zone, the installation of ballfield lighting would not require a zoning review.
- ii) Golf courses, including clubhouses. While the Olive Glenn Golf course and clubhouse is in an R-2 zone, it is in the immediate area, and would also be

- permitted if it were located in the Rural Residential zone in which the temple is proposed. Per the County assessor, the Olive Glenn clubhouse is 10,544 square feet, which is larger than the proposed temple building. The number of parking spaces at the golf course clubhouse is 90, which is more than the amount of parking that would be required for the temple project. The golf course is open 7-days a week, but the temple only five. Olive Glenn has not only the course, and clubhouse, but a restaurant and pro shop that are open to the general public as an accessory use. The reception/restaurant area and "Pioneer Room" at the clubhouse have a combined capacity of 191 persons alone, not counting the 50-person capacity of the lobby. The hours of operation of the golf course and clubhouse are likely similar to that of the temple.
- iii) Parks. The capacity of parks is difficult to estimate, but even a small park utilized for such events as Yellowstone Fire Association soccer events can easily extend well above a hundred attendees. The City has 4.5 acres of undeveloped park land/open space in the RR zone, provided as the required public use area contribution for the Chugwater Rims Subdivision, which would be precluded from being developed as a park if parks were prohibited from the RR zoning district.

Finding: When determining if compatibility can occur, the concept of mitigation can be applied to components of a project that may have significant measurable impacts to neighboring properties. However, the amount of mitigation need only be sufficient to reduce the significant impact to a reasonable level. The concept of mitigation has been used in developing the site plan conditions.

Finding: A structure or tree approximately 35 feet tall at the east property line of the temple property (140 feet away from the Pitet's house) is calculated to be visually equivalent to the height of the steeple due to the differences in distance between them, when viewed at the closest point of the Pitet's house.



Finding: The perceived view impacts from the steeple are the result of individual personal preferences (a tree versus a steeple). No evidence has been provided showing the existence of a viewshed easement or a significant impact to public health, safety, welfare, or morals from the loss of view. We find that views impacted by the development of the temple site are do not interfere with or impair existing property

rights, or public health, safety, welfare or morals, and will be compatible with existing uses in the area.

Finding: The proposed illumination levels at the east property line are minimal (below 0.1 footcandles) except for the lighting of the entry road on the City right-of-way, and that light is reduced to 0.1 levels by the time it reaches the neighbor's lot.

Finding: The proposed temple parking lot would have an average of 2.18 footcandles, which is almost $\frac{1}{4}$ less than the Hampton Inn parking lot (2.8 fc). No known complaints have been received relating to the Hampton Inn parking lot.

Finding: The site lighting and parking lot lighting are consistent with past City authorizations in that the light color does not exceed 4,000K, the light fixtures are full-cutoff in style, and calculations indicate that the light will be almost entirely retained within the property boundaries.

Finding: The authority for regulating site lighting is from the on-site parking section of the zoning ordinance. It simply states: "*Parking areas for civic, commercial, and industrial uses that will be utilized outside of daylight hours shall be provided with illumination. All parking lot lighting shall be designed and installed such that illumination will be directed away from any neighboring residential properties and shall be directed downward by utilizing full cutoff or fully shielded fixtures.*" The proposed lighting of the temple parking lot meets those requirements.

Finding: Although there is no requirement to provide landscaping, the proposed installation of landscaping, as shown on the landscaping plan, increases the compatibility with neighboring existing land uses.

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?

Finding: No excessive production of traffic, noise, smoke, fumes, dust, glare, odors, hazards, or similar impacts have been attributed to the temple proposal. In practice, this requirement is not applied to the construction period, as the construction period is temporary and an overly-strict interpretation and application of this standard would preclude construction activities of any kind.

Finding: The grading and stormwater plan has been prepared by a professional engineer and meets minimum City requirements specified by the Stormwater Management Policy. The plan is acceptable to the Public Works Director.

Finding: The stormwater plan is based on 100-year, 2-hour storm, as specified by Church policy, which greatly exceeds the City's 10-year or 25-year requirements and does not increase discharge rates or amounts for the 100-year, 2-hour design storm.

Finding: The erosion control plan appears acceptable as far as the containment fencing. A stormwater pollution prevention plan (SWPPP), and perhaps permit is required to meet WY DEQ requirements. The applicant is aware and plans to obtain those authorizations as needed

Finding: With so much excess parking, snow storage can occur in portions of the parking lot, where it can eventually melt into the stormwater collection system.

Finding: The use of roll out containers for garbage collection services has been requested and is acceptable to the sanitation division (Public Works). Rollouts will have less visual impact than dumpsters. Pickup will occur at the cul-de-sac bulb on Temple View Lane, far from any existing neighbors.

Finding: Traffic associated with the temple and the anticipated 5-lot Nielson subdivision is expected to be roughly equivalent to what would occur if the temple property and immediate Nielson lands were fully developed as a residential subdivision—based on the comparison of estimated traffic generation noted in the traffic impact study compared to the theoretical 42-lot subdivision.

Finding: The abundance of parking will ensure that during occasional events, such as landscaping projects, there will be sufficient parking to accommodate large groups of participants without spilling outside of the temple site. It would also accommodate the occasional RV or vehicle with a trailer.

Finding: The applicant has met this conditional use permit requirement, as applied to the ongoing operations of the temple.

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

Finding: Public Works and the 3rd party utility providers have indicated that there is sufficient capacity in each of the anticipated utilities to serve this project. The combination of the proposal and the conditions of the associated site plan review ensure that adequate public utilities and facilities will be provided as needed to serve the temple project. All examples listed will be provided on the temple site as part of this project. Existing utilities will also be protected as necessary.

Finding: No clear authority for off-site improvements is stated. However, the applicant is voluntarily developing construction plans for the missing section of curb and gutter

and associated minor widening of Skyline Drive for about 200 feet north of proposed Temple View Lane. Construction is planned to occur as part of the temple project. As much of the missing segment of curb and gutter is outside of the scope of the temple project, it is primarily the City's responsibility for installation.

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?

Finding: No excessive additional costs for public facilities and services, beyond that of comparable permitted uses, such as residential development, playfields, golf courses, and parks, are anticipated. For example, Temple View Lane will be private, so there are no City costs related to street construction or maintenance. The sewer, water, power, and other utilities in Temple View Lane would be the City responsibility, but the overall amount of City infrastructure is significantly less than if it were a residential subdivision.

Finding: As the temple site has abundant on-site parking, there is no justification for requiring on-street parking along the north side of Temple View Lane.

Finding: Both the Public Works Director and Fire Marshal are agreeable to the street profiles and dimensions proposed.

Finding: The temple traffic during the AM peak hour is estimated to include 24 vehicles entering the property and 8 vehicles exiting, for a total of 32 trips. The temple traffic during the PM peak hour is projected to have 19 vehicles entering the property and 18 vehicles exiting, for a total of 37 trips.

The traffic generation from the proposed temple and contemplated 5-lot subdivision is estimated to generate an amount of traffic almost identical to what would be generated from a theoretical 42-lot subdivision, with one exception, the subdivision traffic would occur at that level or higher for 7-days a week, while with the temple and 5-lot subdivision proposal traffic would likely be significantly less the two days the temple is closed. Such an analysis is appropriate when looking at comparable permitted or conditional uses—it is not a comparison of what is proposed to a situation of "no development", but to likely alternate development.



Finding: The portions of Skyline Drive that lead to the temple site are classified as collector streets (minor and major).

Finding: After reviewing the traffic study, the Public Works Director has stated that the traffic generated from the proposed temple will not cause any significant impacts to the capacity or condition of Skyline Drive. The engineers that performed the traffic study also concluded that, "Since all study intersections were found to operate acceptably, Fehr & Peers does not recommend any mitigation measures..."

Finding: The City has never adopted a traffic mitigation impact fee or policy to require off-site mitigation of traffic impacts. For the City to impose any form of traffic mitigation would deviate from the City's prior practice.

Finding: If additional protection for pedestrians or bicyclists using Skyline Drive is desired, the use of traffic delineators, such as shown in this photo would appear to be a viable option. As there is not clear authority for off-site improvements, it would be at the City's expense.

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?

Finding: The site was most recently used as a cow pasture. There are no known natural, scenic, or historic features on the site that are of significant importance.

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

Finding: The master plan is a guide, that does not have the status of law. The Cody master plan itself states that "The goals, objectives, and principles found in the Master Plan Frameworks provide guidance for future planning and decision-making in Cody. These statements are not hard-and-fast regulations, but rather statements that reflect the community's aspirations."

Finding: It is acknowledged that it is possible for different portions of the master plan to conflict with other portions, causing them to have to be considered in their order of importance. Furthermore, the master plan does not specify the level of importance of each principle or goal. However, each of the items from the master plan contained in the staff report have been met, as noted below.

GOAL 1: Cody will maintain its character as an attractive western town that is welcoming to residents and visitors alike. Finding: A significant portion of the community views the temple as attractive. The character of the town is found in its people—the teachings given in the temple promote the attractiveness (e.g. well-kept

properties due to the concept of stewardship) and the welcoming attitude for fellow residents and visitors, that is so important.

Objective 1.1: *Advocate and promote attractive and appropriate development of the City.* Finding: Many view the building as attractive. The appropriateness of the development is evidenced through compliance with the other conditional use permit criteria.

Principle 1.1.a. Community Image. The future of the tourist-oriented component of the community is heavily dependent on how the City and community meet the expectations of its national and international visitors. So long as the community takes pride in the details, including aesthetics, amenities, and friendly attitudes, it will be attractive and inviting to visitors and residents alike. Finding: Many view the temple and its grounds as aesthetically pleasing. It is an amenity serving the region. The friendly attitudes are promoted by what is taught in the temple.

Principle 1.1.b. Landscaping. Developments in commercial, office, multi-family, and light industrial areas should include quality landscaped areas along major streets and in large parking lots. Initial development plans should include preliminary landscape concepts and address responsibility for maintenance. Finding: The temple property will be extensively landscaped.

Principle 1.1.d. Architecture. Encourage quality architecture and design for new commercial, office and multi-family buildings and renovations... Finding: The Planning and Zoning Board promotes the utilization of quality building materials and construction. The temple building meets those expectations.

Principle 1.1.h. Award Great Design. Creativity on the part of private developers should be rewarded through recognition and support from the community. Finding: Approval of the project would recognize great design.

Principle 3.1.b. Existing Neighborhoods. Protect the existing character in stable residential areas. New residential, office, commercial, or industrial development that is not in harmony with the existing or desired future character of these neighborhoods should be discouraged. Finding: The conclusion of the application of the other conditional use permit criteria is that the project is compatible with the neighborhood because the temple has characteristics that do not create any impacts beyond other uses permitted in the existing neighborhood.

Principle 3.1.c. Protect Residential Uses. Protect residential neighborhoods by transitioning between residential and non-residential land uses through appropriate zoning, development review processes, and buffer methods. In areas where non-residential land uses are located adjacent to or within neighborhoods, require screening or barriers to limit the impacts on residential uses. Buffer methods could include

fencing, berms, native vegetation, plantings, trails and recreation areas, and density transitions. Finding: The temple project provides adequate buffers due to greatly increased setbacks and the extensive landscaping provided within those setbacks.

Principle 3.1.f. Building Heights. Limit the height of new and remodeled construction to respect the existing or desired character of neighborhoods and districts, maintain a consistent scale of development, and preserve scenic views. Finding: Conditional on a Special Exemption on height, the temple building complies with the building height limit for the zone in which it is located.

Principle 3.3.a. Development Review. Expedite the development review process for developers when development includes a public benefit and meets the goals set forth in this plan. Finding: There is no public benefit to delay a decision when all of the necessary information has been provided and it has been shown that the applicable criteria are met.

Principle 3.3.b. Cooperative Approach. When working with property owners, developers, and City staff, all parties are expected to maintain a cooperative attitude, promote open communication, and work to identify mutually-beneficial solutions to problems that may arise during the review process. Finding: All efforts have been made to provide a legitimate review process, maintain a cooperative attitude, and seek proper mitigation of potential negative impacts to the extent of applicable regulations.

Objective 6.4: Provide stormwater management systems that mitigate the impacts of heavy storm and flood events, address the effects of development, and protect the health of the public and the environment. Finding: The stormwater plan exceeds City standards.

Principle 8.4.a. Opportunities for Civic Engagement. Include opportunities for meaningful public engagement and feedback in the City of Cody's planning and community development activities. Finding: Opportunity to provide written comments throughout the notice period has been provided, as customary, although such is not required. The public hearing has also provided additional opportunity for meaningful public engagement.

Objective 9.1: Support a vibrant, year-round local economy that allows for economic growth while protecting Cody's small-town lifestyle. Finding: Several comments noted how those attending the Cody temple would also redirect much of their purchasing power to Cody and the State of Wyoming, whereas now they spend it in Billings, Montana. That support would be on a year-round basis.

Principle 13.1.b. Quality of Life. Support the preservation of Cody's quiet character by limiting noise and lighting impacts where quality of life is important. Finding: The ability to perform temple worship locally is a significant quality of life improvement for

those in the community. The temple project will not produce noise, with the exception of associated traffic, yet the amount of traffic and associated noise levels do not exceed that of other uses permitted in the zone.

Principle 14.1.f. Street Hierarchy. Ensure a street system that properly considers and implements the functional classification of each street, such that arterial and major collector streets are maximized for mobility and capacity, and minor collectors and local streets function within their intended limits so that residential streets are protected from excessive volumes of traffic and the intrusion of undesirable cut-through traffic. Avoid situations where undesirable cut-through traffic occurs on minor collectors and local streets. Finding: Skyline Drive, as a collector street, will continue to function within its capacity with the temple traffic.

ADDITIONAL FINDING:

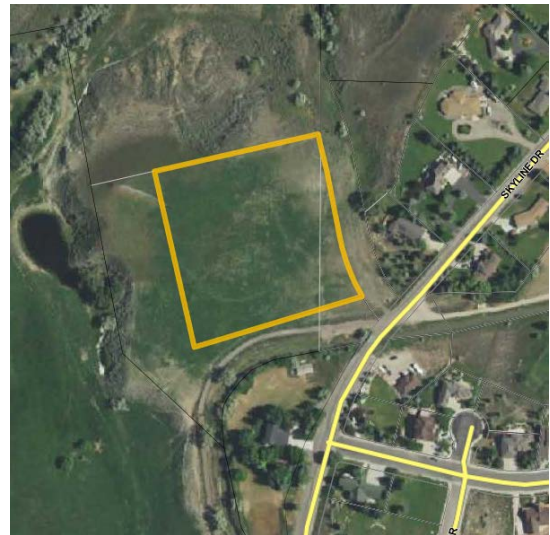
Finding: The staff report was prepared in a manner that complies with the U.S Constitution, federal law, the City of Cody Code, and the City Personnel and Policy Manual.

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

MEETING DATE:	JUNE 15, 2023	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	CODY WYOMING TEMPLE OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS. FILE NOS: SPR 2023-13, SUP 2023-08 (BOTH CUP AND SE), AND FNC 2023-01	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

Project Description:

Haskell Architecture & Engineering, Inc., representing The Church of Jesus Christ of Latter-Day Saints has submitted the Conditional Use, Special Exemption, and Site Plan applications for development of a temple, accessory building, street, and associated improvements on a 4.69-acre parcel (highlighted on map), and an entrance road on adjacent right-of-way. The temple building would be a single-story building of approximately 9,950 square feet with a perimeter wall height of 24 feet, and a steeple that would extend 100'11" above the finished floor elevation. The site plan, landscaping plan, elevation views of the temple, floor plans, drainage plan, and other related items are available on the City website under "Latest News" > "Notice of Public Hearing for Cody Temple Project".



The property is located just west of Skyline Drive and north of the Cody Canal, about 400 feet north of the Olive Glenn Drive intersection (Tract B2 of the Record of Survey showing Boundary Line Adjustment recorded in Plat Cabinet P, Page 197, Records of the Park County Clerk and Recorder). The property would have an address of 555 Temple View Lane, based on the proposed street that would be constructed in conjunction with the project.

Process:

The City Planner serves as a staff resource to the Planning and Zoning Board. The role of the City Planner is to provide the Board with information relating to land use proposals, identify which regulations apply to the project, and make statements, recommendations or suggestions for consideration by the applicant and/or Board, based on the City Planner's experience and training. That information is typically in the form of a staff report, such as this document. The Planning and Zoning Board has the task of analyzing the information, coming to their own conclusions, and issuing either a land use decision on the project, or a recommendation to the governing body (city council), depending on the type of application. The current applications include a Conditional Use Permit application, a Special Exemption request, and a Site Plan for review. The Planning and Zoning Board makes the decisions on each of these applications.

Both the Conditional Use Permit and Special Exemption processes require a public hearing before the Planning and Zoning Board. The June 15, 2023 public hearing and opportunity to comment has been advertised through a notice in the Cody Enterprise newspaper on May 30, 2023, and direct mailing to immediate neighbors within 140' on May 25, 2023. Those within 140 feet of the applicant's private property are identified

on the map by the orange highlighting. The newspaper notice and the direct mailing asked for written comments to be submitted either by Thursday, June 8th in order to be included in the Planning and Zoning Board packet, or submitted at the public hearing.

The review of the site plan by the Planning and Zoning Board does not require a public hearing, but is scheduled to occur at the same meeting.



STAFF ANALYSIS:

As a strict rule, I Todd Stowell, avoid writing any portions of staff reports in the “first person” point of view, as doing so ties me personally to the information provided, and the objective nature of my communications can be perceived as compromised if I misstep in any way. However, in this instance I believe it is the only way I can demonstrate the thought processes I have gone through to develop my recommendations on this project from the perspective of the City Planner, how those perspectives are based on laws and on precedents set by the Board, and that the information is not biased by my personal affiliation with the Church of Jesus Christ of Latter-Day Saints. I have been instructed by the City attorney to analyze the applications as I would normally do, for reasons that will later be revealed as needed.

As part of this review, I have read every comment letter and email that has been submitted, researched the zoning history of the area and applicable current regulations, created scale cutouts to visualize the size of the temple from the perspectives of Skyline Drive and Yellowstone Avenue (West Strip), and drove to the Helena Montana temple during the open house to view the newly completed temple and analyze the associated lighting and improvements on my own personal time. This report contains only a fraction of the information I have analyzed.

I should also note that throughout this entire process, even before application, I have not acted on my own—every significant discussion, email and decision has been in conjunction with the City administrator, City attorney, and/or Public Works director being involved.

Height Interpretation

The applicant, Haskell Engineering and Architecture, Inc, representing the property owner, The Church of Jesus Christ of Latter-Day Saints, brought forth the temple project and asked the City what permits they needed to construct a temple. The Cody zoning ordinance specified that a Conditional Use Permit was needed, so that was identified. In addition, as City staff initially looked at the language of the zoning code, we were unsure how the applicable height regulations would apply to such an architecturally complex building, so the City also requested a Special Exemption, in the event it was determined that one was needed. For efficiency we prefer that all applications be submitted and considered at once, rather than to get before the Board and have them determine an additional application was needed. Based on the schedule at that time, doing so required that the normal special exemption notice process be followed, which has occurred. However, before considering the Special Exemption application, staff is requesting from the Board an interpretation of whether the proposed temple complies with the applicable height limits.

In my role as City planner, I will state the regulation, do my best to be sure it is properly understood, and then state my understanding of how it applies to the proposal under review.

The Rural Residential zone, in which the temple is proposed, has two height limits—maximum number of stories, which is two, and maximum building height, which is 30 feet above finished grade. Regarding the maximum number of stories, there is only one floor level in the proposed temple, and as stories are measured from a floor to the ceiling above a floor, the number of stories is one. At one story, the temple building complies with the limit on maximum number of stories.

10-6-2: TABLE:

Standard		
		RR
	Maximum number of stories* (excluding basements) and maximum building height*	2 stories and 30' above finished grade

(Footnote: As a side comment, the one story of the temple would generally be less than 12 ½ feet tall, except for that portion of the ceiling and associated roof assembly that is elevated to accommodate the higher ceilings above the Baptistry and Celestial Room, as well as some adjoining mechanical equipment. That elevated portion of the roof remains below the elevation of the parapet wall that extends 24 feet above the floor level of the building.)

Now we must analyze whether the temple complies with the “maximum building height” standard, which is 30 feet.

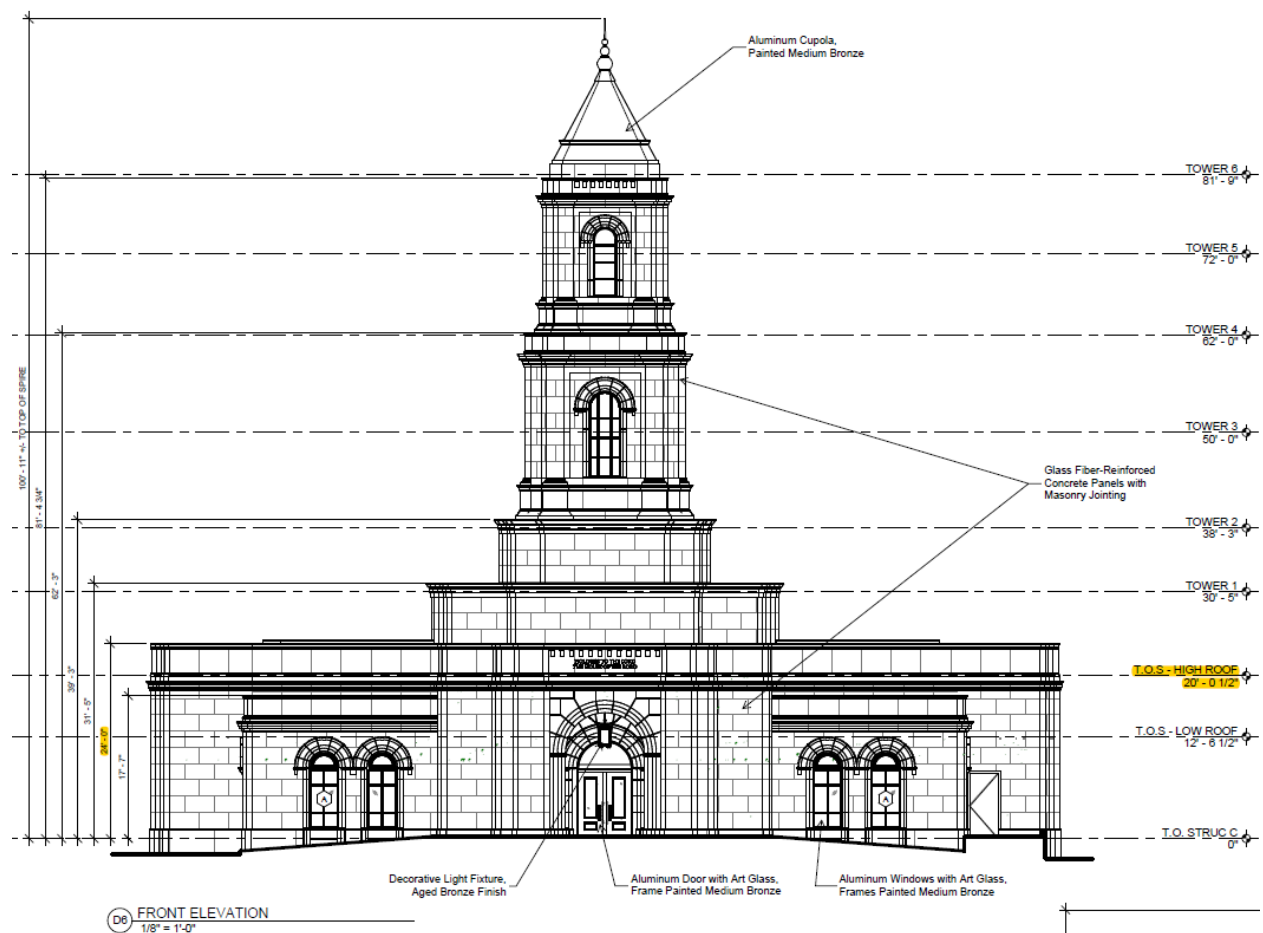
Building height is defined in the Cody zoning code as follows:

BUILDING HEIGHT: Building height refers to the vertical distance between the average finished grade and either: a) the highest point of the coping of a flat roof; b) the deck line of a mansard roof; or c) the height of a point midway between the eaves of the main roof and the highest ridge line of a gable, hip or gambrel style roof. For structures without a roof, building/structure height is the vertical distance from the average finished grade to the highest point of the structure, except those projections otherwise exempted or specified in this title.

The following is how I interpret the literal language of that definition.

First, notice that building height is not necessarily the highest point of a building. For example, on sloped roofs building height is measured only to the midpoint between the eave and ridge of the main roof. More than one home in the immediate proximity of the proposed temple can be used to illustrate the point. However, some of the materials that have been circulated relating to the temple project have not taken this into account—likely unintentionally. Correct information is necessary for a proper analysis.

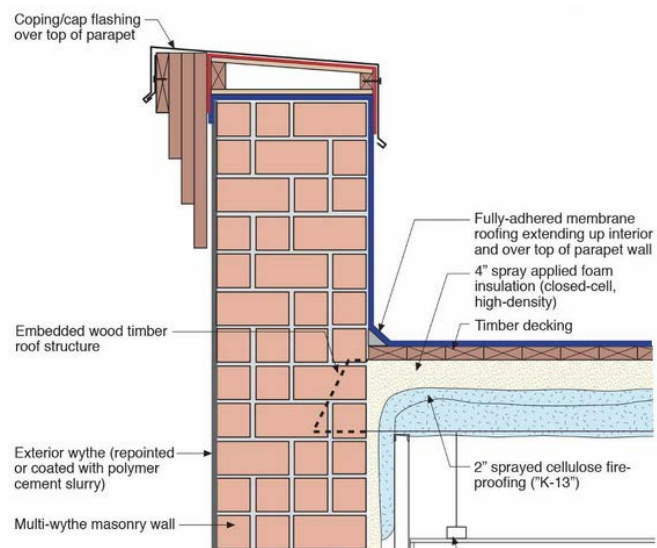
Since the proposed temple has a flat style of roof, section "a" of the building height definition is the applicable standard, which is the vertical distance from finished grade to the highest point of coping of the roof. Initially, I did not have detailed information about the interior ceiling height of the temple, nor what components of the building contained a roof. I needed to determine where the roof(s) were located, so that I could determine what was the associated coping, and therefore determine official building height. To what elevation would the one story extend? Would there be a roof on what visually forms the steeple base? Did the ceiling extend up into the steeple? And if so, how far? These were all factors that could affect the building height calculation.



While I have not seen the building permit set of plans for the Cody temple, the architect has recently stated that the roof and steeple concept used for the Cody temple is almost exactly the same as the Helena temple, differing only in the shape of the steeple. What I discovered while viewing a time-lapse video of the Helena temple construction is that there is no roof or skylight (for those familiar with the Billings

temple skylight) above the flat membrane roof that covers the main level of the building. The panels that visually form the base of the temple steeple are actually suspended by a steel framework above the roof of the temple and are entirely open vertically—rain and snow would fall all the way to the roof of the main level, which is below the 24-foot-tall parapet wall. The steeple base has no roof. The flat roof on the temple is immediately above the ceiling of the occupied space of the main level. No portion of the steeple contains space that is considered habitable or that would be occupied.

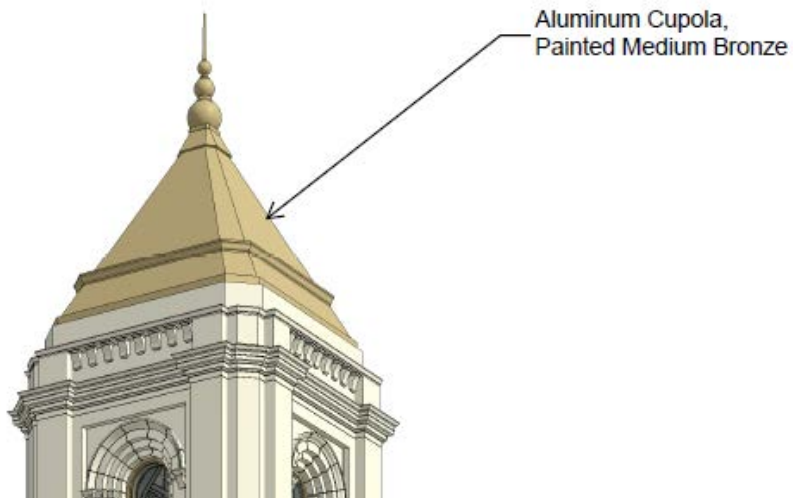
Now that we know the location of the flat roof, the next question for determining “building height” of the temple is “What is the highest point of the coping” associated with that flat roof? Coping is the weatherproof flashing that protects the top of a parapet wall—see insert (*Building Science.com*, accessed 6.2.2023). A parapet is “a low wall along the edge of a bridge, a roof, etc. to stop people from falling.” (*oxfordlearnersdictionaries.com*, accessed 6.1.1023)



In the case of both the Helena and Cody temples, the only parapet walls are found around the perimeters of the buildings—the panels that form the visual base of the steeple are not parapets, as they are suspended above the roof. Therefore, the coping on the 24-foot-tall parapet walls of the proposed temple constitutes “the highest point of the coping” to which building height is measured.



The cupola is technically a component of the steeple, but in the shape of a hip style roof, which may at first suggest that building height should consider the cupola. However, the cupola does not form the “main roof” of the building. Its size is only a small fraction of the flat roof below. As such, part “c” of the building height



definition—shown in context below, is not applicable, due to the cupola not being the main roof.

BUILDING HEIGHT: Building height refers to the vertical distance between the average finished grade and either: a) the highest point of the coping of a flat roof; b) the deck line of a mansard roof; or c) the height of a point midway between the eaves of the main roof and the highest ridge line of a gable, hip or gambrel style roof...

The conclusion is that the official building height of the proposed Cody Wyoming temple will be approximately 25-26 feet—the distance from average finished grade to the highest point of coping of the parapet wall of the flat roof, which height complies with the maximum 30-foot building height limit of the Rural Residential zone in which the temple is proposed. The applicant is encouraged to submit documentation for the Cody temple to verify the presumptions upon which this determination is based.

To determine whether the Planning and Zoning Board agrees with this analysis and conclusion, I believe a motion should be made and voted on. The following draft motion is provided for your consideration.

Recommended Motion:

That the Board finds that the proposed Cody Wyoming temple of The Church of Jesus Christ of Latter-Day Saints complies with the Cody zoning regulations for maximum number of stories, and maximum building height, as it;

- a) Does not exceed two stories; and,

- b) Does not exceed 30 feet in “building height” as defined by the Cody zoning ordinance.

Furthermore, the Board rules that as the height requirements are met, the Special Exemption application is unnecessary for the Cody temple proposal.

If the above motion is approved, a staff analysis of the Special Exemption is unnecessary, so the analysis is not provided at this time. If the motion fails, I will provide additional information as needed.

For the Planning and Zoning Board and others that are interested, there are additional comments and information related to the building height interpretation, which may be helpful, in the “Height Interpretation Notes” section attached to this report—page 38.

PROJECT ANALYSIS:

There have been three primary concerns related to the proposed Cody Wyoming temple—traffic, lighting, and building height. Building height has already been analyzed from the technical standpoint, but indirectly it relates to view impacts. Therefore, a discussion of view impacts will occur before getting into the topics of traffic or lighting.

View Impacts:

Yes, there will be impacts to views. With all development there is change and therefore an impact to someone's view. As properly stated in one of the comment letters on the temple project, there is “substantial case law stating that the purchaser of property does not have the right to a view without an easement or similar deeded right.”

Perhaps I should stop there because legally that is the end of the discussion, but setting aside that legal barrier for a moment, I want to explain a few other items related to views and the Cody Master Plan. Master plans on their own are only a guide and do not have the effect of law. To quote from the Cody Master Plan, “The goals, objectives, and principles found in the Master Plan Frameworks provide guidance for future planning and decision-making in Cody. These statements are not hard-and-fast regulations, but rather statements that reflect the community's aspirations.” The Cody Master Plan does include language relating to efforts to protect scenic views. In the Cody Master Plan there is the following language:

Objective 13.1: *Protect the scenery that contributes to Cody's natural character.*

Principle 13.1.a. *Scenic Views.* Support the County and property owners in efforts to help preserve the scenic landmarks that surround Cody for their natural

beauty-- Heart Mountain, Rattlesnake Mountain, Cedar Mountain, Carter Mountain, McCullough Peaks, Pat O'Hara Mountain, Shoshone River, and other major natural landforms.

Upon careful analysis, you will see that it is the scenic landmarks in the area that are identified as warranting protection—not the right of any individual property owner to see those landmarks.

Those opposing the temple on the basis of view impacts would likely then point to the following section from the Cody Master Plan:

Principle 3.1.f. Building Heights. Limit the height of new and remodeled construction to respect the existing or desired character of neighborhoods and districts, maintain a consistent scale of development, and preserve scenic views.

If the Board accepts the building height interpretation in the first part of this report, then the conclusion is that the proposal has complied with not only the building height law, but also this principle. There is no further authority available to limit the height of the temple building, without being subject to a claim of being arbitrary and capricious. The City does not want to be in that position, particularly when the view impacts of otherwise permitted uses of the property could have as much or greater impacts to views than the proposed temple—trees, streetlights, flagpoles, etc.

At this point, staff acknowledges that the applicant has attempted to address any concerns related to steeple height by placing the temple building as far away from the neighboring residences as possible—literally to the inch, while preserving the desired circular design elements surrounding the temple.

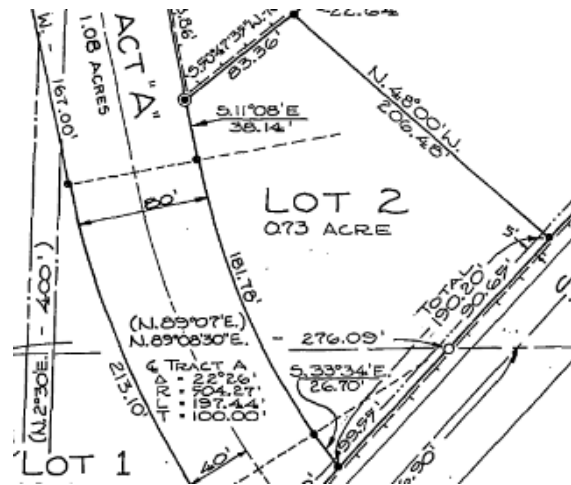
Because the steeple is approximately 345 feet from the nearest residential property owned by someone in opposition to the temple steeple (approximately 405' to their house), its visual impacts related to size are greatly diminished by the additional distance provided.



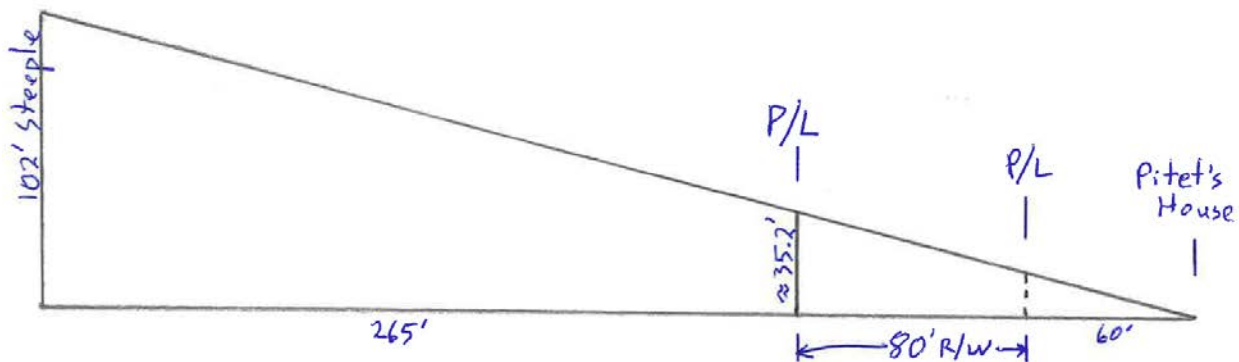
Here are two photos that should be rather accurate in perspective of scale, although they lack the perception of depth that would exist with the structure in the actual location. No zoom was used when taking the photo, and the math comes out rather precise. One photo is of the view from Skyline Drive and the other from Yellowstone Avenue. The math behind the Skyline Drive photo is that the cutout is 2 ft high at a distance of 10 feet, which is proportional to 102 feet high at a distance of 510 feet. For the Moss Orthodontics photo, the cutout is 6 inches high at a distance of 10 feet which is proportional to 102 feet high at 2,040 feet.



The City right-of-way between the temple property and the closest neighbor in opposition to the east is 80 feet wide. For comparison purposes, a structure or tree approximately 35 feet tall at the east property line of the temple property (140 feet away from the Pitet's house) is calculated to be visually equivalent to the height of the steeple due to the differences in distance between them, when viewed at the closest point of the Pitet's house. [Calculation: 80' R/W distance plus additional 60' to house=140'. 140' is



34.57% of the 405' total distance from the center of the steeple to the house. 34.57% of 102' (steeple height above finished grade) = approx. 35.2 feet).



It appears that the primary objections of the temple height from the immediate neighbors are related to view concerns, and how the temple structure will obstruct views. The City has received no complaints from anyone stating an objection to the trees noted on the landscaping plan. Please refer to the landscaping plan. It includes approximately 276 trees, the vast majority of which have mature (within 20 years or less) heights of 50-70 feet, and growth rates of 18-24 inches per year. I presume the neighbors in opposition would prefer to view trees rather than the steeple, which is entirely fine. However, it is apparent that others would love the opportunity to be able to see the temple steeple. The point is that the perceived view impacts from the steeple are the result of individual personal preferences. Zoning regulations cannot be based solely on personal preferences, unless also based on the concepts of protecting the general public health, safety, welfare, or morals. Thus, we find ourselves back to the original statement, that views are not a property right, and are outside the context of zoning regulation.

Traffic:

Note: The following comments relate to normal operations, once the temple is up and running. During the open house, expect heavy traffic in the area. The City will work with the Church and contractor to see what can be done to minimize traffic impacts during those 2+ weeks.

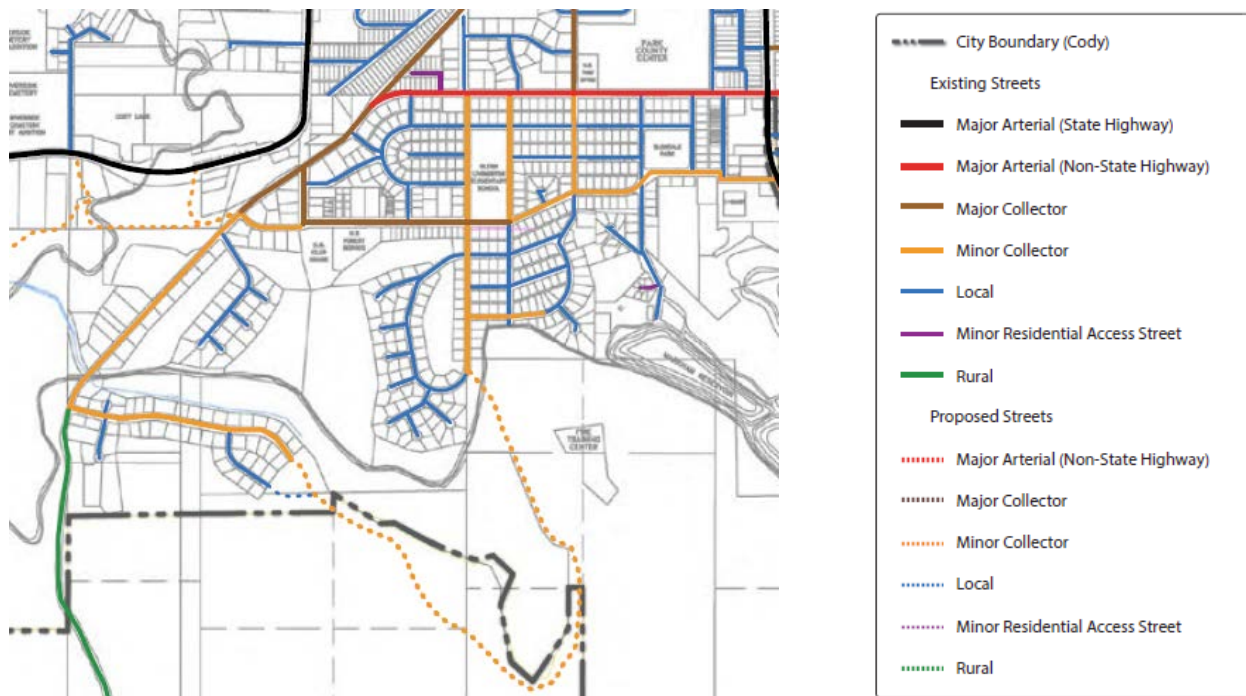
Although not required, the Church hired a professional engineering firm to perform a traffic impact analysis related to the development of the temple. The analysis was part of their due diligence when considering acquisition of the temple property. Knowing that the traffic study was available, the applicants were asked by the City to provide it with the applications as additional information related to the project. The report is attached.

While staff sees some weaknesses in the assumptions utilized in the traffic analysis (e.g. left turns onto 11th Street to avoid the Skyline/Stampede/Southfork Avenue intersection, and data collection during the slow time of year—over which they had no control), much of the information is still beneficial and accurate, including anticipated traffic generation days, times, and rates.

The temple, once dedicated, would not be open on Sundays or Mondays. The traffic analysis reasonably identifies the peak morning (AM) and afternoon (PM) hours, as 7:30-8:30 AM and 4:30-5:30 PM. The projected traffic associated with the temple was analyzed for the current conditions, as well as projected conditions in 20 years.

Observations about the projected traffic (see page 10 of the Traffic Impact Study) are that the temple traffic during the AM peak hour would include 24 vehicles entering the property and 8 vehicles exiting, for a total of 32 trips. The temple traffic during the PM peak hour is projected to have 19 vehicles entering the property and 18 vehicles exiting, for a total of 37 trips. As an appointment system is utilized for use of the temple, traffic rates are anticipated to be consistent, without large fluctuations, except perhaps during occasional service projects to help landscape the facility.

The only access to the temple site is from Skyline Drive. The portions of Skyline Drive that lead to the temple site are classified as collector streets (minor and major, see street plan below). With the exception of a 200-foot section on the west side of Skyline Drive immediately north of the proposed entrance that lacks curb and gutter, Skyline Drive is a full width street with curb and gutter and streetlights, and an asphalt width of 42 feet, which currently provides for two traffic lanes and a striped bike/pedestrian lane.



(Side notes: The section of missing curb and gutter is being addressed by the project. The applicant is voluntarily developing construction plans for the missing section of curb and gutter and associated minor widening of the Street. Construction is planned to occur as part of the temple project. As much of the missing segment of curb and gutter is outside of the scope of the temple project, it is primarily the City's responsibility for installation. Why it was not constructed when the street was initially built is not known.

If additional protection for pedestrians or bicyclists using Skyline Drive is desired, the use of traffic delineators, such as shown in this photo would appear to be a viable option, without the expense of adding sidewalk. Current City code specifies that the City Council can require property owners to install sidewalk along their property frontage, upon the City's request, per [7-1-5](#) of the City code. I would think the City would investigate the traffic delineator option before exercising their authority for requiring the property owners to install sidewalks. Note that the City is not asking the temple project to be responsible for any of these off-site improvements. Photo credit: <https://www.develotech.com/en/bicycle-path-flexible-bollard/layout/>)



Collector streets are designed and constructed to accommodate more traffic than a local residential access street. It is my understanding that Skyline Drive was reconstructed by CertainTeed Gypsum in the past to accommodate their haul trucks that used to utilize the street—which is probably why there is not a single pothole.

After reviewing the traffic study, the Public Works Director has stated that the traffic generated from the proposed temple will not cause any significant impacts to the capacity or condition of Skyline Drive. The engineers that performed the traffic study also concluded that, *"Since all study intersections were found to operate acceptably, Fehr & Peers does not recommend any mitigation measures..."*

Even if the traffic impact analysis had shown a significant traffic impact, the following regulatory limitations are noted. First, the City does not have an ordinance, resolution, or policy that specifically requires any project to conduct a traffic analysis. Nor is staff aware of one ever being required for a development within the City, except by WYDOT as part of an analysis for an access directly onto a State highway. WYDOT's threshold for beginning to consider if they will require a traffic study is 50 peak hour trips. The proposed temple is proposed at 37 AM peak hour trips and 40 PM peak hour trips—below the WYDOT threshold. Second, the City has never been politically willing to adopt a traffic mitigation impact fee or policy to require off-site mitigation of traffic impacts. Such an ordinance is typically prepared and proposed by Public Works/Engineering Departments, and must be adopted by the governing body (city council).

For the City to impose any form of traffic mitigation would deviate from the City's prior practice.

Additional traffic considerations and comparisons that the P&Z Board and others may find information is attached at the end of this report as "Traffic Notes"—page 41.

Lighting:

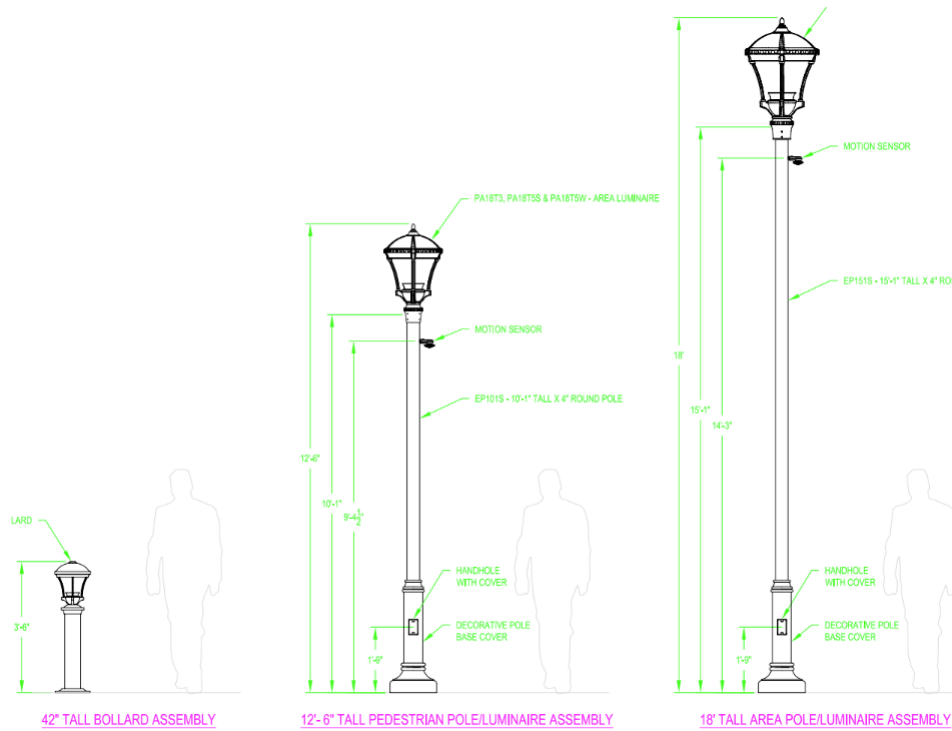
Discussion of the lighting will occur in two separate components—the general site/parking lot lighting, and the architectural lighting of the building itself.

Site Lighting:

The site lighting plan has been prepared by an electrical engineering firm with extensive experience. That firm contacted the City to ensure the design would be consistent with past City practice. In that conversation I noted the limited language found in the City zoning code, but relayed the expectation that the plan would utilize full cut-off fixtures (defined as zero intensity at or above 90 degrees, and no > 10% at or above 80 degrees), that the color temperature not exceed 4000 Kelvin (color of moonlight), that the fixture heights be limited due to the surrounding residential area, and that

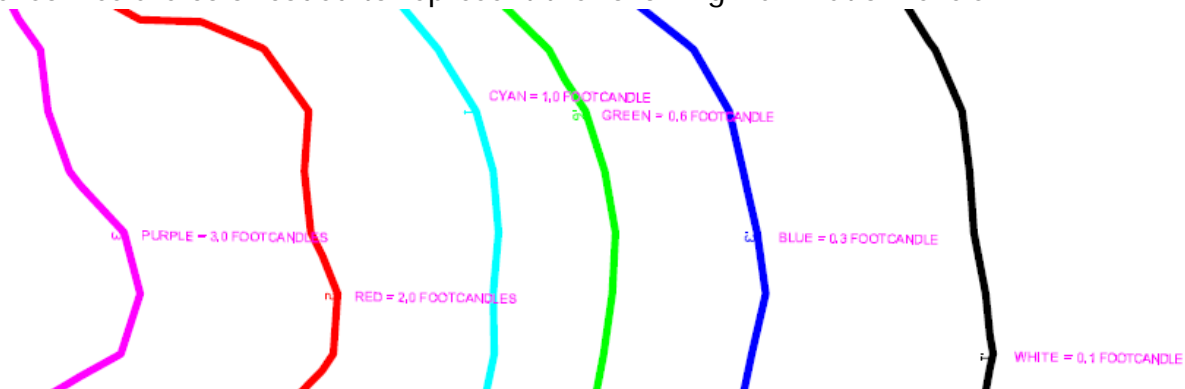
illumination be reduced as much as possible at the perimeter property lines. Since many of the patrons would be elderly with eyesight and physical impairments, it was recognized that the lighting levels may need to be slightly higher to accommodate their needs, but so long as the lighting was strictly contained within the property, it would be consistent with past Planning and Zoning Board direction.

The proposed fixtures, which are full-cutoff style, LED fixtures are depicted here:



As requested by the City, the applicant has voluntarily provided photometric maps of the proposed temple site to demonstrate whether light would be largely contained within the property or not. The maps have been available on the City website with the public hearing notice. You need to download the file in order to be able to zoom in to clearly read it. Photometric maps show how much illumination is calculated to occur at specific locations on the property, based on the specific light fixtures proposed and a horizontal surface. The numbers represent how many footcandles are at each point.

The isolines are color coded to represent the following illumination levels:



The illumination levels at the east property line are below 0.1 footcandles (almost nothing), except for the lighting of the entry road, and that light is reduced to 0.1 levels by the time it reaches the neighbor's lot.

For those that would like to see a real-life comparison of the amount of parking lot lighting proposed, the Hampton Inn parking lot has an average of 2.8 horizontal footcandles of illumination in the parking lot (presuming they followed their lighting plan exactly). The proposed temple parking lot would have an average of 2.18 footcandles, which is almost $\frac{1}{4}$ less than the Hampton Inn parking lot. Note that the light fixture heights and spacing are not similar between the project—look at the illumination levels on the ground in the parking lot (landscaped areas and entryway are higher). The east parking area of the Hampton Inn site (closer to Walmart) has a more consistent lighting pattern than its south parking area.

Note that it was only recently that information relating to how the site lighting is planned to be managed was made available to the City. The following statements are provided by the lighting engineer for the Cody temple.

"The Site Lighting Fixture Details are as follows...

- All of the Site Lighting Fixtures; the (42" Tall) Bollards, the Short (12'-6" Tall) Poles/Luminaires, and the Tall (18'-0" Tall) Poles/Luminaires **are Full-Cutoff Type**.
- The B.U.G. (Backlight, Uplight, Glare) Ratings for each Fixture Type are listed on the Lighting Fixture Schedule, but I will list them here for quick reference.
 - a. Bollards, Type 3 Distribution = B1-U0-G1
 - b. Bollards, Type 5 Distribution = B2-U0-G1
 - c. 12'-6" Tall Poles/Luminaires, Type 3 Distribution = B1-U0-G2
 - d. 12'-6" Tall Poles/Luminaires, Type 5 Distribution = B3-U0-G1
 - e. 18'-0" Tall Poles/Luminaires, Type 3 Distribution = B2-U0-G2
 - f. 18'-0" Tall Poles/Luminaires, Type 5 Distribution = B4-U0-G2

The thing to note here is that All of the Site Fixtures Produce 0 Uplight and Very Low Glare. The Backlight is determined by the Distribution Type, with Forward Throw Luminaires (Type 2, Type 3, and Type 4) producing less Backlight than Type 5 Luminaires, which produce 360° Illumination.

- Full Cut-Off Type Luminaires with 0 Uplight and Very Low Glare do not emit light at High Angles, so any light that may be present at the edge of the property can easily be curtailed by a Wall or Fence, thus eliminating Light Trespass at, or before the Property Line.

The Site Lighting Control Details are as follows...

- All Site Luminaires are Controlled by an Astronomical Timeclock and a Photocell, with each Pole-Mounted Luminaire having Individual Motion Control.
- It is determined locally (by the TFM) what time the Luminaires turn on and off, and at what time the Luminaires are dimmed to 50%.
- Once the Pole-Mounted Luminaire are dimmed to 50%, or turned off, they can be brought back to 100% illuminance if the Integral Motion Sensor is tripped. This is for Safety and Security Reasons, and this is specified in the Temple Program Document."

In summary, the site lighting and parking lot lighting are consistent with past City authorizations in that the light color does not exceed 4,000K, the light fixtures are full-cutoff in style, and calculations indicate that the light will be almost entirely retained within the property boundaries.

Closing Comment pertaining to Lighting:

Lighting impacts are one of the primary concerns that have been noted, which is understandable. Even I had significant concerns due to what I saw with the parking lot lighting at the Helena temple site. Here is a photo looking down the street immediately south of the Helena temple. Notice the light pollution in the lower portion of the photo caused by the parking lot lighting versus the section of street next to the temple building. I have since confirmed that the design for the Cody temple parking lot lighting is nothing like the parking lot lighting of the Helena location, and that the Cody site will not use those styles of light fixtures.



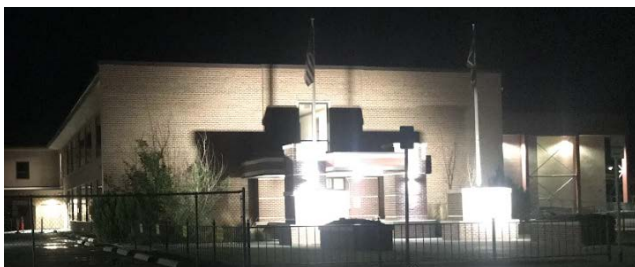
A conclusion that the site lighting plan for the Cody temple is acceptable seems appropriate, but if the Board has reservations, feel free to ask the applicant to explain further. As noted by the lighting engineer, the site lighting (not the building) is dimmed to about 50%--my understanding is that occurs when the patrons leave for the evening,

and then the site lighting is later shut off entirely—my understanding is that occurs as the management and janitorial services finish their work for the night. Those times are likely to change based on demand for use of the temple.

Architectural Lighting:

The architectural lighting of the Cody temple is planned to occur in the same manner as the Helena temple. The plan consists of LED spotlights up against the base of the temple, fixtures placed on the lower roofs, and spotlights on poles at a distance from the temple building. As photos exaggerate the difference between light and dark, it is difficult to visualize what that amount of lighting actually looks like. The above photo is not entirely accurate of how the building lighting appeared. The most accurate photos are shown below. The first is at dusk (9:23 pm), and the second at full night (10:17 pm). But even they are not the same as in person, as evidenced by the photos on the following page of museum and school district offices.

There was no glare from any of the spotlights even as I looked directly at them. This appears to be due to individual diffusers for each LED and the material or coating of the lens covers.



(The museum is in a commercial zone; the school district office is in an R-2 residential zone.)

From a regulatory standpoint, it is noted that the authority for regulating site lighting is from the on-site parking section of the zoning ordinance. It simply states:

"Parking areas for civic, commercial, and industrial uses that will be utilized outside of daylight hours shall be provided with illumination. All parking lot lighting shall be designed and installed such that illumination will be directed away from any neighboring residential properties and shall be directed downward by utilizing full cutoff or fully shielded fixtures."

The proposed lighting of the temple parking lot meets those requirements.

In most other instances of recent development in the City, all site lighting has been associated with parking facilities and the associated sidewalks, which has allowed me to work with the Planning and Zoning Board to ensure appropriate lighting levels and avoid light pollution issues from civic, commercial, and industrial development. However, other than some non-applicable language in other sections of the zoning and City code, there are no other specific lighting regulations in the Cody development codes applicable to this project. The above language is the only regulation specific to lighting, with the exception of some general authority to regulate glare through the conditional use permit process, which will be addressed later in the report. I did not observe any glare from the building lighting of the Helena temple.

Several public comments have indicated that the proposed temple would violate the City's Dark Sky Ordinance. The City has no such ordinance.

The following photo is of a church in Cody, located in an R-2 zone that borders R-1 zoned properties, simply demonstrates that architectural lighting of churches and their steeples is a common and normally accepted practice, which is not regulated by current zoning codes. Like other photos in this report, the light is exaggerated, so it is not an accurate representation of the amount of lighting. Furthermore, I mean absolutely no offense to those associated with the church shown, as all that I am saying is that from a regulatory standpoint it is entirely acceptable.



Having covered the primary stated concerns for the temple project, the staff report will now continue with other components of the site plan review, before getting to the conditional use permit considerations.

SITE PLAN REVIEW COMMENTS:

The authority for site plan review is stated as follows:

9-2-3: MEETING WITH PLANNING, ZONING AND ADJUSTMENT BOARD REQUIRED BEFORE BUILDING PERMIT ISSUED:

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.

The City has consistently considered churches and schools as being subject to the above provision. The following are items typically reviewed as part of that process.

Architecture:

There is no architectural review required for development within the residential zoning districts, except multi-family housing, which this is not.

Landscaping:

There is no requirement to provide landscaping for development within residential zoning districts, unless the project is multi-family housing, or in an entry corridor overlay district—neither of which is the case. However, since landscaping is provided, the plan has been reviewed and the following comments are provided.

No trees are authorized in the City right-of-way along the east side of the temple site. Any shrubs, bushes and other woody vegetation placed in the City right-of-way will need to meet the standards of City code [7-4](#) (relates to spacing from utility lines). The landscaping plan will need to be revised accordingly. Grass or other groundcover in that area remains an option. Any disturbed areas beyond the landscaped areas that lack vegetation are to be planted with dryland grass seed, or any better alternative method authorized by Public Works, to help prevent weeds and control erosion.

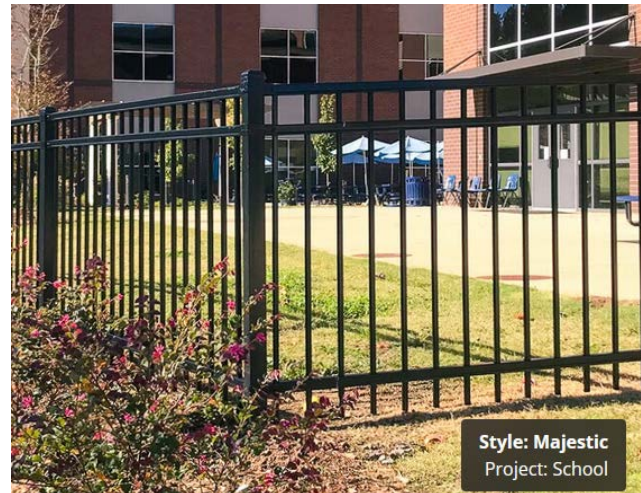
Landscaping in the immediate area around the electrical switch gear cabinet must consider the minimum clearances required. Depending on the size of the cabinet, some of those shrubs shown nearest the cabinet may need to be removed from the plan.

Based on a quick review, the selected plants generally appear suitable for the climate. Some plants may attract deer (e.g. red twig dogwood), which is an issue throughout town. I also wonder if a different fir species would do better than Douglas fir at this site.

Fencing:

A 6-foot-tall metal fence of the style shown here is proposed around the perimeter of the temple site. Refer to the site plan for locations. (Photo credit: <https://www.ameristarperimeter.com/us/en/products/ornamental-fence-gates/montage/montage-plus>)

As the property is in a residential zone, fences over 4-feet-tall in the front yard require a fence height waiver from the Planning and Zoning Board. In this instance, the front yard is along the east property line. The planning and zoning board may approve a taller fence when the additional height will not have any adverse impacts to neighboring properties or the public health and safety. Staff does not have any concern with the proposed fence in the front (east) yard, as proposed. Nor have there



been any adverse impacts from the additional height identified, particularly due to the 80-foot-wide right-of-way between the fence and the nearest neighboring property owner. As required in the fence height waiver process, the two adjacent property owners were properly notified on June 6, 2023. The Nielsons stated their support and the Pitets, who own the property across the City right-of-way to the east, have yet to respond. Fence height waivers only require notice to the adjacent landowners, and are not subject to a public hearing.

Access:

The proposed access situation is shown on the site plan. A new street, to be known as "Temple View Lane" will be constructed from Skyline Drive, along the south boundary of the temple site, ending in a cul-de-sac bulb. Two accesses to the temple site will be from that new street, as shown. Although the eastern temple access is on City right-of-way, City staff have indicated their preference that that section be privately maintained, to which the applicant has verbally agreed. With the designation of private instead of public, staff recommends a memorandum of understanding, simply outlining that it is a private improvement, with no maintenance responsibility for the City, and that if the right-of-way is ever developed with a public street, the party constructing that street would have the right to remove and/or reconfigure that access as needed, working in good faith with the property owner. Current City staff put the probability of that right-of-way being improved with a public street as extremely close to zero—way too costly

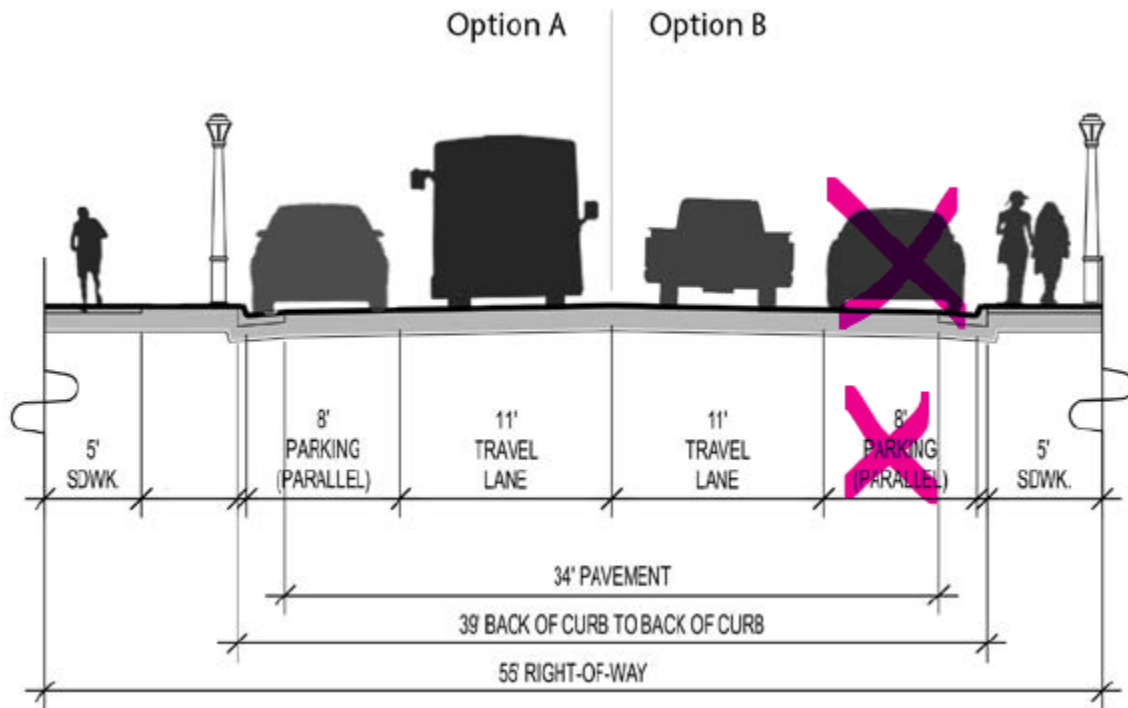
and way too constrained by existing utilities and topography to justify such minimal traffic circulation benefit.

As the temple site has abundant on-site parking, there is no justification for requiring on-street parking along the north side of Temple View Lane. However, width for on-street parking will be provided on the south side of Temple View Lane. Due to safety reasons (e.g. sight distance around the curve of Temple View Lane), there will be no parking in the intersection area of Temple View Lane and Skyline Drive—the street width is not designed in that area to provide parking on either side.

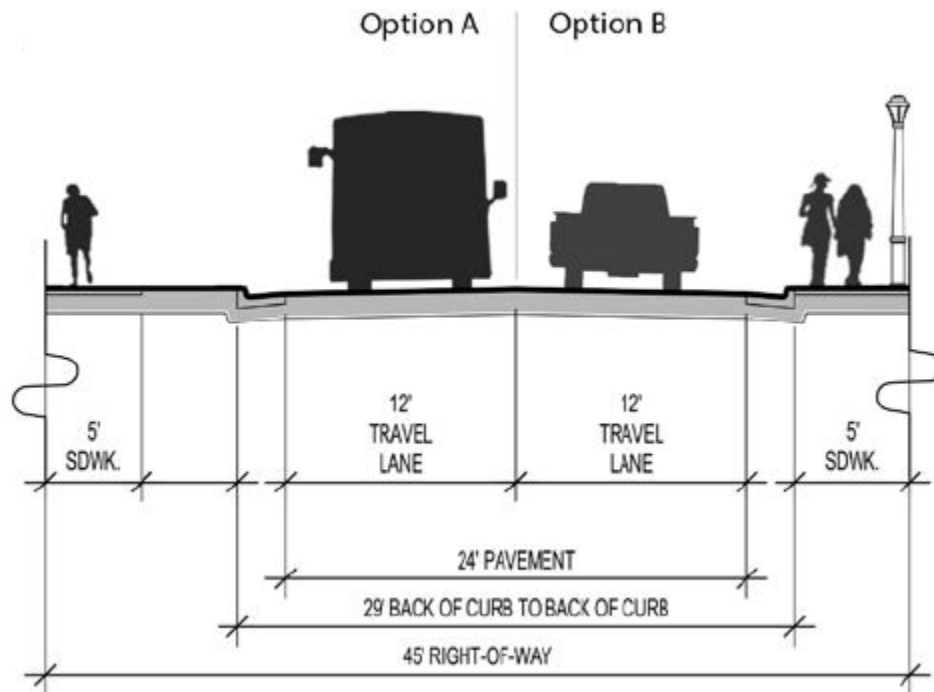
The street profile concepts for Temple View Lane are shown in the master plan, as the Minor Residential Street profile for the “no parking” section, and as the Local Street profile, minus the parking lane on the north side, for the remainder. As the City has allowed in other situations, the cul-de-sac bulb is at an 80-foot diameter based on it being marked and signed for no parking—the large lots that will be located around it will have plenty of room for parking. If desired, additional parking can be required of those large residential lots as part of the subdivision application to create those lots.

Both the Public Works Director and Fire Marshal are agreeable to the street profiles and dimensions proposed.

Local Street Profile:



Minor Residential Street Profile:



What has not entirely been worked out is the timing of when Temple View Lane would become a public street. As initially it would only serve the temple, City staff recommends that it remain private for the time being. If and when the adjacent Nielson property is subdivided, the City could consider at that time whether to accept it as a public street. Due to the potential of it becoming a City street, its construction is being designed, inspected, and certified as if it were a public street.

If Temple View Lane is indeed private for the time being, the property owner will need to grant that area as an access and utility easement to both the City and the Nielson property before the City will accept the City utility infrastructure that occupies that area.

Parking

The proposed site plan contains 140 parking spaces. All of the parking spaces and drive aisles meet City requirements as far as surfacing, dimensions, slopes, ADA spaces, and lighting. It is noted that 140 spaces are much more than what the City of Cody standards recommend, based on the capacity of the temple building and accessory building. Using City ratios, 140 parking spaces is enough parking for a capacity of 420 persons. Yet, based on proposed seating and the ratio of one space per three seats in the assembly areas that would be occupied at any one time, staff would likely come up with only around 50 spaces required, when using City recommended ratios.

However, the City does not impose maximum limits on parking. The abundance of parking will ensure that during occasional events, such as landscaping projects, that parking will be able to occur for large groups of participants without spilling outside of the temple site. It would also accommodate the occasional RV or vehicle with a trailer.

Exterior Lighting

Exterior lighting was discussed previously. However, there is one minor edit needed to the site plan related to exterior lighting. The lamp post shown just northeast of the entry monument sign needs shifted to be outside of the City right-of-way corridor along the east side of the property.

Setbacks and Buffers

The RR zoning of the property specifies a front building setback of 35 feet, a side street setback of 30 feet, a side setback from a property line of 15 feet, and a rear setback of 15 feet. The temple building complies with that those setbacks, as well as applicable lot coverage, and other dimensional standards. The ancillary building is right at the rear setback and side street setback, but complies with the building setbacks.

There are no buffer or screening requirements applicable to this project.

Grading/Storm Water Plan:

The grading and stormwater plan has been prepared by a professional engineer and meets minimum City requirements specified by the Stormwater Management Policy, and is acceptable to the Public Works Director. Stormwater calculations were appropriately based on an undeveloped condition being converted into a fully developed condition for the portion of the property and associated areas that flows onto the property. Out of an extreme abundance of caution, staff expressed concern with infiltrating the stormwater in the retention area at the north end of the site, due to the historical landslide on a nearby portion of that slope. Adding weight and lubrication (water) to a hillside is just something that generally should be avoided. The applicants amended the stormwater plan to avoid infiltration of the collected stormwater on the temple site, as the system is now designed to retain the stormwater in an underground chamber and then discharge it through a piped system into the historical discharge location of the ravine along the east side of the property. The stormwater plan is based on 100-year, 2-hour storm, as specified by Church policy, which greatly exceeds the City's 10-year or 25-year requirements and does not increase discharge rates or amounts for the 100-year, 2-hour design storm. Refer to Sheet C-141 in the Civil Site Plans file on the City website.

It is noted that the most recent version of the grading plan has removed as much fill from the City right-of-way along the east side of the project as possible, per the City's request. Only the fill necessary for the street remains, and the ground maintains a

conservative 3:1 slope where fill does occur. This change minimizes impacts to utilities caused by additional cover.

The one utility that is still performing some calculations regarding how the fill may affect their utility is the Shoshone Municipal Pipeline (SMP). Their 36-inch-diameter pipeline is likely thin-walled through this location, so special precautions may be needed. The SMP manager indicated their intent to work with the applicant, and the applicant is aware of the issue and intends to address it as needed.

Snow Storage

With so much excess parking, snow storage can occur in portions of the parking lot, where it can eventually melt into the stormwater collection system.

Utility Services

It is first noted that the sewer and water mains proposed under Temple View Lane relate to the subdivision of the Nielson property, not necessarily the temple project. However, if those lines are installed early enough for the temple to use them, it could allow for some efficiencies in the water lines, and perhaps other utilities.

While City staff (P.W. and Planning) are generally okay with the utilities as proposed, we are open to modifications that may result from the following requirements and suggestions.

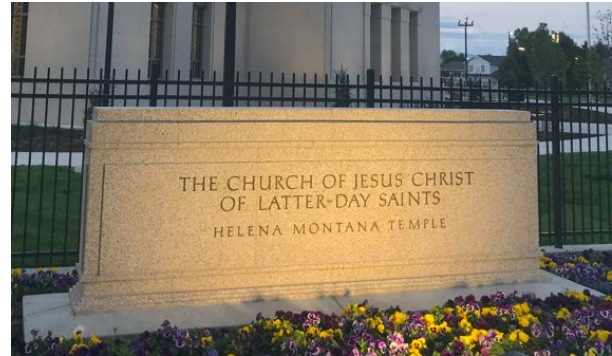
- a) The fire marshal states that one additional fire hydrant should be added to the temple site and one at the end of the cul-de sac. The additional hydrant for the temple site is recommended to be in the island near the fire line valving directly east of the temple building.
- b) If desired, the stormwater piping may be able to be reduced by relying more on gutter flow in the street entrance areas. In addition, the pipe to the ravine seems larger than needed.
- c) Black Hills Energy requests additional separation between the proposed natural gas line and the perimeter fence and electrical line. That could involve adjusting things a few feet, or just moving the gas line to the south side of Temple View Lane.

The electrical plan generally appears fine, but is missing the line from the existing fuse cabinet to the proposed transformer next to Skyline Drive. Also, shift the proposed transformer slightly to allow room for a future sidewalk along Skyline Drive (min. 5 feet behind back of curb.)

Additional coordination with 3rd party utilities, such as telecommunications is still needed, however the combined route with the electric line is typical.

Signs

The City sign code simply states that all signs for churches must be approved by the Planning and Zoning Board. There are no limits on number, height, or size. At the entrance there would be a monument sign, similar to the Helena temple sign shown here. Staff has no concerns with the sign itself, but would ask that the illumination not be as bright as the Helena sign. Other small directional and convenience signs, such as address numbers, building nameplates, ADA parking signs, etc. would also be installed.



The statement "Holiness to the Lord, the House of the Lord" above the entry of the temple is simply considered constitutionally protected non-commercial free speech.



Garbage Collection

The applicant has verbally stated that they plan to have garbage collection occur at the cul-de-sac bulb on Temple View Lane. However, details have not yet been provided. A dumpster enclosure would be appreciated, but we do not have a specific requirement for the residential zones, other than for multi-family development.

OTHER:

Erosion Control/SWPPP:

The application contains an erosion control plan, which appears acceptable as far as the containment fencing. A stormwater pollution prevention plan (SWPPP), and perhaps permit is required to meet WY DEQ requirements. The applicant is aware and plans to obtain those authorizations as needed—they are not permits issued by the local jurisdiction.

Easements/Right-of-way:

The reconfiguration of the entryway necessitates the property owner obtaining additional access/utility easements and/or right-of-way for the curve in Temple View Lane from the Erica Ashley Nielson Trust. In addition, the stormwater pipe proposed to run to the ravine and discharge on the City right-of-way crosses the Nielson property as well, which will also need an easement. Both parties are aware and plan to execute necessary documents.

It is noted that if and when Temple View Lane becomes a City street, there will need to be a legal acknowledgement from the property owner (Church) of a “right to drain” stormwater from the street through the private stormwater management system on the temple property to the discharge area on City property.

Encroachment permit.

Public Works required an encroachment permit for all work (excavation, landscaping, sidewalk installation, utility installation, etc.) in existing City rights-of-way, to ensure proper insurance and that approved plans are in place for the work. The contractor performing the work is responsible to obtain the encroachment permit(s).

Existing Nielson driveway.

The existing access for the Nielson Driveway will need to be removed or fenced once Temple View Lane is completed, to eliminate the safety issue of two side-by-side approaches. Temple View Lane will be available for use by the Nielsons.

ATTACHMENTS:

Application materials—site plan, elevation drawings, drainage report, etc.

ALTERNATIVES:

Approve or deny the site plan with or without changes.

RECOMMENDATION ON THE SITE PLAN

(Subject to approval of Conditional Use Permit and Special Exemption, as applicable.)

(The following are the recommended conditions of approval for the commercial site plan application, presuming the Conditional Use Permit and Special Exemption are approved or determined unnecessary.)

It is recommended that the Planning and Zoning Board approve the fence height waiver, approve the signs, and approve the commercial site plan application, subject to the following conditions.

1. The streets are permitted to remain private for the time being, so long as the area of Temple View Lane is dedicated as an access and utility easement for the City of Cody, and as an access easement for the Erica Ashley Nielson Trust property. Any further private agreements between the property owners are up to them. Although the streets would be private, the water and sewer mains in Temple View Lane would be transferred to the City for operation and maintenance.
2. In order for Temple View Lane to have the option of being accepted as a public street in the future, the engineer must have the design approved by public works, and conduct inspections and testing as if it were a public street.

3. The engineered construction plans for all water lines larger than 2-inches in diameter, the sewer pump station, and the sewer main in Temple View Lane must be authorized by WY DEQ prior to construction. As part of that process the City engineer will review and authorize the plans for the City.
4. Prior to issuance of a building permit, make the following edits to the plans:
 - a. In anticipation of Temple View Lane being a public street, and for safety purposes, add a City standard streetlight at the intersection with Skyline Drive. It will be fed from the transformer that feeds the existing irrigation pumps next to the canal.
 - b. Add provisions for garbage collection to the site plan for review and approval by the sanitation division. A dumpster pad behind the curb of the cul-de-sac is an option. An enclosure (3-sided unless someone is willing to open the gate on pickup days) installed around the pad would be appreciated. Recommended inside dimensions for a two-dumpster enclosure (one for garbage and one for cardboard recycling) are 18.5' long by 6.5' deep.
 - c. If the dumpster enclosure is added as contemplated, the sidewalk must be extended to pass around the back of the dumpster and back up against the curb. (A sidewalk easement would be needed for the portion around the back of the dumpster enclosure at such time that the street became public.)
 - d. Shift the light at the front monument sign off the City right-of-way.
 - e. Add a fire hydrant in the island east of the temple building, closest to the valves.
 - f. Relocate the water meters and the backflow preventer off of the City right-of-way. The area north of the monument sign would seem to work well. Provide details of the meter pits acceptable to Public Works.
 - g. Include a sidewalk ramp where the proposed sidewalk meets Skyline Drive.
 - h. It is recommended that the dry utilities (gas, power, telecommunications) be relocated to the south side of Temple View Lane. Doing so makes them available for the Nielson subdivision, but also avoids several utilities crossings in the City right-of-way along the east side of the temple site, satisfies Black Hills energy on their desired utility separations, and will better match the latest electrical layout plan. Otherwise, shift them as needed to provide the clearances requested. Moving them to the south side would require a 10-foot-wide City utility easement along the south side of Temple View Lane. Also, this and the related electrical work may necessitate relocating the Nielson's private utility lines sooner than currently planned.
 - i. Based on the latest electrical layout designed by the City, adjust the alignment of the intersection with Skyline Drive closer to 90 degrees, in order to provide more room for the electrical boxes that will need to be installed to the south of Temple View Lane, and add fill to the north side of the street to allow the shifted sectionalizing cabinet to be close to street grade. The sectionalizing cabinet will be shifted northwest to the approximate location of the existing fuse cabinet, which will be removed. From that sectionalizing cabinet, new wire will be run to a PM9 switch cabinet (6' by 6') south of Temple View Lane, which will then feed

into a sectionalizing cabinet next to it, before running to a sectionalizing cabinet on the south side of Temple View Lane directly south of the transformer pad, and then to the transformer. The PM9 switch cabinet will also need to be located to utilize the wire than runs to the southwest. The electrical boxes and streetlight in that area should be 6 feet or more from the back of the curb along Skyline Drive to allow the option of a future sidewalk. While the trench along Temple View Lane is open, it would be smart to also install 3' electrical conduit to feed back to the contemplated Nielson lot closest to Skyline, and 1 ½" conduit for future streetlights on the street.

- j. If raw water (irrigation) is anticipated for the Nielson subdivision, the line should be installed under Temple View Lane.
- k. Show the sewer, water, and if applicable raw water mains under Temple View Lane as extending to beyond the cul-de-sac bulb.
- l. Valving of the public water main (under Temple View Lane) needs to be added.
- m. If the lot layout of the Nielson's subdivision is known, taps should be shown and provided as part of the construction of the sewer and water mains.
- n. Provide a location with a more gradual slope off of the north side of the east access to allow utility maintenance vehicles (pickups) wanting to access the City right-of-way the ability to drive off of the paved access, towards the east portion of the City right-of-way.

Additional edits to the plans may be made by the applicant for purposes of increasing efficiency of the utilities or stormwater plan, or addressing in-field changes, if authorized by Public Works. The applicant's engineer plans to make most, if not all, of the above requested edits before the public hearing.

- 5. Prior to issuance of a building permit, obtain all necessary easements from the Erica Ashley Nielson Trust (additional access easement for the curve in Temple View Lane, stormwater pipe easement north of temple site, and an electrical easement for a short segment near the curve in Temple View Lane—or shift the electric line into the R/W).
- 6. Prior to issuance of a building permit, obtain agreement with Shoshone Municipal Pipeline on any plans necessary for protecting the SMP pipeline under the new street improvements, or show that additional protection is not necessary.
- 7. Prior to construction of access improvements in the City right-of-way along the east side of the temple site, enter into a memorandum of understanding with the City, simply outlining that the access on the City right-of-way is a private improvement, with no maintenance responsibility for the City, and that if the right-of-way is ever developed with a public street, the party constructing that street would have the right to remove and/or reconfigure that access as needed, working in good faith with the property owner of the temple site.
- 8. All work within the Skyline Drive and the City right-of-way along the east side of the property requires a street encroachment permit from Public Works. The contractor(s) doing the work is responsible for obtaining the permit(s).

9. Prior to installation of the landscaping, provide an updated landscaping plan that shows the removal/shifting of the trees to be off the City right-of-way, and demonstrates the necessary clearance around the switch gear cabinet.
10. Provide necessary easements within the temple property for the electrical line and switch gear cabinet prior to occupancy of the building.
11. Upon completion, the storm water facilities must be inspected and certified by the applicant's engineer that they were completed according to the approved plans or equivalent, prior to building occupancy.
12. Upon completion of the project, remove or fence/gate the existing approach of the Nielson driveway/canal access off of Skyline Drive. The fence would need to be placed along the right-of-way line, or further from the street.
13. Upon completion of the project ensure that any disturbed areas beyond the landscaped areas that are lacking vegetation are planted with dryland grass seed, or any better alternative method authorized by Public Works, to help prevent weeds and control erosion.
14. Prior to occupancy, provide a Knox (key) box for emergency service/fire department access through the two gates, or other method of emergency entry acceptable to the fire marshal.
15. 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 must be obtained within five years or this authorization will expire, unless delayed due to legal action, in which case the deadline will be 5 years from the conclusion of the legal action.

CONDITIONAL USE PERMIT REVIEW

The Cody zoning ordinance, like most zoning ordinances, classifies different land uses as either permitted, conditional, or not permitted. These classifications can, and often do, vary by zoning district. The site of the proposed temple is located in one of the most restrictive residential zoning districts of the City, which is called "Rural Residential". The Rural Residential zone is one of three zoning districts in the City that classify churches and houses of worship as "conditional uses", as opposed to "permitted uses". The Cody zoning ordinance states, "*Conditional uses have been determined to have such characteristics that a discretionary, site-specific review by the Planning and Zoning Board is necessary to evaluate whether the particular use, as proposed, is compatible, or can be made compatible, with neighboring land uses and other uses permitted in the zoning district.*"

When determining if compatibility can occur, the concept of mitigation can be applied to components of a project that may have significant measurable impacts to neighboring properties. However, the amount of mitigation need only be sufficient to reduce the significant impact to a reasonable level. Often measures can be developed to minimize,

or “mitigate” those impacts to acceptable levels while still allowing the project to be largely developed as proposed.

Furthermore, any impacts would need to be significant, which is not defined by the zoning code, but would seem to indicate that the impact is either a nuisance type (odors, sounds, dust, etc), a harm to environmental conditions, or directly some other sort of health, safety or general welfare issue. The mitigation concept is identified in the conditioning authority section of Cody’s conditional use permit code only by name, not in detail, yet is a concept I rely on heavily when reviewing all forms of land use proposals.

The following are the Standards of Review for conditional use permits, which typically the Board must consider. The applicant has answered these in their cover letter for their conditional use permit application—see attached. Staff comments on each of the items will follow.

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. As noted, everything required is able to be accommodated on the property. This requirement is not unique to conditional uses.

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 applicant provided an answer of “yes”, and indicated that compliance with the minimum standards of the zone is sufficient to demonstrate compatibility. As the proposal does not otherwise have any impacts that are greater than other permitted uses in the zone, staff would agree with the conclusion. Note that other permitted uses in the RR zone include:

- a) Playfields, such as the softball fields towards the east end of Sheridan Avenue, with six, 72-foot-tall light poles with playfield lighting much brighter than that of the proposed temple, and parking capacity of at least 150 spaces. As a permitted use in the RR zone, the ballfield lighting has not required zoning review. In addition, the ballfield lighting violates current height limits of the RR zone, and appears to have been permitted without any official consideration to the height limits in effect at the time of installation (residential zones).
- b) Golf courses, including clubhouses. While the Olive Glenn Golf course and clubhouse is in an R-2 zone, it is in the immediate area, and would be permitted if it were located in the Rural Residential zone in which the temple is proposed. The number of parking spaces at the golf course clubhouse is 90, which is more than the amount of parking that would be required for the temple project. The golf course is open 7-days a week, but the temple only five. It has not only the course, and clubhouse, but a restaurant that is open to the general public as an

accessory use. The reception/restaurant area and "Pioneer Room" have a combined capacity of 191 persons alone, not counting the 50-person capacity of the lobby. The hours of operation of the golf course and clubhouse are likely similar to that of the temple.

- c) Parks. The capacity of parks is difficult to estimate, but even a small park utilized for such events as Yellowstone Fire Association soccer events can easily extend well above a hundred.

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: No excessive production of traffic, noise, smoke, fumes, dust, glare, odors, hazards, or similar impacts have been attributed to the temple proposal. In practice, this is not interpreted to include the construction period, as strict application of this standard would preclude any construction activities of any kind. City code allows construction equipment to operate between the hours of six thirty o'clock (6:30) A.M. and either eight thirty o'clock (8:30) P.M. or one hour after sunset, whichever is later, and specifically states that it does not constitute "unreasonable noise" as regulated by City code [5-2-24](#). Traffic associated with the temple is expected to be roughly equivalent to what would occur if the temple property and immediate Nielson lands were developed as a residential subdivision. This requirement, as applied to the ongoing operations of the temple, is met, as claimed by the applicant.

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

Comment: Yes. The combination of the proposal and the conditions of the associated site plan review ensure that adequate public utilities and facilities will be provided as needed to serve the proposal. All examples listed will be provided on the temple site as part of this project. Existing utilities will also be protected as necessary.

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 excessive additional costs for public facilities and services, beyond that of comparable permitted uses, such as residential development, playfields, golf course, and parks, are anticipated. Some public comments have argued that the result of the temple would have enormous benefits to the economic welfare of the community and its citizens due to the associated increase in economic activity alone,

much less the benefits of the application of the spiritual principles taught within the temple.

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: The site was most recently used as a cow pasture. There are no known natural, scenic, or historic features on the site that are of significant importance.

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

Comment: Much has been said about concepts stated in the master plan, and how they should be interpreted. Before addressing the specifics, it has to be remembered, as noted early in this report, that the master plan is a guide, but does not have the status of law. Then, it must be acknowledged that it is possible for different portions of the master plan to conflict with other portions, causing them to have to be considered in their order of importance. The master plan does not specify the level of importance of each principle or goal. That is left to the reader, and in this case the Planning and Zoning Board. Below are items in the master plan that could be considered as applying to this proposal, and which are subject to interpretation and prioritization.

GOAL 1: Cody will maintain its character as an attractive western town that is welcoming to residents and visitors alike.

Objective 1.1: *Advocate and promote attractive and appropriate development of the City.*

Principle 1.1.a. Community Image. The future of the tourist-oriented component of the community is heavily dependent on how the City and community meet the expectations of its national and international visitors. So long as the community takes pride in the details, including aesthetics, amenities, and friendly attitudes, it will be attractive and inviting to visitors and residents alike.

Principle 1.1.b. Landscaping. Developments in commercial, office, multi-family, and light industrial areas should include quality landscaped areas along major streets and in large parking lots. Initial development plans should include preliminary landscape concepts and address responsibility for maintenance.

Principle 1.1.c. Suitable Plants. Encourage the use of landscaping materials appropriate for the climate and specific setting.

Principle 1.1.d. Architecture. Encourage quality architecture and design for new commercial, office and multi-family buildings and renovations...

Principle 1.1.h. Award Great Design. Creativity on the part of private developers should be rewarded through recognition and support from the community.

Principle 3.1.b. Existing Neighborhoods. Protect the existing character in stable residential areas. New residential, office, commercial, or industrial development that

is not in harmony with the existing or desired future character of these neighborhoods should be discouraged.

Principle 3.1.c. Protect Residential Uses. Protect residential neighborhoods by transitioning between residential and non-residential land uses through appropriate zoning, development review processes, and buffer methods. In areas where non-residential land uses are located adjacent to or within neighborhoods, require screening or barriers to limit the impacts on residential uses. Buffer methods could include fencing, berms, native vegetation, plantings, trails and recreation areas, and density transitions.

Principle 3.1.f. Building Heights. Limit the height of new and remodeled construction to respect the existing or desired character of neighborhoods and districts, maintain a consistent scale of development, and preserve scenic views.

Principle 3.3.a. Development Review. Expedite the development review process for developers when development includes a public benefit and meets the goals set forth in this plan.

Principle 3.3.b. Cooperative Approach. When working with property owners, developers, and City staff, all parties are expected to maintain a cooperative attitude, promote open communication, and work to identify mutually-beneficial solutions to problems that may arise during the review process.

Objective 6.4: Provide stormwater management systems that mitigate the impacts of heavy storm and flood events, address the effects of development, and protect the health of the public and the environment.

Principle 8.4.a. Opportunities for Civic Engagement. Include opportunities for meaningful public engagement and feedback in the City of Cody's planning and community development activities.

Objective 9.1: Support a vibrant, year-round local economy that allows for economic growth while protecting Cody's small-town lifestyle.

Principle 13.1.b. Quality of Life. Support the preservation of Cody's quiet character by limiting noise and lighting impacts where quality of life is important.

Principle 14.1.f. Street Hierarchy. Ensure a street system that properly considers and implements the functional classification of each street, such that arterial and major collector streets are maximized for mobility and capacity, and minor collectors and local streets function within their intended limits so that residential streets are protected from excessive volumes of traffic and the intrusion of undesirable cut-through traffic. Avoid situations where undesirable cut-through traffic occurs on minor collectors and local streets.

All of that being said, there are other factors that must be considered. Many have stated that churches, or at least this Church, should be treated no different than any

other land use proposal in the Rural Residential zone, referring to requiring strict compliance with all zoning and development standards. While there are some engineering and minor site plan issues to still work out, strict compliance will be obtained for all items, with the possible exception of a minor waiver to allow a section of fence to be six feet instead of four (discussed later in this report). Remember also, that some components of the temple project greatly exceed what is customarily expected, such as the landscaping and architectural quality.

While some may sharply criticize my interpretation of the application of the conditional use permit criteria to this project, I have done it in what I believe is the most legally justifiable position. A position justifiable not only by the City of Cody laws, but others as well. This entire report has been done in a manner that I believe best complies with the U.S constitution (1st amendment) and federal law relating to religious freedom- specifically the Land Use and Institutionalized Persons Action of 2000 (RLUIPA).

When it comes to land uses, churches and other religious facilities are different. They are unique in that they are granted additional protections under these national laws. RLUIPA is a civil rights law that "*protects individuals and religious assemblies and institutions from discriminatory and unduly burdensome land use regulations*", as noted in the act. In the case of any conflict, RLUIPA overrides the local land use regulation.

Please note that the applicant did not even mention RLUIPA in their applications. They have submitted all applications as requested by the City and are following the standard processes. It was during the review of the applications that I recalled an act related to land use regulation of religion and went back and found it. It is in the City's and community's interest to ensure that the Board, acting on behalf of the City, does not take action contrary to RLUIPA.

For the face value of RLUIPA, I rely entirely on the "*Statement of the Department of Justice on the Land Use Provisions and Religious Land Use and Institutionalized Persons Act (RLUIPA)*", as published by the Department of Justice.

For those that want further information about the Act, including the Statement mentioned above, here is a link to the Dept. of Justice page:

<https://www.justice.gov/crt/religious-land-use-and-institutionalized-persons-act>

As is noted in the DOJ Statement on RLUIPA, typically the quickest way to resolve a conflict with RLUIPA is to continue to process an application. For this purpose, the process component of the Conditional Use review has continued.

ALTERNATIVES:

Approve, deny, or approve with conditions.

ATTACHMENTS:

Application materials, written comments, etc.

RECOMMENDATION:

That the Planning and Zoning Board make the following findings:

[Language to be provided by the City attorney, based on Board discussion.]

AND,

Approve the Conditional Use Permit for the Cody Wyoming temple project for The Church of Jesus Christ of Latter-Day Saints, with no conditions of approval.

Height Interpretation Notes:

- a) The adopted building code is consistent with the proposed building height conclusion. Attached are comments from the Cody Building Official and Park County Fire Marshal that conclude that the steeple does not constitute a “story” under the building code, but is a “rooftop projection”, and that rooftop projections are independent of the building height limitations of the building code. The building code allows rooftop projections, including towers and steeples of any height, so long as they are constructed of and supported by noncombustible materials and otherwise meet standards for structural, wind and seismic design. Here are links to the code references cited in their attached comments: [Chapter 5 Section 504](#) and [Chapter 15 Section 1511](#).
- b) The second portion of the “building height” definition that relates to structures without a roof is not applicable to the steeple, as the steeple is part of the temple building, not a separate structure.
- c) The fact that Cody’s zoning ordinance definition of building height does not specify or require items that extend above the roof to be included in determining building height is not uncommon. The concept is there and the practice is relatively common in other zoning codes. For example, see the caption from Cheyenne’s development (zoning) code to the right.
- d) Perhaps a note about the history of building height regulation would provide additional context. The roots of building height regulation are found in the earliest building and zoning codes as a way to address the need to provide adequate light and air. They were developed because the developers of tenement buildings did not consider the need for light and air in their building designs, much less the impact of their buildings to residents of neighboring properties, which led to all sorts of sanitation and health issues. By imposing building heights and building setbacks between buildings and from neighboring property lines, residents could have access to adequate amounts of clean air and sunshine. With the proposed temple steeple being almost 400 feet away from even the nearest neighbor, it is problematic to claim that the height of the

ARTICLE 1 GENERAL PROVISIONS

The height limitations of this Title, with the exception of the airport height restrictions and unless specified otherwise, shall not apply to church spires, belfries, cupolas, domes not intended for human occupancy, flag poles, light poles, monuments, water towers, transmission towers, smokestacks, chimneys, derricks, antennas and aerials.

temple spire impacts the ability of any neighboring resident to receive adequate light and air to avoid sanitation and health issues.

- e) Considering the above purpose, building height limits are based on minimum setbacks. For example, in the rural residential zone, side yard setbacks from lot lines are to be at least 15 feet—all other residential zones only have a 5-foot minimum side yard setback. Two structures on neighboring lots, could then be as close as 30 feet. With building height at 30 feet the RR zone defines adequate light and air as being satisfied by only that area above about 45-degrees horizontal, measured from the base of the one house to the height of the other. The combination of the proposed building height and setbacks for the temple are nowhere near that ratio or of that level of impact.
- f) Note that removal of the cupola covering, leaving the underlying steel framework exposed, is an option and would technically eliminate any remaining claim that the cupola must be considered in the building height determination, thereby allowing the steeple to otherwise be constructed exactly as proposed. However, for architectural purposes I do not recommend it as it would introduce a modern architectural style to an otherwise classical design. This point is included solely to demonstrate how it would be better to amend the code as suggested in “c)” above, so as to avoid such trivialities.
- g) The interpretation is consistent with how building height would be measured if the temple had a sloped roof, rather than the flat roof—the steeple would be excluded from the building height calculation, as for sloped roofs, building height is from finished grade to the midpoint of the main sloped roof.
- h) The analysis of building height is based on the strict language of the definition.

Traffic Notes:

I could stop there, but since I spent time on it, here is a comparison of the proposed situation versus a theoretical situation if the property were developed residentially. The proposed situation includes the temple project and a not-yet submitted 5-lot subdivision by the Nielsons that would border the south and west sides of the temple project—that is why there is a street planned along the south side of the temple site. The proposed situation of the temple project and 5 lots is projected to generate 36 (one-way) vehicles trips during the AM peak hour and 42 vehicle trips during the PM peak hour. (Based on traffic study and “*Trip Generation, ITE Technical Council Committee 6A6*”, 1976.)

If the temple project did not happen, but if a residential development were to occur instead, how would that compare? Based on current construction costs, financing costs, housing demand, and “contractor talk” the focus is on an attainable housing product that is much smaller than the McMansions of twenty years ago. The subdivision that has been filling the fastest over the last two years in the City is Kip Thiel’s “The Landing” subdivision at the east end of town, which is composed of single-family homes on lots of about 6,000 square feet. I do not believe the community has any objection to the housing product that is being produced there. To do that type of development on the subject property would require a rezone to R-2. However, a rezone of this property to R-2 is within the density contemplated by the Low-Density Residential future land use designation of the property in the Master Plan (p.38). Without the temple there, it is safe to presume that the subdivision would utilize the entire portion of the bluff. Using lots that comply with the R-2 standards and the lot widths used in the Landing Subdivision (51’ minimum), the following theoretical subdivision layout was created. It resulted in 42 lots.



Traffic generation from a 42-lot single-family subdivision is estimated to produce 33.6 (one-way) vehicle trips in the AM peak hour, and 42 vehicle trips in the PM peak hour. In conclusion, the traffic generation from the proposed temple and contemplated 5-lot subdivision is estimated to generate an amount of traffic almost identical to what would be generated from the theoretical 42-lot subdivision, with one exception, the subdivision traffic would occur at that level or higher for 7-days a week, while with the temple and 5-lot subdivision proposal traffic would likely be significantly less the two days the temple is closed. Such an analysis is appropriate when looking at comparable

permitted or conditional uses—it is not a comparison of what is proposed to a situation of “no development”, but to likely alternate development.

The City planner's dream is to largely resolve the traffic situation with Southfork Hill and Canyon Avenue by obtaining enough community support to pass a “penny sales tax” to fund the design and construction of a neighborhood connector street running between Skyline Drive and

Yellowstone Avenue, as depicted on the street plan on page 56 of the Cody master plan. The benefit is regional in scope, so the cost thereof should be as regional as possible as well. By utilizing a “penny sales tax” as the method of funding, approximately 30% of the cost would be funded by visitors from outside of the City.



This report has been completed without me having read the materials submitted by the applicant's attorneys at the end of the day on June 8, 2023, so as to demonstrate that it has not been influenced by them. I have not had a conversation with them about any of the items in this report.



CITY OF CODY
WYOMING

Todd Stowell <todds@codywy.gov>

Temple Steeple interpretation

3 messages

Todd Stowell <todds@codywy.gov>

Thu, Jun 1, 2023 at 12:12 PM

To: Sam Wilde <sam.wilde@parkcounty-wy.gov>, Sean Collier <scollier@codywy.gov>

Sam and Sean,

While we have verbally discussed this to some extent, can I get a statement from each of you in writing (email or letter) regarding the proposed temple steeple as it relates to how the building and fire code looks at building height, building story, and rooftop projections? It does not have to be long, just to the point.

I went to the Helena Montana temple open house last Friday and Saturday and as part of that watched a time-lapse video of the construction, which clearly showed that the construction of these modular temples includes a membrane roof that is complete and uninterrupted below any of the steeple components, with the exception of the steel pillars that extended to the foundation. The modular blocks included the main level as well as a shorter set of blocks (approx 7-8 feet high) placed over a portion of the main level. The shorter set of blocks are either a mechanical room or perhaps a ceiling extension for a couple of the rooms. The roof membrane covering all of the modular blocks is below the height of the perimeter parapet of the building (24' to parapet). What visually forms the lower portions of the steeple are actually just walls with no roof (rain and snow would fall all the way to the membrane roof below the steeple) and are suspended above the membrane roof by a steel framework. It appeared that someone would be able to access all portions of the roof by walking (or perhaps crawling) under the steeple walls.

Thanks,

Todd Stowell, AICP

Community Development Director/City Planner

City of Cody, Wyoming

(307) 527-3472

www.codywy.gov

Community Development Office Hours

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

Sean Collier <scollier@codywy.gov>

Thu, Jun 1, 2023 at 1:52 PM

To: Todd Stowell <todds@codywy.gov>

Cc: Sam Wilde <sam.wilde@parkcounty-wy.gov>

Todd,

By my interpretation, a tower, steeple, or spire is its own assembly and not part of a story. A story is measured from the upper surface of a floor to the upper surface of a floor or roof next above. As there are no definitions for a tower, steeple, or spire in the IBC, we reference the general definitions and as ordinarily accepted meanings such as the context implies. In some senses a tower, steeple, or spire can be considered as its own portion of the structure. Church towers, steeples, and spires are regulated by the IBC exemption in section 504.3 and section 1511.5.

To add more clarity, I would more closely classify a tower, steeple, or spire as a separate portion of a structure. As long as that portion is built on top of the main "Roof Assembly", is not creating a "Story", and is not open to a floor below. "Rooftop Structure" is separately defined in the IBC (chapter 2) as "a structure erected on top of the roof deck or on top of any part of a building". A tower, steeple, or spire is typically constructed of the same type of construction as the main structure and they are constructed as a separate structure on top of the main structure's roof assembly. A tower, spire, or steeple will meet the same fire rating and weather protection classification as required for the building on top of which it is located. See IBC section 1511.5.2.

[Quoted text hidden]

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Sean Collier

Building Official

City of Cody

(307) 899-0930

(307) 527-3476
ICC ID: 8341080
scollier@codywy.gov

Business Hours:

Monday – Thursday: 7:00 am – 5:00 pm

Friday: 7:30 am – 11:30 am

Sam Wilde <Sam.Wilde@parkcounty-wy.gov>

Fri, Jun 2, 2023 at 8:53 AM

To: Sean Collier <scollier@codywy.gov>, Todd Stowell <todds@codywy.gov>

Todd,

I think Sean covered this very well, and after reviewing the code, I agree with his interpretation.

There is nothing specific in the fire code that I could find that addresses steeples or spires, so we have to rely on the IBC. From a fire code standpoint, I don't have any concerns with the proposed steeple.

Sam Wilde

Fire Marshal / Deputy County Fire Warden

Park County Fire District #2

1125 11th St.

Cody, WY 82414

(307)-527-8552

sam.wilde@parkcounty-wy.gov



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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](#).

CITY OF CODY PLANNING, ZONING AND ADJUSTMENT BOARD STAFF REPORT

MEETING DATE:	JULY 11, 2023	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	
SUBJECT:	PRELIMINARY PLAT OF THE KHAN UNIT DEVELOPMENT SUBDIVISION— A 3-LOT COMMERCIAL SUBDIVISION. SUB 2023-02	RECOMMENDATION TO COUNCIL:	X
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT OVERVIEW

Tower West Holdings, LLC has submitted a preliminary plat application for a 3-lot subdivision identified as the Khan Unit Development Subdivision. The property is in the Light-industrial/Open Business (D-3) zoning district and currently vacant. Access to the three lots would be from a new street running north-south through the property.

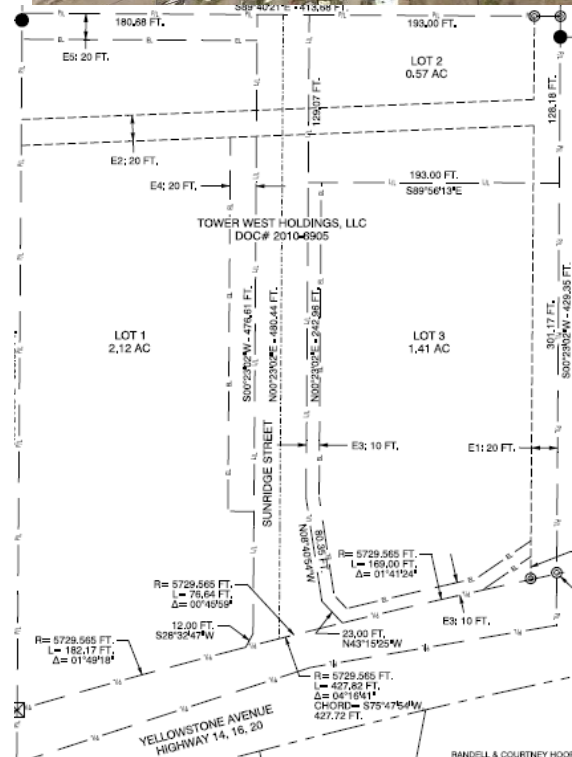
SUBDIVISION REGULATIONS

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

11-4-2: STREETS, ALLEYS AND EASEMENTS:

A. Alignment: All proposed streets, alleys and easements shall align horizontally and vertically with existing streets, alleys and easements adjacent to or lying near the subdivision.

Comment: The proposed street will tie into Yellowstone Avenue at slightly less than a 90-degree angle, but the angle is acceptable. On the construction plans that will be submitted with the final plat, the north end of the proposed street will need to be shown to be able to be extended in compliance with City standards, when considering the grade.



B. Conform to Master Street Plan: All streets shall conform to the city master street plan for size and approximate alignment.

Comment: The proposed interior street through this property is identified in the master street plan as a future local street. The alignment through the middle of the property as opposed to the east side makes more sense for the developer and should still work well for the street to be extended to the north. The proposed street meets this requirement of conforming to the master street plan, and a later requirement relating to maximum block length.



However, the undeveloped properties to the north have a private 20-foot-wide access easement that runs along the east side of the subject property. With the street being shifted to the middle of the property, the private access will need to be abandoned and replaced with access from the new street, once it is completed. The applicant's engineer indicates that all the parties are agreeable, but at this time the City has not received anything in writing or verbally from those property owners. The location of the new street is dependent on the vacation of the access easement along the east boundary of the property—the accompanying private utility easement can remain at that location if needed.

C. Jogs Prohibited: Street jogs shall be prohibited unless, because of very unusual conditions, the commission and council determine that the offset is justified.

Comment: There are no internal street jogs.

D. Topography: Streets shall have a logical relationship to the topography.

Comment: The street design adequately considers the topography of the site.

E. Intersections: Intersections shall be at or near right angles whenever possible.

Comment: Met—near a right angle.

F. Local Streets: Local streets will be designed to discourage through traffic.

Comment: Some local streets must be through streets—it is believed this requirement is referring to cut-through traffic, which is not an issue.

G. Cul-De-Sacs: Cul-de-sacs shall be permitted, providing they are no longer than five hundred feet (500'), including the area at the end of said cul-de-sac; ...

Comment: Not applicable—the street is designed and intended to be extended.

H. Dead End Streets, Alleys: Dead end streets and alleys (with the exception of cul-de-sacs) shall be prohibited, unless they are designed to connect with future streets or alleys on adjacent lands that have not been platted. If a dead-end street or alley is allowed, for the above reasons, a temporary turnaround shall be constructed for public use until the street or alley is extended.

Comment: The street will be extended to the north as a private street in conjunction with its construction. The yet to be disclosed development of Lot 3 will provide an area that can be utilized as a turnaround for meeting the intent of this requirement.

I. Half Streets: Half streets will be prohibited...

Comment: Not applicable.

J. Reverse Curves: Reverse curves on...residential and marginal streets and alleys shall have at least one hundred feet (100') of tangent length between reverse curves

Comment: None proposed.

K. Widths and Grades: Street, alley and easement/right of way widths and grades shall be as follows:

	<i>Minimum Right Of Way Width</i>	<i>Minimum Grade</i>	<i>Maximum Grade</i>
<i>Residential street</i>	<i>60 feet</i>	<i>0.3 percent</i>	<i>7.0 percent</i>

Comment: The subdivision ordinance has not been updated to reflect the residential street profile of the street master plan, so a variance is requested to the 60-foot right-of-way width shown in the table. The extent of the variance needs discussed. The street master plan identifies a 50-foot-wide right-of-way for a local street. That is typically paired with at least 5-foot-wide utility easements to each side. That is the typical standard. Any variance to the standard beyond that identified in the master plan must show, "...that strict compliance with the requirements of this title will result in extraordinary hardship to the subdivider due to unusual topography or other similar land conditions," or be based on "where the subdivider can show that variances will make a greater contribution to the intent and purpose of this title..." (see 11-5-2(B) of the City code).

The application proposes a 40-foot-wide public right-of-way with a 10-foot-wide easement along most of the east side. Planning and Public Works staff believe that due to the long-term potential for development to the north of this property (110 acres, at least half of which is developable), there is a sufficient public purpose to require the standard 50-foot-wide right-of-way, along with 5-foot-wide utility easements to each side. If the 50-foot width not obtained as right-of-way now, there would likely be

development within this subdivision that would occur and preclude additional right-of-way from being obtained in the future.

Related to the right-of-way width discussion is the required width of the new street. The appropriate street width will be discussed in Item R below.

Maximum grade requirements will be met.

L. Vertical Curve Length: The minimum length of vertical curves shall be as follows... Arterial, collector and residential streets: 15 times the algebraic difference in the rate of grade.

Comment: Anticipated to be met. It will be verified in the construction plans with the final plat.

M. Visibility: Clear visibility, measured along the centerline of the street shall be as follows...Residential street 200 feet

Comment: Met.

N. Curvature Radius: The minimum radius of curvature on the centerline of a street shall be as follows...Residential street 200 feet

Comment: Met.

O. Streets with Interior Angles: ...For street intersections with an interior angle greater than seventy degrees (70°), the curb shall be rounded by a radius of nine and one-half feet (9½').

Comment: As proposed.

P. Alleys: Alleys shall be required in all subdivisions with the minimum width being twenty feet (20'), unless extreme conditions preclude the feasibility of alleys... Alleys shall be constructed with a minimum of six inches (6") of crushed aggregate base course for the finished surface. The specification for the gradation of the crushed aggregate base course may be obtained from the city engineer.

Comment: A variance to the alley requirement is requested, as there are no alleys to tie into. The lots are sufficiently large that garbage collection can occur within each lot. Staff supports the variance request.

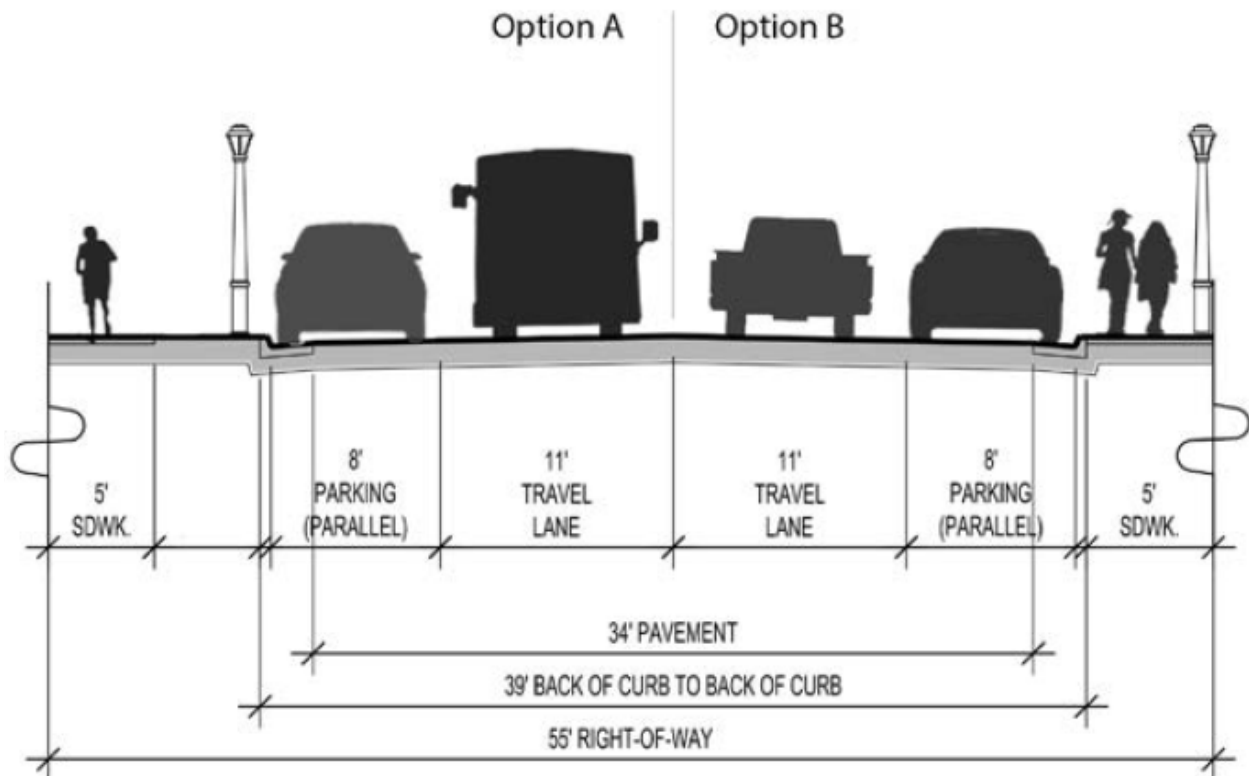
Q. Curb, Gutter, Sidewalk, Paved Streets: Curb, gutter, sidewalk and paved streets shall be required in all proposed subdivisions unless waived in accordance with criteria set out in subsection 11-5-2B...The developer shall be responsible for demonstrating to the city that the grades and location of the proposed improvements shall be compatible with all future development in the area.

Comment: Curb, gutter and sidewalk and asphalt pavement are proposed for the interior street. The construction plans for the street will need to demonstrate that the

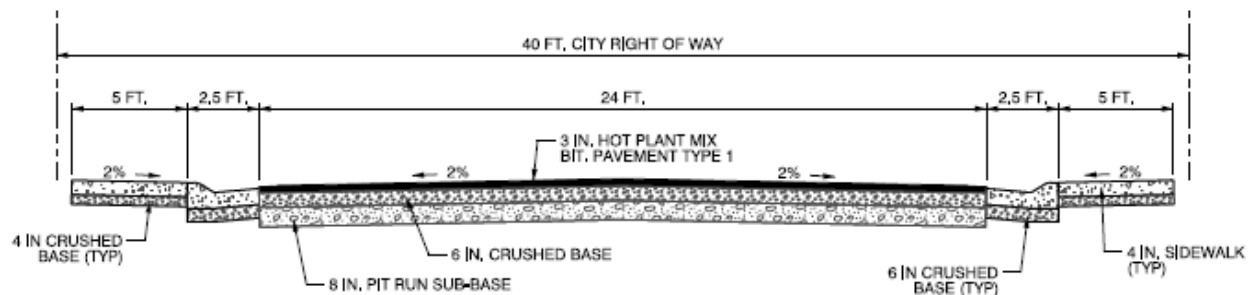
elevation of the north end of the street appropriately considers its extension to serve lands to the north.

R. Street Cross Section: The minimum typical street cross section for each type of street shall be as shown on the master street plan. Details of the city standards for typical paving, curb, gutter, sidewalk, alley aprons and valley gutter sections may be obtained from the city engineer.

Comment: The typical street cross section, as identified in the street master plan is shown here, and includes a 34-foot-wide asphalt surface, with curb and gutter, and 5-foot-wide sidewalks on each side.



The application requests a reduction in the asphalt surface to 24 feet, as depicted here.



The requested 24-foot-wide option is likely sufficient for the immediate subdivision, as parking along the street would not be necessary if sufficient on-site parking is provided with each commercial development, as anticipated. However, in the long-term, after much of the lands to the north develop, there is a potential for a significant increase in traffic, which is likely to justify a center turn lane in this section of street.

If the street is constructed per the standard, that option would exist and could occur simply by re-striping the street. If it is constructed with the requested 24-foot-wide asphalt width, providing the center turn lane would necessitate removal of at least one side of the street, additional widening, and replacement of the curb, gutter and sidewalk. However, that need is likely 20-30 years away, if I were to speculate.

The Board will need to determine the appropriate street width. If they are agreeable to the 24-foot width of asphalt, the street should be constructed to one side of the 50-foot-wide right-of-way, so as to allow the future widening to occur to one side. All utilities would also need to be kept in the 5-foot-wide utility easements to avoid conflicts with the future street widening.

As a reduction from the standard is a variance, the criterion is as noted in Item K above, which can be found in this link in its entirety ([Link](#) to City code).

The above discussion does not consider voluntary cooperation between this developer and the landowners to the north—it may be an option to approach them and ask if they are willing to contribute towards the extra asphalt to preserve their development options and minimize costs by constructing the full street up front.

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

Comment: No storm sewer facilities exist in the area. The street does not have any valley gutters crossing it.

T. Drainage: The area to be subdivided shall be designed to provide proper and sufficient drainage. Runoff and storm sewer systems shall be designed to adequately drain the subdivision and adjacent area that will drain into the subdivision. All stormwater systems shall be designed to achieve zero increase in runoff and shall be in compliance with the city stormwater management policy, as amended. They shall be designed and constructed to allow runoff and stormwater to flow by gravity from the subdivision to an adequate outlet. When an existing storm sewer trunk line is available, the proposed system shall be designed to connect to it. When an existing storm sewer trunk line is not available, a drainage plan must be developed that is acceptable to the city.

Comment: A conceptual drainage plan has been developed and includes a swale at the north end of Lot 1. Further information, including storm water calculations will need to be submitted. Also, it must be determined if the storm water infiltration swale will be

privately maintained, or if they desire it to be maintained by the City. Typically, the swales are utilized for retention of runoff from both the street and development, in which case they are privately maintained. If privately maintained, the developer will need to determine how to provide for the perpetual care and maintenance—whether Lot 1 accepts full responsibility, or if an agreement between all lots.

U. Lot Requirements: All lots within a proposed subdivision will meet the following requirements:

1. Lots shall be sized to meet the requirements of the appropriate zoning.

Comment: Met.

2. Every lot shall abut upon or have access to an approved street or an approved cul-de-sac.

Comment: Met.

3. Side lot lines shall be at approximate right angles to the street line on which the lot faces.

Comment: Met.

4. Strip lots established with the intent of restricting access to streets or alleys will be prohibited.

Comment: Met.

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

Comment: Met, due to the new interior street.

Section 11-5-1, DEVELOPMENT AND IMPROVEMENT also includes standards for construction. Most of those items are simply verified in the construction plans and/or as part of the final plat review. Those that warrant discussion at this point are noted below.

C. Curbs, Gutters And Sidewalks: Curbs, gutters, and sidewalks shall be constructed along both sides of any proposed streets. ...

Comment: Will be met as proposed.

D. Street Design, Construction: Streets shall be designed and constructed according to accepted engineering practices and construction standards with the minimum cross section being the city standard.

Comment: This is the same item for discussion in Item R above.

E. Street Name Signs: Street name signs shall be installed at all intersections.

Comment: A street and stop sign will need to be shown on the construction plans. The proposed street name is "Sunridge Street". The name has yet to be approved by the street naming committee.

F. Sanitary Sewer: Sanitary sewer shall be constructed according to city approved specifications and city construction standards, and shall connect to the city system. It shall also be approved by all appropriate state and/or federal agencies. Each lot within the proposed subdivision shall be connected to a minimum eight-inch (8") diameter sewer main by a minimum four-inch (4") diameter sewer service line. The service lines shall be extended from the sewer main to the property line according to city standards. The use of individual septic systems will not be permitted when a sanitary sewer main is available. If, in the city's opinion, a larger sewer main is necessary to allow for future development of adjacent areas, an agreement may be entered into between the developer and the city whereby the city may help finance the oversized main. It will be the developer's responsibility to ensure that the piping system for the proposed subdivision is connected to the city system.

Comment: All lots have direct access to an existing City sewer main.

Note: The "sewer main" shown along the west side of the new street is not a City main. There should not be an easement shown for this line. If the line conflicts with the street width/alignment, the line must be abandoned, removed from the City manhole, and the hole and trough grouted closed.

G. Storm Sewer: Storm sewer shall be constructed according to city approved specifications, separate from the sanitary sewer. When reasonably possible the storm sewer shall be connected to the existing storm sewer system.

Comment: There is no storm sewer system in the City street system in the area. As noted previously, an internal drainage system is proposed.

H. Water Mains: All water mains will be designed and constructed according to city approved specifications and the city standards. The system will connect each lot within the proposed subdivision to a minimum six-inch (6") diameter main by the use of a minimum three-fourths inch ($\frac{3}{4}$ ") copper service line. The service lines shall be extended from the main to the property line according to city standards...

Comment: All lots have direct access to an existing City water main.

I. Fire Hydrants: Fire hydrants shall be installed at intervals not to exceed five hundred feet (500') between hydrants and provided with standard hose connections as specified by the fire department.

Comment: Hydrants exist near the southwest and southeast corners of the property. Another hydrant is in an easement along the east side of the property, behind the Good 2 Go convenience store. To fully meet this requirement, either direct vehicle access needs to be provided/obtained to that fire hydrant behind the Good 2 Go store (a gated fence is still okay), or a new hydrant will need to be installed along the new street at the north end of the property. Discuss details with the Fire Marshal and provide a plan with the final plat.

It is also noted that the specific development of the lots (the yet undisclosed use of Lot 1) may necessitate additional fire hydrants on Lot 1 and potentially looping of the water main system. That hydrant would likely negate the need for a hydrant at the north end of the street.

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

Comment: No known open irrigation ditches are on the property.

K. Utilities: All utilities (electrical service, natural gas, telephone, cable TV, etc.) shall be installed underground, whenever possible, in the streets, alleys or utility easements shown on the final plat. All buried utilities will be placed before the finished surface is placed on the streets or alleys. Written agreements between the subdivider and each utility company, copies of which will be presented to the city with the construction specifications, shall be drawn up stating who will install the utilities and how the costs for their installation shall be covered...

Comment: As planned. Utility agreements will need to be submitted with the final plat.

L. Other Improvements: Any other improvements, such as bridges, culverts, etc., not specifically mentioned herein but found necessary by the city due to conditions found on the site shall be constructed.

Comment: The removal of unused approaches, and their replacement with standard barrier curb, gutter, and sidewalk is within the scope of this requirement.

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

Comment: Two street lights will be needed.

N. Public Use Areas: There shall be conveyed to the city an area or areas of land or the cash equivalent thereof, on the basis of one acre per fifty (50) prospective dwelling units, to provide for parks, fire stations, recreational areas and other public uses. This requirement shall be in addition to lands dedicated for streets and alleys. Prospective commercial development densities shall be determined by developers with approval from the planning and zoning board. Minor subdivisions shall be exempt from this requirement. ...

Comment: Not applicable, based on City Council interpretation of classifying all subdivisions of 5 lots or less as "minor" for purposes of this requirement.

OTHER:

Irrigation: The property has surface water rights. As they have not been utilized for some time, attempting to transfer them to the City would be difficult. Granting a variance to allow the surface water rights to be transferred to a 3rd party would be consistent with current Council direction. Due to recent state law changes, an

Authorization to Detach Water Rights will need to be obtained from the state Board of Control before the final plat can be approved (recorded).

Abandoned Utilities: The property contains utility services that are no longer active. Unless otherwise proposed to the City, the owner of each individual lot will be responsible for abandoning and/or removing the unused utility services located within their lot to the satisfaction of the associated utility provider in conjunction with development of each lot. If not completed before, the details can be identified with the site plan review for each lot.

Miscellaneous:

For purposes of providing direction for preparation of the construction plans and final plat, the following comments are provided.

1. Provide the WYDOT access permit for construction of the new street connection to the Yellowstone Avenue. Incorporate any requirements into the street construction plans.
2. Primary vehicle access for all lots will be limited to the interior street. Include a note on the final plat to notify lot owners of the restriction.
3. Move the "Yellowstone Avenue Highway 14, 16, 20" label to within the plat. The Certificate of Owner states that the right-of-way is dedicated. That is acceptable (and preferred), as the highway is not shown as part of the lots and its ownership will not get "lost" as it is being dedicated to the public. Further clarify language in the Certificate of Owner as needed, and include dimensions for the highway centerline.
4. Add the existing easement along the east side of the property, and add notes/labels as necessary to indicate its situation.
5. Due to the unknown sizes of the water services to each lot, which are anticipated to be larger than the $\frac{3}{4}$ " minimum, tap fees will not be collected with the subdivision. Tap and connection fees will be assigned with the site plan review of each lot.

POTENTIAL MOTION:

Recommend that the City Council approve the preliminary plat for the proposed subdivision, and grant the variances listed below, subject to the listed conditions:

Subdivision Variances:

1. To allow use of the updated master plan street section (Local section, with 34' asphalt width) and corresponding reduction in right-of-way width (50 feet, with 5' utility easements to each side).

OR

To allow use of a 24-foot-wide asphalt street with curb, gutter, and sidewalks, shifted to one side of a 50-foot right-of-way with 5' utility easements to each side.

2. To waive the alley requirement.
3. To allow the surface water rights to be transferred to a 3rd party.

Conditions:

1. Provide the WYDOT access permit for construction of the new street connection to the Yellowstone Avenue. Incorporate any requirements into the street construction plans.
2. The street location is dependent on the private access easement along the east side being removed/vacated immediately upon completion and acceptance of the new public street. Provide a written agreement from all affected parties indicating their commitment to do so. Include responsibility for removing the abandoned approach and replacing it with standard barrier curb, gutter, and sidewalk to WYDOT specifications.
3. Modify the street right-of-way to correspond to a minimum 50-foot width, and provide 5-foot-wide public utility easements along each side.
4. Design the street according to the extent of the variance granted.
5. Vehicle access for the lots will be limited to the interior street. Include a note on the final plat to notify the lot owners of the restriction.
6. All unused approaches are to be removed and replaced with standard barrier curb, gutter, and sidewalk to WYDOT specifications. For the unused approaches other than the private access addressed in Condition 1, the work is to occur in conjunction with construction of the new street.
7. Include installation of a street sign in the construction plans. The street name will be verified with the Street name committee.
8. Provide a complete drainage report with the final plat application. Determine maintenance responsibility for the infiltration swale in coordination with the City. If privately maintained, determine maintenance responsibility between the lot owners.
9. Satisfy the fire marshal and City regarding the plan for a fire hydrant at the north end of the property—either access to the hydrant on the Good 2 Go property, or a new hydrant.
10. It is presumed that the property owner is planning to transfer the water rights off the property, rather than develop a distribution system for utilization of the water rights. If so, an Authorization to Detach Water Rights must be approved by the state Board of Control, which includes concurrence from the Cody Canal Irrigation District, before the final plat is signed by the mayor.

11. All unused utility services are to be abandoned to the satisfaction of the corresponding utility provider in conjunction with development of each lot. The septic tank is to be removed, or filled with a sand slurry. Any further clarification can be provided with the site plan reviews for development of each lot.
12. As noted under the miscellaneous section: Move the "Yellowstone Avenue Highway 14, 16, 20" label to within the plat and otherwise clarify the highway right-of-way situation; and, add the existing easement along the east side of the property, with notes/labels as necessary to indicate its situation.
13. The final plat application and construction documents shall otherwise comply with the City subdivision ordinance.

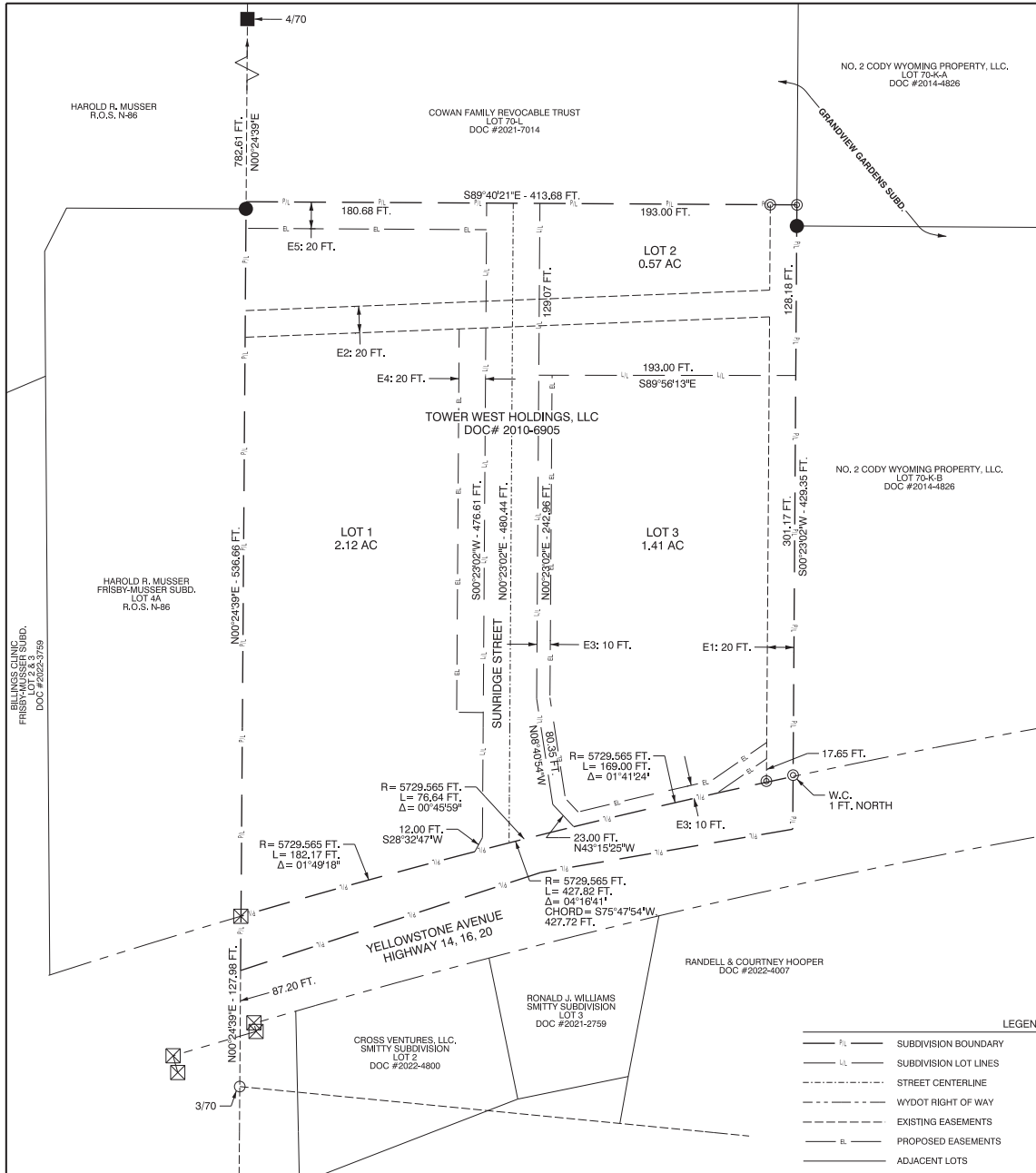
ATTACHMENTS:

Preliminary Plat

Preliminary utility plan

Conceptual Drainage Plan

Also available upon request: Title report, application form



- ### SUBDIVISION NOTES
1. TOTAL SUBDIVISION AREA = 4.56 ACRES, MORE OR LESS.
 2. ZONING FOR SUBDIVISION IS D3, OPEN BUSINESS/LIGHT INDUSTRIAL.
 - ZONING EAST & WEST IS D3
 - ZONING SOUTH IS D3 & MHP
 - ZONING NORTH IS COUNTY ZONING T
 3. NO WETLAND AREAS AND NO AREAS SUBJECT TO FLOODING EXIST WITHIN THE PROJECT AREA.
 4. STORM WATER INFILTRATION FACILITIES SHALL BE MAINTAINED PER THE STORM WATER MAINTENANCE AGREEMENT, THE DRAINAGE EASEMENT TO THE CITY OF CODY ASSOCIATED WITH THE STORM WATER INFILTRATION ESTABLISHES A RIGHT TO DRAIN STORM WATER FROM THE PUBLIC STREET (SUNRIDGE STREET) TO THAT AREA.

- ### SURVEY NOTES
1. BEARINGS AND DISTANCES SHOWN ON THIS PLAT ARE BASED ON THE WYOMING STATE PLANE COORDINATE SYSTEM NAD83(93) (2011), WEST CENTRAL ZONE.
 2. GRID DISTANCES HAVE BEEN SCALED ACCORDING TO THE CITY OF CODY DATUM; 1/CF = 1.0002978
 3. LINEAR UNITS ARE U.S. SURVEY FEET, ANGULAR UNITS ARE DEGREES, MINUTES, SECONDS.
 4. SURVEY WORK WAS PERFORMED TO AN ACCURACY OF 1:15,000.
 5. THE FOLLOWING DOCUMENTS WERE USED AS THE BASIS FOR THIS PLAT:
 - MAPS AND RECORDS ON FILE WITH THE PARK COUNTY CLERK AS NOTED IN THIS PLAT.

- ### EASEMENT NOTES
- #### EASEMENTS OF RECORD
- E1: A 20 FT. WIDE UTILITY EASEMENT & RIGHT-OF-WAY, BK. 146, PG. 217
E2: A 20 FT. WIDE UTILITY EASEMENT & RIGHT-OF-WAY, BK. 146, PG. 217
- #### EASEMENTS GRANTED BY THIS PLAT:
- E3: A 10 FT. WIDE UTILITY EASEMENT.
E4: A 20 FT. WIDE UTILITY EASEMENT ALONG THE WEST STREET LOT LINE ROW.
E5: A 20 FT. WIDE DRAINAGE EASEMENT.

CERTIFICATE OF OWNER

KNOW ALL PERSONS BY THESE PRESENTS THAT WE, THE UNDERSIGNED, ALL HEIRS AND/OR ASSIGNS, HEREBY CERTIFY THAT WE ARE THE OWNERS AND PROPRIETORS OF LANDS DESCRIBED ON THIS PLAT AND EVIDENCED BY DOC# 2010-6905 ON FILE IN THE OFFICE OF THE PARK COUNTY CLERK; THAT WE HAVE CAUSED SAID LANDS TO BE SURVEYED; THAT THE SUBDIVISION OF SAID LANDS IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS AND PROPRIETORS; THAT WE, THE UNDERSIGNED, HEREBY DEDICATE THE EASEMENTS AND RIGHTS-OF-WAY SHOWN HEREON FOR THE PURPOSES NOTED; THAT SAID LANDS ARE SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY AND MINERAL RIGHTS OR RESERVATION OF RECORD; AND, THAT ANY RIGHTS BY VIRTUE OF THE HOMESTEAD EXEMPTION LAWS OF THE STATE OF WYOMING ARE HEREBY RELEASED AND WAIVED.

AFTAB KHAN, MANAGER - TOWER WEST HOLDINGS, LLC

STATE OF WYOMING)
COUNTY OF PARK) SS

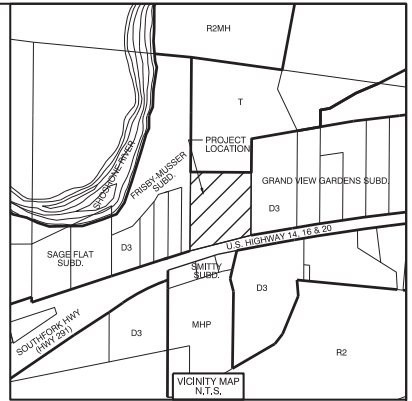
THE FOREGOING CERTIFICATE OF OWNER WAS ACKNOWLEDGED BEFORE ME BY AFTAB KHAN, MANAGER: TOWER WEST HOLDINGS, LLC ON THIS _____ DAY OF _____, 20____, WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

CERTIFICATE OF SURVEYOR

I JESSE W. FRISBEE, A DULY REGISTERED LAND SURVEYOR IN THE STATE OF WYOMING, HEREBY CERTIFY THAT THIS PLAT IS A CORRECT DELINEATION, TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, OF THE DIVISION OF LANDS DESCRIBED IN DOC# 2010-6905, ON FILE IN THE PARK COUNTY CLERK'S OFFICE; THAT SAID PLAT WAS MADE FROM SURVEYS MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT CORNERS FOUND WERE LEFT UNDISTURBED, CORNERS SET WERE MONUMENTED WITH 1.5" ALUMINUM CAPS ON 5/8" X 24" REBAR AND/OR 3.25" BRASS CAPS ON 2" CONCRETE FILLED PIPE AS SHOWN ON THIS PLAT; AND THAT THE DIMENSIONS ON THIS PLAT ARE CORRECTLY SHOWN.



DESCRIPTION OF LANDS

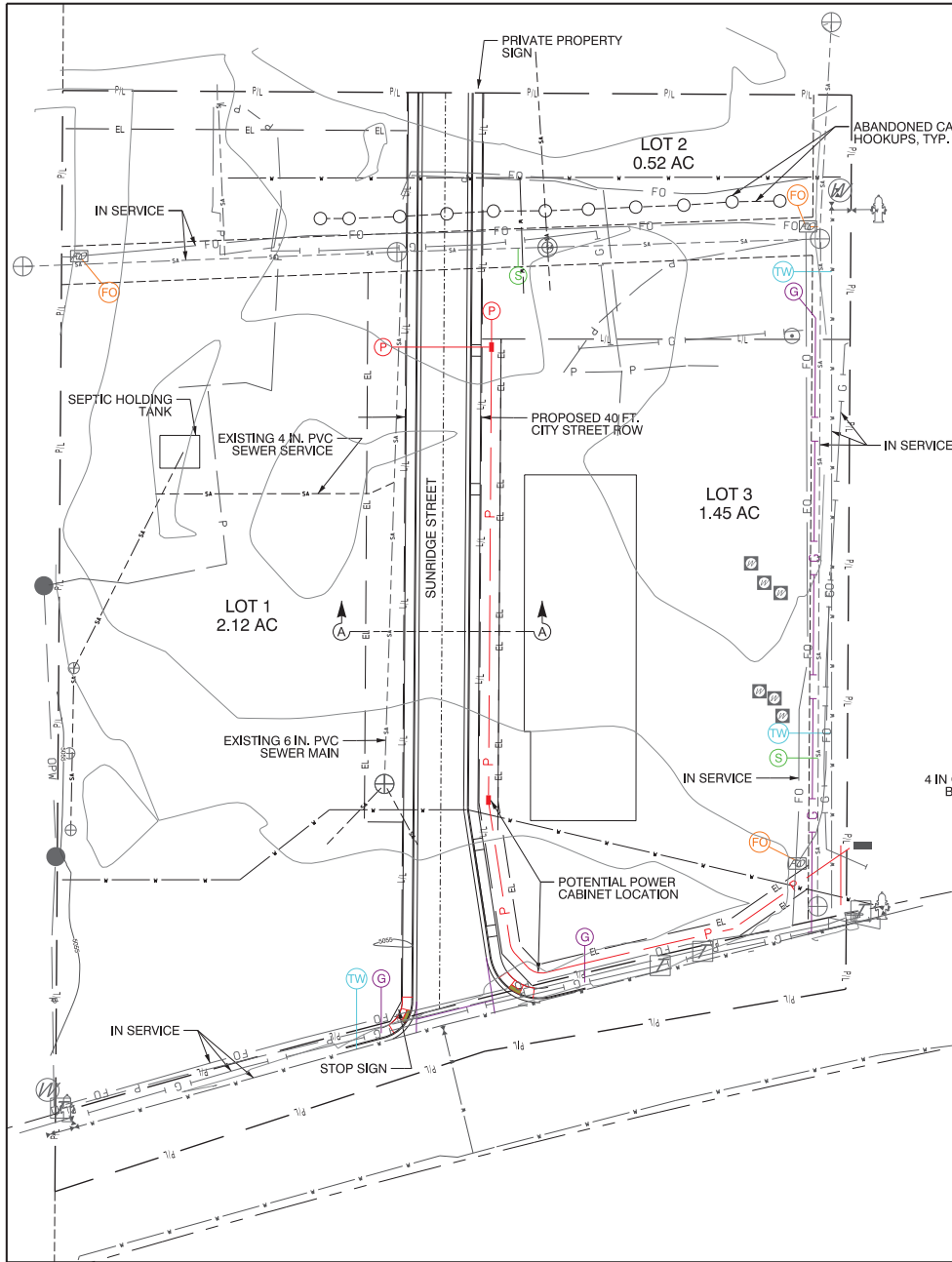
A PARCEL OF LAND IN TRACT 70, T. 52 N., R. 102 W., OF THE SIXTH PRINCIPAL MERIDIAN, RESURVEY, CITY OF CODY, PARK COUNTY, WYOMING, BEING PART OF A PARCEL OF LAND DESCRIBED IN A WARRANTY DEED FILED FOR RECORD IN THE PARK COUNTY CLERK'S OFFICE IN DOC# 2010-6905, AND BEING ALL OF PARCEL 9 AS SHOWN ON A PLAT FILED FOR RECORD IN THE PARK COUNTY CLERK'S OFFICE IN BOOK 129 ON PAGE 47, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF HIGHWAY 14, 16, & 20 (YELLOWSTONE AVE.), SAID POINT BEING LOCATED N07°24'39"E, 127.96 FEET FROM CORNER NO. 3 OF SAID TRACT 70; THENCE N07°24'39"E, 536.66 FEET ALONG THE WEST LINE OF SAID TRACT 70; THENCE S89°40'21"E, 413.68 FEET; THENCE S07°23'02"W, 429.35 FEET TO A POINT ON SAID NORTHERLY RIGHT-OF-WAY LINE; THENCE SAID NORTHERLY RIGHT-OF-WAY LINE ON A CURVE TO THE LEFT HAVING A RADIUS OF 5729.565 FEET, THROUGH A CENTRAL ANGLE OF 4°16'41" FOR A DISTANCE OF 427.72 FEET, HAVING A CHORD BEARING AND DISTANCE OF S75°47'54"W, 427.72 FEET TO THE POINT OF BEGINNING, CONTAINING 4.56 ACRES OF LAND MORE OR LESS.

DRAFT

JESSE W. FRISBEE
WYOMING REGISTRATION NO. 17010, L.S.

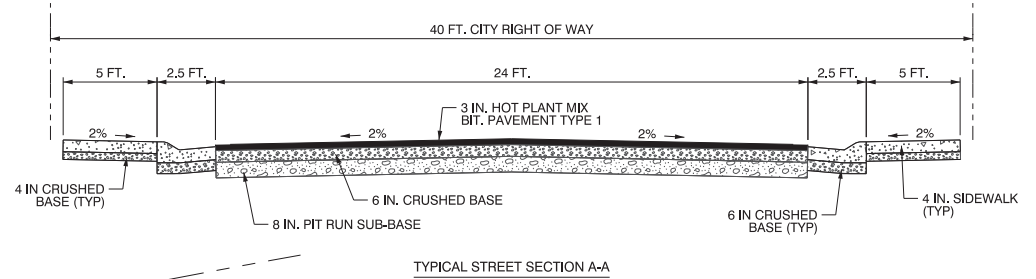
PRELIMINARY PLAT SHEET 1

KHAN UNIT DEVELOPMENT SUBDIVISION	
BEING A SUBDIVISION OF A PARCEL OF LAND LOCATED WITHIN TRACT 70	
RESURVEY T. 52N., R. 102W., 6TH P.M., CITY OF CODY, PARK COUNTY, WYOMING	
DEVELOPER / OWNER: TOWER WEST HOLDINGS, LLC 631 PAR DRIVE GILLETTE, WY 82718 DOC# 2010-6905	 SAGE CIVIL ENGINEERING AND SURVEYING 2824 BEE HORN AVE. CODY, WY 82401 307-627-0915
MAY 3, 2023 DRAWN BY: STM	PROJECT # 2023-048 22-048 PLATBOOK FIELD SURVEY: BY: JWF FIELD BOOK:



NOTES:

- EXISTING UTILITIES SHOWN ARE BASED ON FIELD MAPPING DATA AS WELL AS AS-BUILT PLANS RECEIVED FROM THE CITY. REPRODUCED UTILITY INFORMATION ARE TO BE ASSUMED AS APPROXIMATE LOCATION ONLY.
- ALL PRIVATE SERVICES & MAINS THAT EXIST WITHIN THE PROPERTY ARE ASSUMED TO BE ABANDONED AND NO LONGER IN SERVICE, UNLESS NOTED OTHERWISE.
- EXISTING UTILITIES SHOWN GREYSSCALE, PROPOSED SHOWN COLOR/BLACK.
- EXISTING UTILITIES:
 - CITY OF CODY - TREATED WATER MAINS: (DEPTH, 6 FT. APPROX.)
 - 6 IN. DIP ALONG NORTH YELLOWSTONE AVE. FRONTAGE
 - 10 IN. PVC ALONG SOUTH YELLOWSTONE AVE. FRONTAGE
 - 8 IN. PVC WITHIN N-S EASEMENT ALONG EASTERN BOUNDARY
 - CITY OF CODY - SANITARY SEWER MAINS:
 - 10 IN. PVC. EAST TO WEST ACROSS PROPERTY (DEPTH, 9 FT. APPROX.)
 - 12 IN. PVC WITHIN N-S EASEMENT ALONG EASTERN BOUNDARY
 - CITY OF CODY - ELECTRICAL:
 - UNDERGROUND ALONG PROPERTY FRONTAGE (DEPTH, 36-48 IN. APPROX.)
 - OVERHEAD AT WEST PROPERTY BOUNDARY
 - BLACK HILLS ENERGY - GAS LINE:
 - ALONG PROPERTY FRONTAGE (DEPTH, 3 FT. APPROX.)
 - WITHIN N-S EASEMENT ALONG EASTERN BOUNDARY
 - TCT - FIBER OPTIC:
 - ALONG PROPERTY FRONTAGE (DEPTH, 3 FT. APPROX.)
 - EAST TO WEST TOWARDS NORTH END OF PROPERTY
 - CODY CANAL
 - WATER RIGHTS EXIST WITHIN THE PROPERTY AND WILL BE DEALT WITH ACCORDINGLY.



LEGEND	
	SUBDIVISION BOUNDARY
	LOT LINE
	EXISTING EASEMENT
	PROPOSED EASEMENT
	SA SANITARY SEWER LINE & SERVICE
	W TREATED WATER LINE & SERVICE
	G GAS MAIN AND SERVICE
	P UNDERGROUND POWER LINE
	OPW OVERHEAD POWER LINE & SERVICE
	POWER POLE
	POWER CABINET (PROPOSED/EXISTING)
	FO FIBER OPTIC LINE & SERVICE
	FO FIBER OPTIC VAULT
	TELEPHONE/COMMUNICATION PEDESTAL
	FIRE HYDRANT
	WATER VALVE
	WATER METER
	EXISTING WELL
	MAJOR CONTOUR
	MINOR CONTOUR

PRELIMINARY PLAT SHEET 2 UTILITIES

KHAN UNIT DEVELOPMENT SUBDIVISION

BEING A SUBDIVISION OF A PARCEL OF LAND
LOCATED WITHIN TRACT 70

RESURVEY T.52N., R.102W.,
6TH P.M., CITY OF CODY, PARK COUNTY, WYOMING

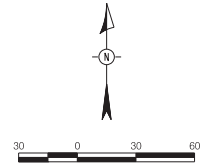
DEVELOPER / OWNER:
TOWER WEST HOLDINGS, LLC
6311 PAR DRIVE
GILLETTE, WY 82718
DOC# 2010-6905

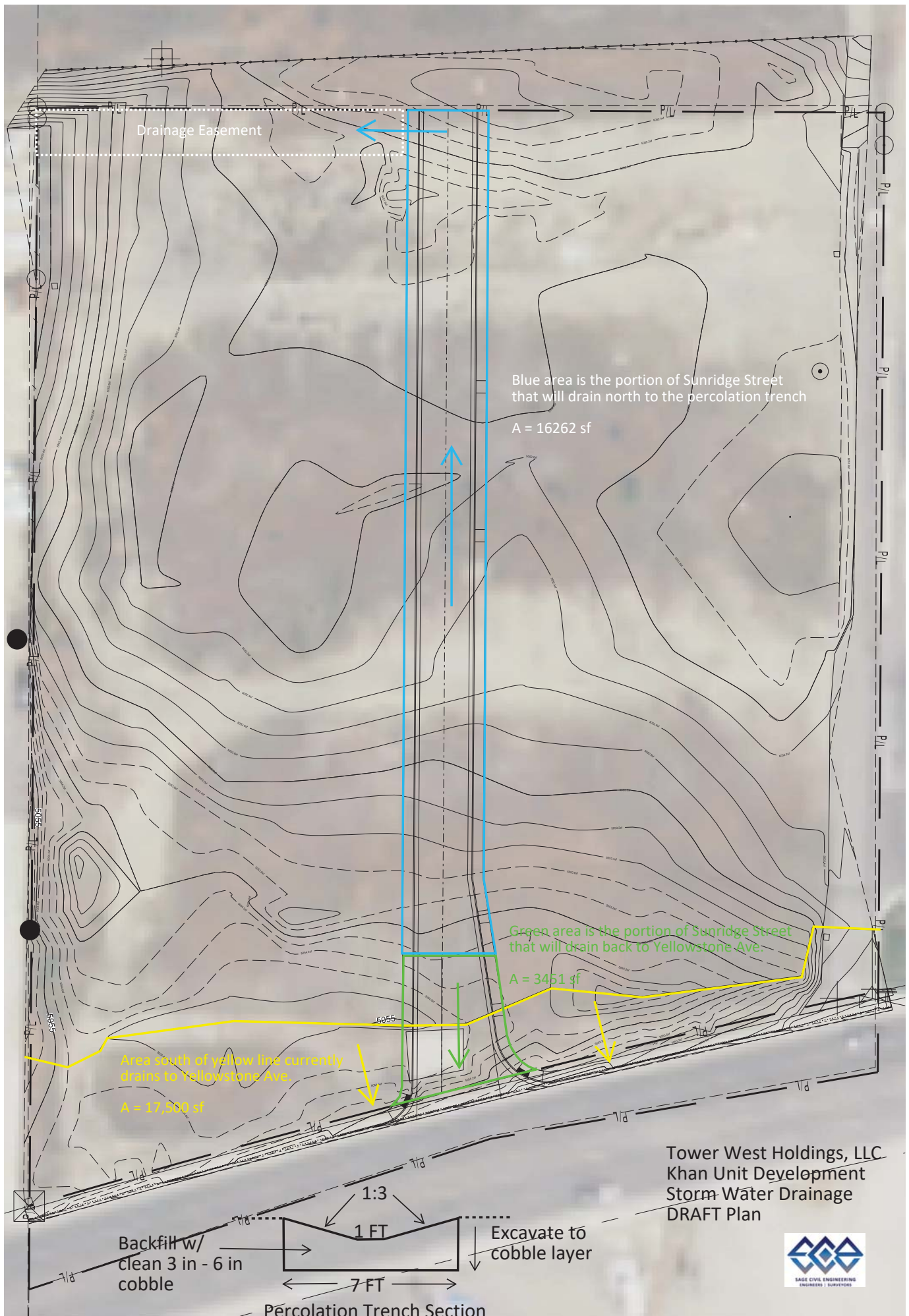
SAGE CIVIL ENGINEERING
AND SURVEYING
2854 BEE HORN AVE.
CODY, WY 82414
307-527-0915

MAY 3, 2023
DRAWN BY: STM

PROJECT # 2023-048
22-048_PLAT001

FIELD SURVEY:
BY: JWF FIELD BOOK:





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

MEETING DATE:	JULY 11, 2023	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	
SUBJECT:	FINAL PLAT FOR THE CASE MINOR SUBDIVISION. SUB 2023-01	RECOMMENDATION TO COUNCIL:	X
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT OVERVIEW

Jessica Case has submitted the final plat application for her 3-lot subdivision identified as the Case Minor Subdivision. The property is zoned R-2 residential and located east of 14th Street and south of Meadow Lane Avenue. The final plat is attached for your review.

SUBDIVISION REGULATIONS

The general subdivision ordinance requirements were reviewed with the preliminary plat approval. The following subdivision variances were granted by the City Council:

Subdivision Variances:

1. To waive the requirement to construct the alley, until Lot 2 is further divided.
2. To reduce the street requirement to consist of a minimum 20-foot-wide paved approach, extending at least 25 feet off of 14th Street, with a minimum 20-foot-wide gravel or paved lane from the approach to Lot 1.
3. To allow any surface water rights on the property to be transferred to a 3rd party, rather than to the City.



The developer requests an additional variance. The variance would be to the requirement that all subdivision improvements be completed prior to issuance of a building permit (City Code 11-2-2(B)), so that a building permit may be issued to the owner for construction of their own residence on Lot 1 prior to the subdivision improvements being completed and accepted. The variance would be subject to the condition/commitment that all subdivision improvements would be completed prior to

occupancy (temporary or final) of a dwelling on Lot 1. As in other similar situations, access to the construction area would be restricted to the owner's contractors only during construction; the owner remains responsible to complete the improvements (e.g. access road and utilities); the property will not be transferred to someone else; and, all work is at the owner's risk.

Staff supports the variance request, as it reflects what the City Council has authorized recently in similar situations. (A foundation permit has already been granted based on precedent and the longer-than-normal processing time due to the Board's full agendas recently.)

Final Plat Supplemental Materials:

According to 11-3-3 of the subdivision ordinance, the subdivider is to present the final plat and all supplemental materials required according to the subdivision regulations. After an initial review of the materials by staff, the Board is to verify that:

Design of the final plat ...conform[s] to the approved preliminary plat and ...include[s] all changes specified thereon. The commission [P&Z Board] will review the final plat and its attached supplemental materials and make a recommendation of approval, conditional approval or disapproval to the council. When taking action on a proposed plat, the written comments of the utility companies will be reviewed and considered along with comments from any other outside agencies and interested parties. Upon completion of the review, the commission will recommend approval, conditional approval or disapproval of the plat to the council.

The "supplemental materials" are all discussed in the context of the preliminary plat conditions, with the exception of the utility company comments, which is noted as follows.

Utility company letters or agreements from all concerned utility companies (e.g. telephone, cable TV, gas, electrical, irrigation districts, Wyoming highway department, water, sewer, etc.) that clearly define how the utilities will be installed;

Status: The utility companies applicable to this project are telecommunications, natural gas, and City electric, sewer, water, and raw water. City utilities are coordinated. Black Hills Energy, TCT, and Bresnan/Charter are aware of the project and capable of serving the lots. However, no written letters or agreements have been provided.

Status of Preliminary Plat Conditions:

The conditions of the preliminary plat approval are listed below, with the status of each.

Conditions:

1. *The applicant's engineer is to provide a design of the entrance road for review and approval with the final plat. The design must reasonably improve the angle where*

the road meets 14th Street. If the phone pedestal is in the way, coordinate relocation with the utility provider and Public Works.

Status: An engineered plan has been provided, which greatly improves the angle where the road meets 14th Street. However, the phone pedestal appears to be in the way and no information has been provided from the utility provider regarding what needs to occur in order for it to be relocated. In addition, the plans do not identify the clearance over the Shoshone Municipal Pipeline, and the City has not heard back from SMP to verify they are okay with the details of the crossing.

2. *Provide easement documents for the access road and utilities to Lot 1. (Two easements—the main easement and the electrical easement to the east).*

Status: Exhibits for use in easement documents have been provided, but the easement documents themselves have not been submitted. As these are private easements for private services, they are to be provided by the applicant, for consideration by the property owner. Corrections to the exhibits are needed—contact staff to discuss.

3. *Coordinate with the fire marshal and City Public Works on how the fire hydrant requirement will be met—install a hydrant at 14th Street, or install a fire sprinkler system in the house on Lot 1 and obtain a variance from the fire marshal for the distance from the hydrant.*

Status: The location of a new fire hydrant has been identified. The location is on the east side of 14th Street, just north of the access road. (Note the road plans have not been updated, and show it south of the access road.) It is the responsibility of the applicant to have it installed to City standards. Coordinate with Public Works.

4. *Confirm with the fire marshal, and if applicable, add a note to the plat that development of Lot 1 is to include a turnaround to the fire marshal's standards when a house is constructed on the lot. (Fire sprinklers may affect applicability of the requirement.)*

Status: A turnaround area is shown on the building permit plans and roadway access plans, which meets the turnaround requirement. Construction will occur in conjunction with the house improvements.

5. If surface water rights exist on the property, they need to be removed. If applicable, the application must be prepared and accepted by the State Board of Control office before the final plat can be signed.

Status: Surface water rights exist on the property. The City Council authorized a variance to allow the surface water rights to be transferred to a 3^d party. The first

step in that process is to obtain permission to detach the surface water rights from the State Board of Control, in the form of an "Authorization to Detach Water Rights" (ADWR). The property owner's engineer has applied to do so, but the application was found to have errors and the Board of Control needs those corrections to the application before they can accept the ADWR at a meeting. Their next meeting is August 14, 2023. Current state law prohibits the City from approving a subdivision until the ADWR is accepted (approved) by the Board of Control. In practice, staff believes we can continue the local subdivision authorization, and authorize the final plat on the condition that the ADWR be approved by the Board of Control prior to the mayor signing the final plat so that the plat can be recorded. Approval of the ADWR is sufficient for the final plat to be signed and recorded—the water rights do not have to be removed before then—they have 5 years to transfer to a 3rd party.

6. *Provide a raw water easement to Lot 3.*

Status: The raw water easement to Lot 3 is proposed to be established by a separate easement document. The exhibit for the easement has been submitted, but not the easement document. There is also an error in the description on that exhibit. The easement will need to be established so that it can be referenced on the final plat.

7. *List the variances granted on the final plat.*

Status: Done.

8. *Applicable utility fees are to be paid as part of the final plat process. (Water taps for Lot 1.)*

Status: Done.

9. *The final plat application and construction documents shall otherwise comply with the City subdivision ordinance.*

Status: Other than some corrections to the final plat document, and the items listed above, the application and construction documents are in good shape. The needed corrections to the final plat include:

- a) In the Certificate of Owner, correct the number of lots of record from 3 to 2, address the dedication of easements, consent to vacate the 20' waterline easement, and state the purpose. The following language is provided for guidance: "...Beck Lake Plaza is to divide and reconfigure the two lots of record into three lots as shown hereon; that I hereby dedicate the raw water easement shown hereon; and, that I request and consent to the vacation of the 20' City of Cody waterline easement as shown hereon."
- b) Add a note (Note 3) explaining the easement vacation.
- c) Fix the dimensional leader for the 20' electrical easement.
- d) Add marks to clarify the extent of the 464.86' dimension on Lot 1.

- e) In the P&Z block, change "approved" to "Recommended for approval".
- f) Complete the recording information for the City of Cody property to the South of Lot 1 (currently ****).
- g) Complete the recording information for the easements, once they are recorded.
- h) The easement vacation approval could be better documented by adding language to the City Council approval block.

ALTERNATIVES:

Recommend that the City Council approve, deny, or approve with conditions.

RECOMMENDATION:

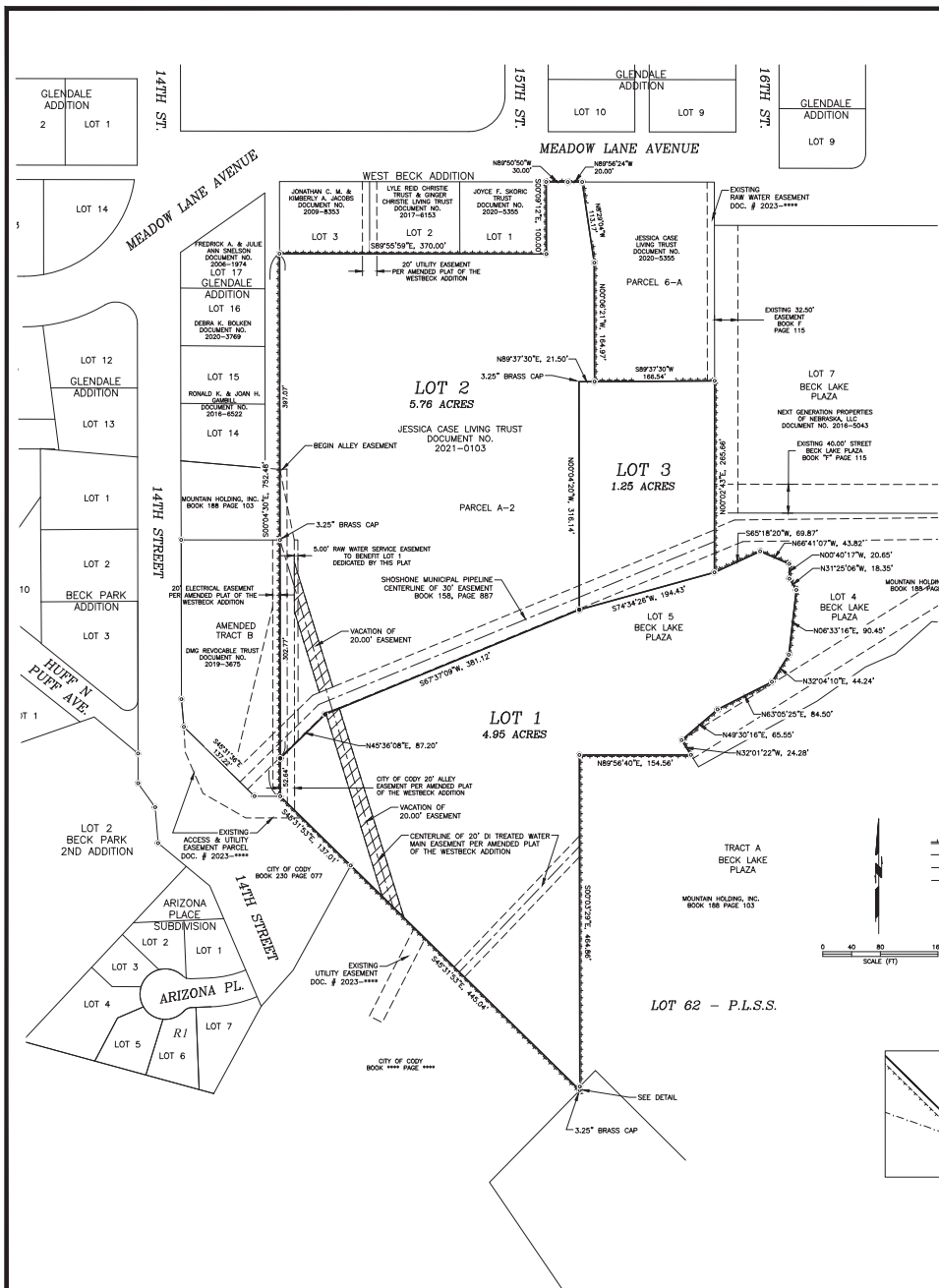
It is recommended that the Planning and Zoning Board recommend to City Council the approval of:

- 1) The additional variance relating to issuance of a building permit to the owner for Lot 1, prior to completion of the subdivision improvements, subject to the condition/commitment that all subdivision improvements would be completed prior to occupancy (temporary or final) of a dwelling on Lot 1. In addition, that access to the construction area would be restricted to the owner's contractors only during construction; the owner remains responsible to complete the improvements (e.g. access road and utilities); the property will not be transferred to someone else; and, all work is at the owner's risk.
- 2) The vacation of the 20' waterline easement, as depicted on the plat.
- 3) The final plat for the Case Minor Subdivision, subject to the following conditions:
 - a) Prior to construction of the access road to Lot 1, provide utility installation agreements with the 3rd party utility providers (Black Hills Energy and either/or both TCT and Charter) related to providing those utilities to Lot 1.
 - b) Provide verification from SMP that they are okay with the plans for the crossing of the road over their pipeline.
 - c) Install the fire hydrant to City standards, prior to occupancy of a dwelling on Lot 1. Coordinate with Public Works.
 - d) Install the raw water service to Lot 1, prior to occupancy of a dwelling on Lot 1. Coordinate with Public Works.
 - e) Any contractor performing work in the right-of-way must obtain an encroachment permit. The details of the fire hydrant installation, sewer connection/street cut, and approach to 14th Street will be verified through the encroachment permit process.
 - f) Prior to the mayor signing the final plat:

- i. Provide an Authorization to Detach Water Rights (ADWR) from the state Board of Control.
- ii. Provide documentation and agreement with the utility provider as to what is necessary to relocate the phone pedestal.
- iii. Provide easement documents, and corrected exhibits, for the access road and utilities to Lot 1. The easements must be in place (recorded) prior to the installation of the utilities and access road within the easements.
- iv. Provide the raw water easement to Lot 1.
- v. Make the edits to the final plat document, as noted in the staff report, which includes:
 - a) In the Certificate of Owner, correct the number of lots of record from 3 to 2, address the dedication of easements, consent to vacate the 20' waterline easement, and state the purpose. The following language is provided for guidance: "...Beck Lake Plaza is to divide and reconfigure the two lots of record into three lots as shown hereon; that I hereby dedicate the raw water easement shown hereon; and, that I request and consent to the vacation of the 20' City of Cody waterline easement as shown hereon."
 - b) Add a note (Note 3) explaining the easement vacation.
 - c) Fix the dimensional leader for the 20' electrical easement.
 - d) Add marks to clarify the extent of the 464.86' dimension on Lot 1.
 - e) In the P&Z block, change "approved" to "Recommended for approval".
 - f) Complete the recording information for the City of Cody property to the South of Lot 1.
 - g) Complete the recording information for the easements, once they are recorded.
 - h) The easement vacation approval could be better documented by adding language to the City Council approval block.

ATTACHMENTS:

Final Plat



CERTIFICATE OF OWNERS

STATE OF WYOMING } ss.
COUNTY OF PARK }

KNOW ALL MEN BY THESE PRESENTS THAT I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM OWNER AND PROPRIETOR OF THE LANDS SHOWN HEREON, CONSISTING OF THREE LOTS OF RECORD, THAT WE HAVE CAUSED SAID LANDS TO BE SURVEYED, THAT THE SUBDIVISION OF SAID LANDS IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS AND PROPRIETORS, THAT SAID LANDS ARE SUBJECT TO ANY COVENANTS, EASEMENTS, RIGHTS-OF-WAY AND MINERAL RIGHTS OR RESERVATIONS ON RECORD, THAT THE PURPOSE OF THE SUBDIVISION OF PARCEL A-2, BEING A PART OF TRACT A OF THE AMENDED WESTBECK ADDITION, RECORDED AT THE PARK COUNTY CLERK'S OFFICE IN PLAT CABINET "P" PAGE 86, AND LOT 5 OF BECK LAKE PLAZA INTO THREE LOTS AS SHOWN HEREON.

JESSICA C. CASE, TRUSTEE
JESSICA CASE LIVING TRUST DATED MARCH 12, 1997

STATE OF WYOMING } ss.
COUNTY OF PARK }

THE FOREGOING CERTIFICATE OF OWNER WAS ACKNOWLEDGED BEFORE ME BY JESSICA C. CASE

THIS _____ DAY OF _____, 20____, WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

NOTES

1. BEARINGS ARE BASED ON THE CITY OF CODY COORDINATE SYSTEM, WHICH IS BASED ON THE WYOMING COORDINATE SYSTEM NAD83 WEST CENTRAL ZONE.
2. OUTSTANDING SUBDIVISION IMPROVEMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF ANY BUILDING PERMITS FOR CONSTRUCTION ON THE LOTS AS OUTLINED IN THE FINAL PLAT APPROVAL. CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT AT CITY HALL FOR INFORMATION.

APPROVED VARIANCES

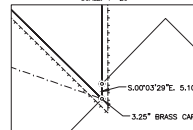
1. TO WAIVE THE ALLEY REQUIREMENT, UNTIL LOT 2 OF CASE MINOR SUBDIVISION IS FURTHER SUBDIVIDED.
2. TO REDUCE THE STREET REQUIREMENT TO CONSIST OF A MINIMUM 20 FOOT WIDE PAVED APPROACH, EXTENDING AT LEAST 25 FEET OFF OF 14TH STREET, WITH A MINIMUM 20 FOOT WIDE DRIVE OR PAVED LANE FROM THE APPROACH TO LOT 1.

LEGEND

- FOUND 1" & 2" ALUMINUM CAPS, OTHERWISE NOTED
- SET 2" DIA. ALUMINUM CAP ON 5/8" DIA. STEEL BAR.
- SUBDIVISION BOUNDARY
- PROPOSED SUBDIVISION LOT LINES.
- EXISTING EASEMENTS
- PROPOSED EASEMENTS
- 20.00' TREATED WATER MAIN EASEMENT VACATED BY THIS PLAT

DETAIL

SCALE: 1"=20'

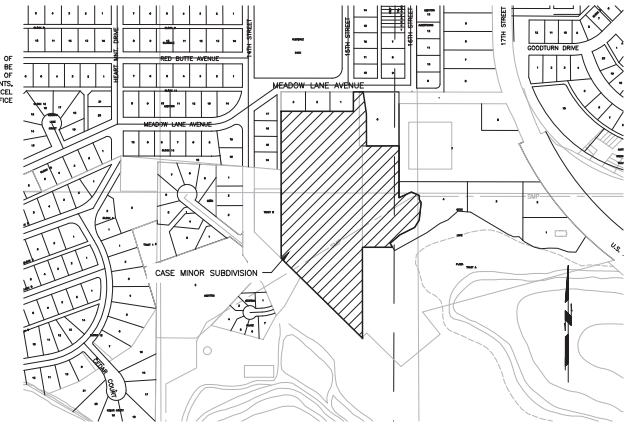


CERTIFICATE OF SURVEYOR

I, LYLE J. GAGNARD, OF ENGINEERING ASSOCIATES, HEREBY CERTIFY THAT THIS MAP WAS PREPARED USING DOCUMENTS ON FILE IN THE OFFICE OF THE PARK COUNTY CLERK, AND FROM NOTES TAKEN DURING ACTUAL SURVEYS PERFORMED UNDER MY DIRECTION IN JANUARY OF 2022 AND MARCH OF 2023, AND, THAT TO MY KNOWLEDGE, THIS MAP SHOWS THE SITUATION ON THE GROUND AT THE TIME OF ITS PREPARATION.



CITY OF CODY



VICINITY MAP

SCALE: 1" = 300'

CITY PLANNING AND ZONING BOARD

APPROVED AS OF _____ DAY OF _____, 2023 BY THE CITY PLANNING AND ZONING BOARD OF CODY, WYOMING.

CHAIRMAN

CITY COUNCIL APPROVAL

APPROVED AS OF _____ DAY OF _____, 2023 BY THE CITY COUNCIL OF CODY, WYOMING.

MAYOR - MATI HALL

ATTEST: CINDY BAKER
ADMINISTRATIVE SERVICES OFFICER

CLERK AND RECORDER ACCEPTANCE

THIS PLAT WAS ACCEPTED IN THE OFFICE OF THE CLERK AND RECORDER, PARK COUNTY, WYOMING, AT _____ O'CLOCK, _____ A.M. ON THIS _____ DAY OF _____, 2023, FILED FOR RECORDING IN BOOK OR PLAT CABINET _____ AT PAGE _____ AND RECORDED AS COMPUTER RECORD DOCUMENT NUMBER _____

PARK COUNTY CLERK

BY: _____ DEPUTY.

DRAFT- PLAT SHOWING - CASE MINOR SUBDIVISION

LOCATED WITHIN
PARCEL A-2, BEING A PART OF TRACT A OF THE
AMENDED WESTBECK ADDITION
AS EVIDENCE IN PLAT CABINET "P" PAGE 68,
AND LOT 5 OF BECK LAKE PLAZA
RESURVEY T.52N., R.102W., 6TH P.M.,
CITY OF CODY, PARK COUNTY, WYOMING

PREPARED FOR: JESSICA CASE
1420 MEADOW LAKE AVE
CODY, WY 82414

PREPARED BY: ENGINEERING ASSOCIATES
CONSULTING ENGINEERS & SURVEYORS
P.O. BOX 1900
CODY, WYOMING 82414

JOB NO. 22000.23 BOOK NO. 595
05/05/2023 P:\22000.23\ACAD\BASE



P:\2022\Cody 22000.00 - 22199.00\22000.00 - Misc Surveys\22000.23 Case Site Survey & BLA - Cody\ACAD\22000.23 Base.dwg 5/5/23 Nick



VICINITY MAP
SCALE: 1" = 400'

DRAFT
NOT FOR
CONSTRUCTION

- FOUND 1" & 2" ALUMINUM CAPS, OTHERWISE NOTED
- SET 2" DIA. ALUMINUM CAP ON 5/8" DIA. STEEL BAR.
- SUBDIVISION BOUNDARY
- PROPOSED SUBDIVISION LOT LINES.
- EXISTING OVERHEAD POWER LINE.
- EXISTING BURIED POWER LINE.
- EXISTING BURIED FIBER-OPTIC LINE.
- EXISTING BURIED TELEPHONE LINE.
- EXISTING BURIED NATURAL GAS LINE.
- EXISTING BURIED TREATED WATER LINE.
- EXISTING BURIED SANITARY SEWER LINE.

LEGEND

- MANHOLE LID. UTILITY AND STRUCTURE TYPES VARY.
- UTILITY POLE.
- FIRE HYDRANT
- PROPOSED BURIED SANITARY SEWER LINE
- PROPOSED BURIED TREATED WATER LINE
- PROPOSED BURIED POWER LINE
- PROPOSED BURIED GAS LINE
- PROPOSED BURIED FIBEROPTIC LINE
- PROPOSED BURIED RAW WATER SERVICE
- EXISTING EASEMENTS

CASE MINOR SUBDIVISION
ROADWAY ACCESS
FOR
JESSICA CASE
CODY, WY

DRAWING INDEX	
SHEET NUMBER	SHEET TITLE
1	TITLE SHEET
2	UTILITY PLAN
3	PLAN & PROFILE - DRIVEWAY
4	DETAILS - DRIVEWAY
4	DETAILS - TREATED WATER

DATE	DRAWING LOG	BY	CHECKED	APPROVED	DRAWN BY: NSH
5/5/23	EDITS		BJR	BJR	JOB NO. 22000.23
5/3/23	ORIGINAL DRAWING	NSH			FIELD BOOK NO. 594



ENGINEERING ASSOCIATES — CODY, WYOMING
CONSULTING ENGINEERS & SURVEYORS

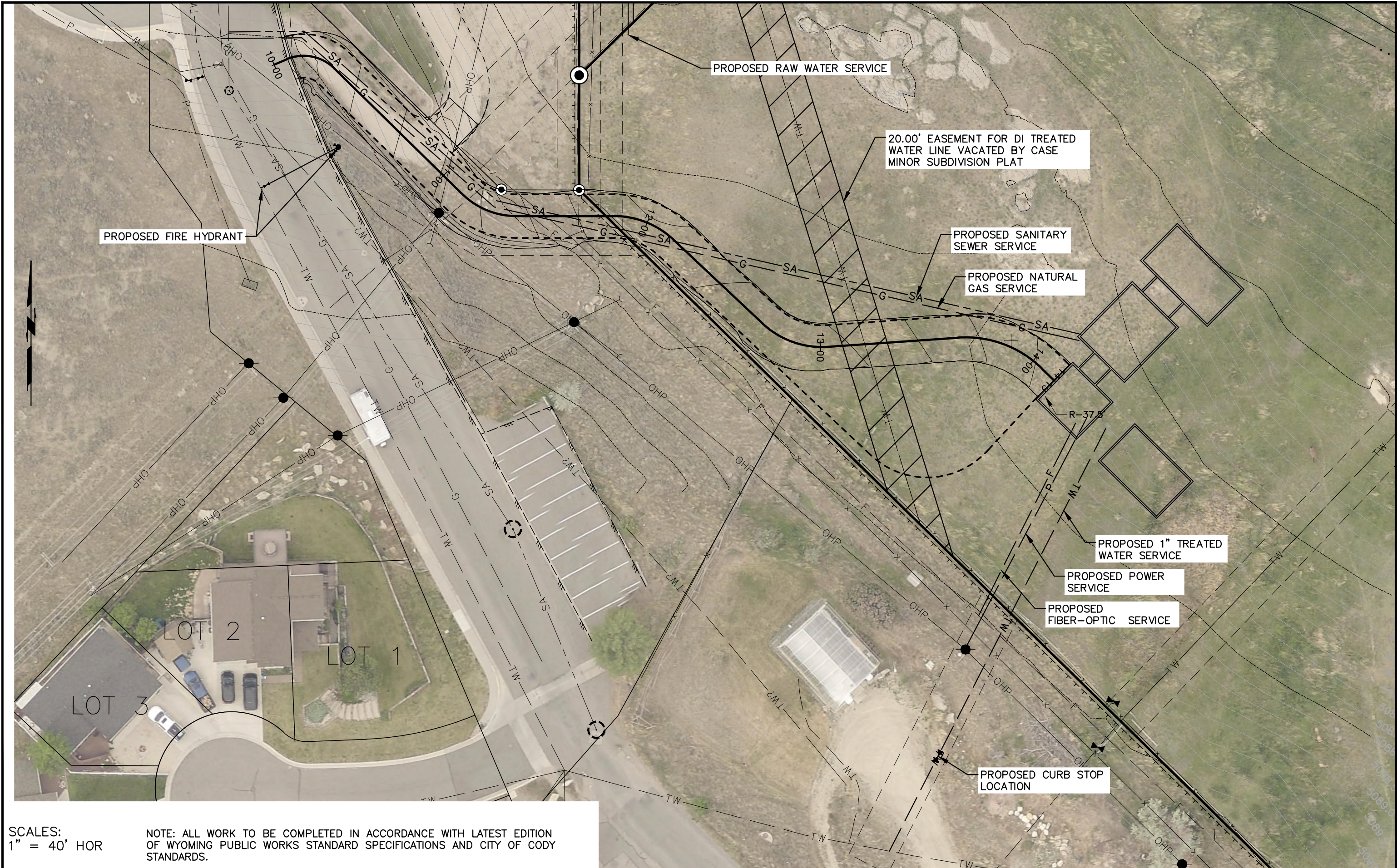
OWNER:
JESSICA CASE

PROJECT: CASE MINOR SUBDIVISION
TITLE: TITLE SHEET



SHEET
1 OF 5

P:\2022\Cody 22000.00 - 22199.00\22000.00 - Misc Surveys\22000.23 Case Site Survey & BLA - Cody\ACAD\22000.23 Base.dwg 5/19/23 Bret



SCALES:
1" = 40' HOR

NOTE: ALL WORK TO BE COMPLETED IN ACCORDANCE WITH LATEST EDITION OF WYOMING PUBLIC WORKS STANDARD SPECIFICATIONS AND CITY OF CODY STANDARDS.

DATE	DRAWING LOG	BY	CHECKED	APPROVED
5/5/23	EDITS		BJR	BJR
5/3/23	ORIGINAL DRAWING	NSH		

DRAWN BY: IKSM
JOB NO. 22000.23
FIELD BOOK NO. 593



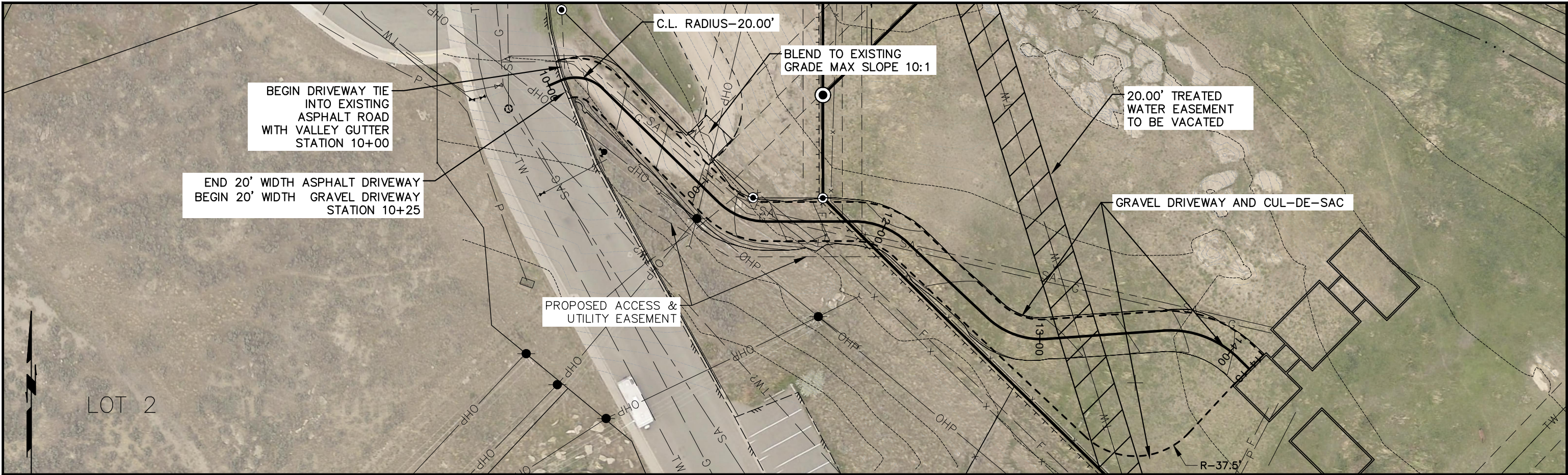
ENGINEERING ASSOCIATES – CODY, WYOMING
CONSULTING ENGINEERS & SURVEYORS

OWNER:
JESSICA CASE

PROJECT:
CASE MINOR SUBDIVISION
TITLE:
UTILITY PLAN

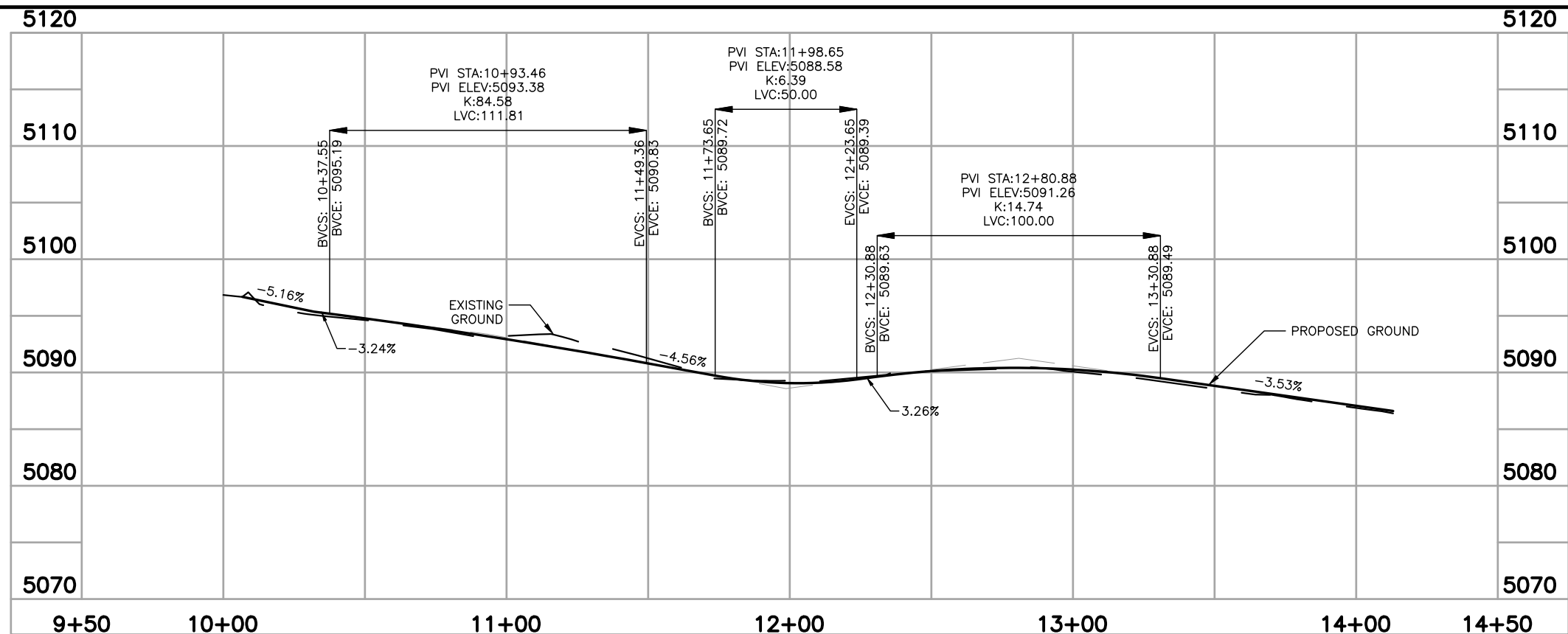
SHEET
2 OF 5

P:\2022\Cody 22000.00 - 22199.00\22000.23 Case Site Survey & B/LA - Cody\ACAD\22000.23 Base.dwg 5/11/23 lan



SCALES:
1" = 50' HOR
1" = 10' VERT

NOTE: ALL WORK TO BE COMPLETED IN ACCORDANCE WITH LATEST EDITION OF WYOMING PUBLIC WORKS STANDARD SPECIFICATIONS AND CITY OF CODY STANDARDS.



DATE	DRAWING LOG	BY	CHECKED	APPROVED	DRAWN BY: IKSM
5/5/23	EDITS		BJR	BJR	JOB NO. 22000.23
5/3/23	ORIGINAL DRAWING	NSH			FIELD BOOK NO. 593

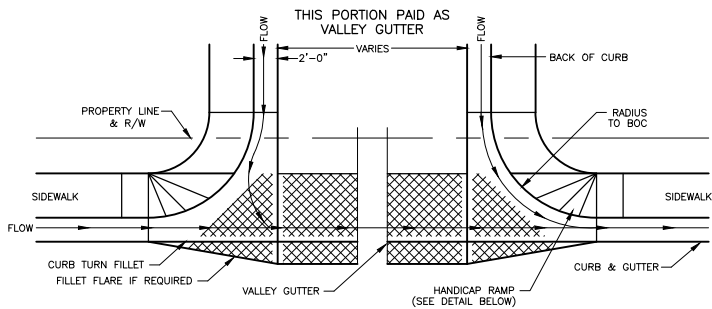
**ENGINEERING ASSOCIATES – CODY, WYOMING**
CONSULTING ENGINEERS & SURVEYORS

OWNER:
JESSICA CASE

PROJECT: CASE MINOR SUBDIVISION
TITLE: PLAN & PROFILE – ROADWAY

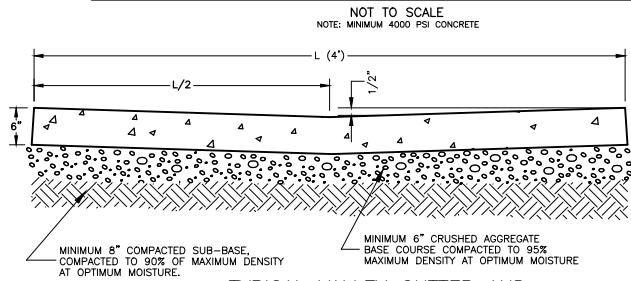
SHEET
3 OF 5

P:\2022\Cody 22000.00 - 22199.00\22000.00 - Misc Surveys\22000.23 Case Site Survey & BLA - Cody\ACAD\22000.23 Base.dwg 5/5/23 Nick



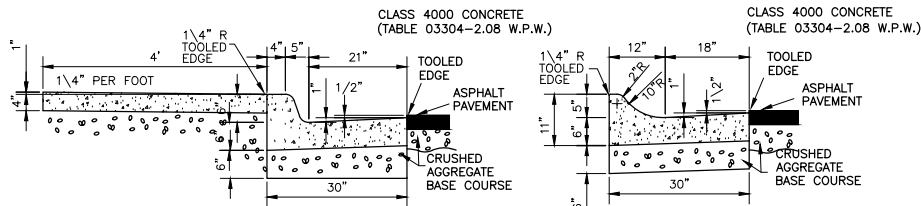
NOTE:
1. PROVIDE 1-FOOT FLARE WHEN FILLETS ARE INSTALLED AT THE LOCATION OF VALLEY GUTTER IF REQUIRED BY ENGINEER.
2. FOR HIGHWAY INTERSECTION.

TURN FILLET, SIDEWALK & VALLEY GUTTER



TYPICAL VALLEY GUTTER AND DOUBLE GUTTER SECTION

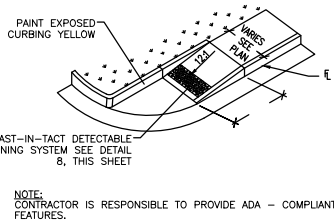
NOT TO SCALE



- NOTE: 1. SUBGRADE COMPACTION SHALL CONFORM TO 2001 WYOMING PUBLIC WORKS STANDARD SPECIFICATIONS SECTION 02231
2. 1/2" EXPANSION JOINT MATERIAL SHALL BE PLACED AT P.C., P.T., AND CURB TURNS. CONTRACTION JOINTS SHALL COMPLY WITH 2001 WYOMING PUBLIC WORKS STANDARD
3. *SPECIFICATIONS SECTION 02520
4. NO CURB AND GUTTER SHALL BE PLACED WITHOUT A FINAL FORM INSPECTION BY THE ENGINEER.
5. CLASS A (TABLE 03304-2.08 W.P.W.) CONCRETE SHALL BE USED.

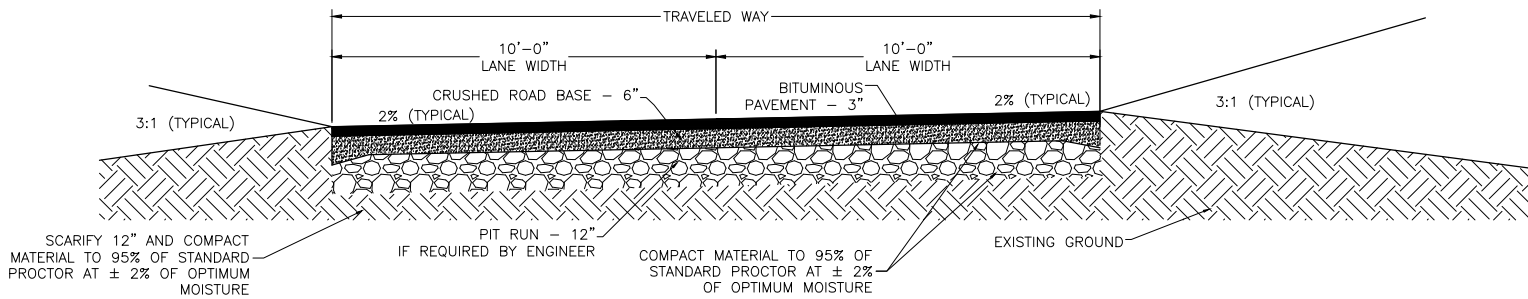
*CONTRACTION JOINTS SHALL BE CONSTRUCTED BY SAWING OR SCORING. WHEN SCORING, A TOOL SHALL BE USED WHICH WILL LEAVE CORNERS ROUNDED AND DESTROY AGGREGATE INTERLOCK FOR SPECIFIED MINIMUM DEPTH.

TYPICAL CURB, GUTTER, & SIDEWALK SECTION



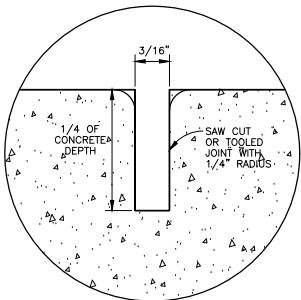
HANDICAP RAMPS - DEPRESSED CORNER

NOT TO SCALE



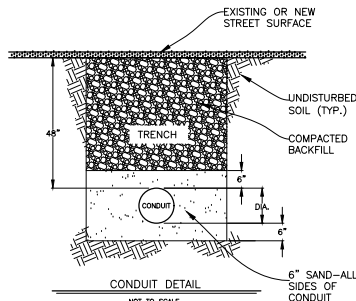
TYPICAL SECTION

SCALE: 1" = 5'



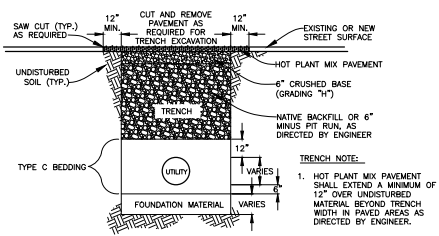
CONTROL JOINT DETAIL

NOT TO SCALE



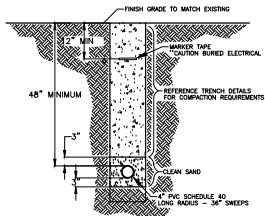
CONDUIT DETAIL

NOT TO SCALE



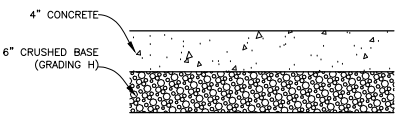
TYPICAL PUBLIC STREETS, CROSSINGS AND PAVED ALLEYS

NOT TO SCALE



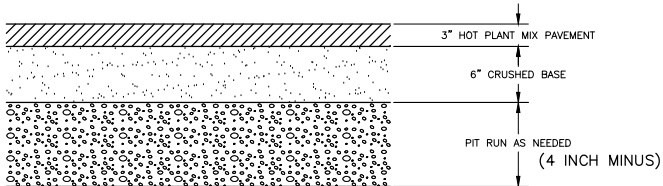
TYPICAL ELECTRICAL TRENCH SECTION

NOT TO SCALE

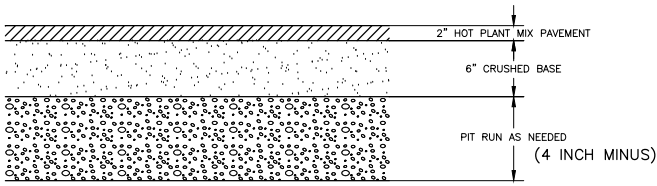


NEW SIDEWALK (OTHER THAN IN ALLEY APRON)

NOT TO SCALE



PAVEMENT SECTION PERMANENT RESURFACING FOR UTILITY CUTS



PAVEMENT SECTION TEMPORARY RESURFACING FOR UTILITY CUTS

CODY MATERIAL SPECIFICATIONS

- ALL SUBBASES AND BASE COURSES SHALL BE COMPACTED TO 95% OF MAXIMUM DENSITY AT OPTIMUM MOISTURE AS DETERMINED IN ACCORDANCE WITH AASHTO 180.
- CRUSHED BASE COURSE
 - THE MATERIAL PRODUCED SHALL BE UNIFORMLY GRADED COARSE TO FINE AND SHALL NOT VARY FROM THE HIGH LIMIT ON ONE SIEVE TO THE LOW LIMIT ON AN ADJACENT SIEVE OR VICE VERSA.
 - THE PERCENTAGE PASSING THE NO. 200 SIEVE SHALL NOT EXCEED ONE HALF OF THE PERCENTAGE PASSING THE NO. 40 SIEVE.
 - THE MATERIAL PASSING THE NO. 40 SIEVE SHALL HAVE A LIQUID LIMIT NOT GREATER THAN 25 AND A PLASTICITY INDEX NOT GREATER THAN 6, EXCEPT WHEN THE PLASTICITY INDEX IS 0 (ZERO), THE LIQUID LIMIT SHALL NOT EXCEED 30.
 - ALL CRUSHED BASE COURSE MATERIAL SHALL MEET THE FOLLOWING GRADATION WHEN TESTED IN ACCORDANCE WITH AASHTO T-27 & T-11:

SIEVE	% PASSING
1"	100
3/4"	90-100
1/2"	60-85
No. 4	45-65
No. 8	33-53
No. 200	3-12

- AGGREGATE FOR HOT PLANT PAVEMENT MIX : IN ACCORDANCE WITH WYOMING TRANSPORTATION DEPARTMENT STANDARD SPECIFICATIONS-LATEST EDITION.
 - FOR COMPACTED THICKNESSES 3" OR LESS, USE WYDOT 1/2-INCH MAXIMUM AGGREGATE.
 - FOR COMPACTED THICKNESSES GREATER THAN 3", USE WYDOT 3/4-INCH MAXIMUM AGGREGATE FOR FIRST LIFT. SECOND LIFT SHALL BE A MINIMUM COMPACTED THICKNESS OF 1-1/2 INCHES, 1/2-INCH MAXIMUM AGGREGATE.
 - MINERAL FILLER: FINELY GROUND PARTICLES OF LIMESTONE, HYDRATED LIME OR OTHER MINERAL DUST, FREE OF FOREIGN MATTER.
- PRIMER: A CUT-BACK LIQUID ASPHALT OF THE MEDIUM CURING TYPE, GRADE ,C-70, AND SHALL COMPLY WITH THE REQUIREMENTS OF ASTM D2027. BITUMINOUS HOT MIX PAVEMENT SHALL BE APPROVED BY THE CITY ENGINEER BEFORE ANY WORK MAY.
- TACK COAT: A CATIONIC SLOW SET EMULSIFIED ASPHALT MIXED WITH A N EQUAL AMOUNT OF WATER, GRADE CSS-1H, AND SHALL COMPLY WITH THE REQUIREMENTS OF ASTM D244. OTHER GRADES OF EMULSIFIED ASPHALT WILL BE CONSIDERED TESTING OR EXPERIENCE THAT ANOTHER GRADE IS MORE SUITABLE.
- MIX DESIGN: A COMPLETE MIX DESIGN MEETING THE REQUIREMENTS OF AI MS-2 COMPLETED WITHIN THE LAST 24 MONTHS FOR THE SPECIFIC MATERIALS TO BE USED SHALL BE SUBMITTED FOR APPROVAL PRIOR TO BEGINNING WORK.

AI MS-2 ESTABLISHES THE FOLLOWING REQUIREMENTS FOR THE ASPHALT CEMENT CONCRETE FOR A MEDIUM TRAFFIC VOLUME:

STABILITY (LB, MINIMUM)	1200
FLOW, (0.01 IN.)	8 TO 16
PERCENT AIR VOIDS (%)	3 TO 5
VOIDS IN MINERAL AGGREGATE (% , MINIMUM)	15

- CONCRETE SPECIFICATIONS
 - CEMENT SHALL BE PORTLAND CEMENT, TYPE II CONFORMING TO THE REQUIREMENTS OF ASTM C-150 (IF SPECIAL CONDITIONS WARRANT IT, THE USE OF A DIFFERENT TYPE OF CEMENT MAY BE APPROVED BY THE CITY ENGINEER).
 - AGGREGATE GENERAL - GRAVEL, CRUSHED SLAG, CRUSHED STONE, OR OTHER INERT MATERIALS, COMPOSED OF HARD, STRONG, DURABLE PARTICLES FREE OF INJURIOUS COATINGS.

C. FINE AGGREGATE

- THE MAXIMUM PERCENTAGE OF DELETERIOUS SUBSTANCES SHALL NOT EXCEED THE FOLLOWING PERCENTAGES BY WEIGHT:

COAL AND LIGNITE	.3%
CLAY LUMPS	.5%
OTHER DELETERIOUS SUBSTANCES	2.0%
- THE FINE AGGREGATE SHALL BE FREE FROM INJURIOUS AMOUNTS OF ORGANIC IMPURITIES.

3) THE FINE AGGREGATE SHALL BE GRADED COARSE TO FINE MEETING THE FOLLOWING GRADATION:

SIEVE	% PASSING
3/8"	100
No. 4	95-100
No. 8	80-100
No. 16	50-85
No. 30	25-60
No. 50	5-30
No. 100	0-10
No. 200	0-4

D. COARSE AGGREGATE

- THE MAXIMUM PERCENTAGES OF DELETERIOUS SUBSTANCES SHALL NOT EXCEED THE FOLLOWING PERCENTAGES BY WEIGHT:

SOFT FRAGMENTS:	1%
COAL AND LIGNITE	0.3%
CLAY LUMPS	0.3%
OTHER DELETERIOUS SUBSTANCES	2.0%
- WHEN TESTED IN ACCORDANCE WITH THE LOS ANGELES RATTLER METHOD, THE COARSE AGGREGATE SHALL NOT SHOW A WEAR IN EXCESS OF 40%.

3) THE AGGREGATE SHALL BE GRADED COARSE TO FINE MEETING THE FOLLOWING GRADATION:

SIEVE	% PASSING
1 1/2"	100
1"	95-100
1/2"	25-60
No. 4	0-10
No. 8	0-5
No. 200	0-2

- AD MIXTURES AND AIR-ENTRAINING AGENTS SHALL BE APPROVED BY THE ENGINEER AS RECOMMENDED WITHIN THE REQUIRED MIX DESIGN AS PREPARED BY A QUALIFIED TESTING LABORATORY.
- ALL CONCRETE PLACED SHALL HAVE A SLUMP OF BETWEEN 1" AND 4" WHEN TESTED IN ACCORDANCE WITH AASHTO T-119.
- ALL CONCRETE PLACED SHALL MEET THE FOLLOWING MINIMUM STRENGTH REQUIREMENTS WHEN TESTED IN ACCORDANCE WITH ALL APPLICABLE ASTM STANDARDS:

LABORATORY MIXED SAMPLE	7 DAYS	2860 P.S.I.
	28 DAYS	4000 P.S.I.

- GENERAL - ALL WORK ASSOCIATED WITH THE DETAILS SHOWN ON THIS PAGE SHALL BE ACCOMPLISHED IN ACCORDANCE WITH THE WYOMING PUBLIC WORKS STANDARD SPECIFICATIONS, UNLESS OTHER SPECIFICATIONS ARE PROVIDED IN THE PROJECT MANUAL.

DATE	DRAWING LOG	BY	CHECKED	APPROVED
5/5/23	EDITS		BJR	BJR
5/5/22	ORIGINAL DRAWING	IKSM		

DRAWN BY: IKSM
JOB NO. 22000.23
FIELD BOOK NO. 593



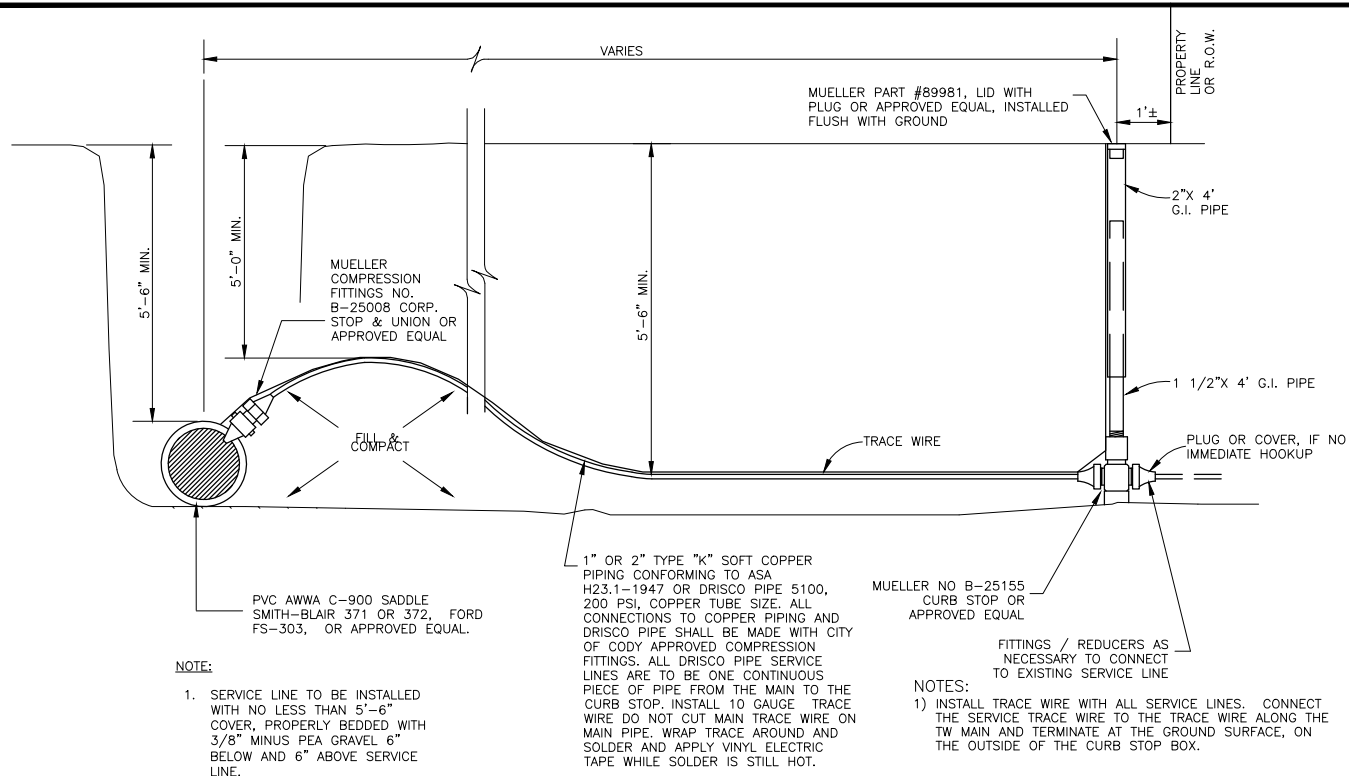
ENGINEERING ASSOCIATES - CODY, WYOMING
CONSULTING ENGINEERS & SURVEYORS

OWNER:
JESSICA CASE

PROJECT: CASE MINOR SUBDIVISION
TITLE: DETAILS - ROADWAY

SHEET
4 OF 5

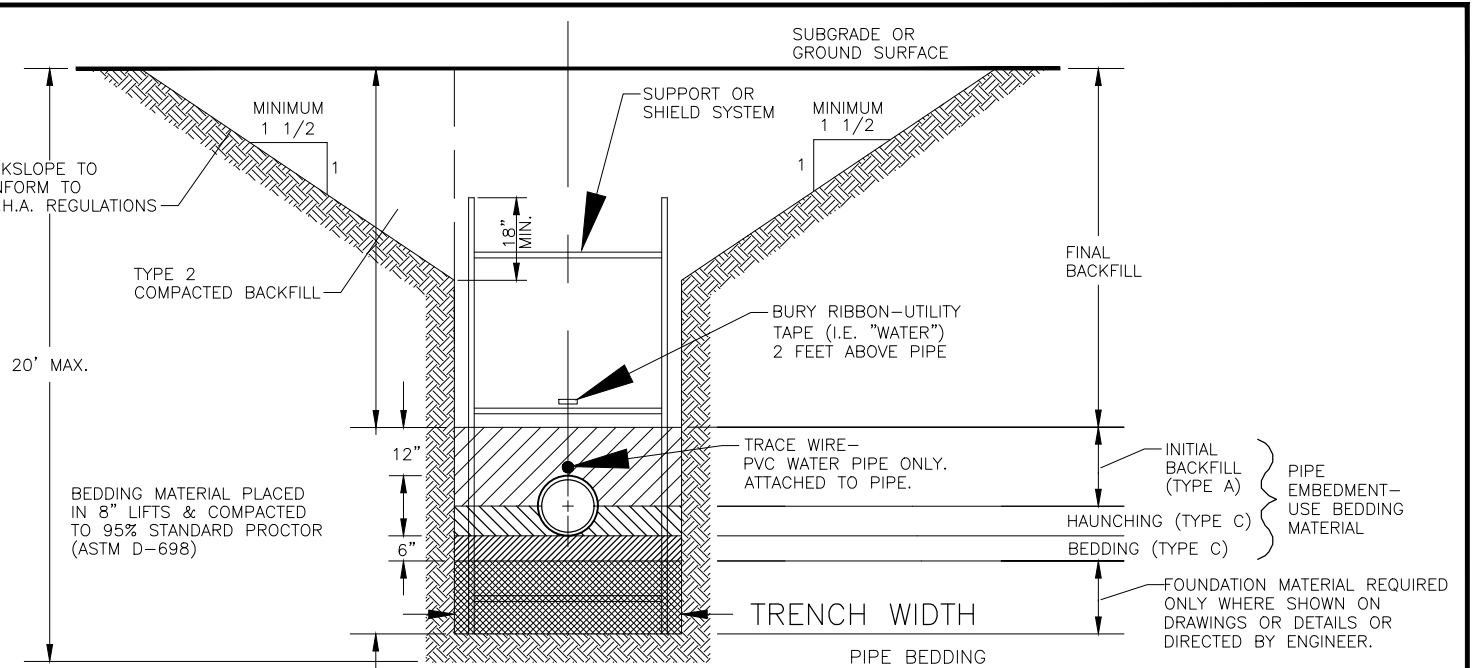
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TREATED WATER SERVICE DETAIL

GENERAL NOTES:

- JOINT RESTRAINTS TO BE PROVIDED ON ALL MJ FITTINGS, UNLESS OTHERWISE NOTED. SUBSIDIARY TO OTHER BID ITEMS.



TYPICAL TRENCH DETAIL

NOT TO SCALE

IF SUPPORT OR SHIELD SYSTEM IS NOT USED, MINIMUM ALLOWABLE SLOPE FOR ALL TRENCHES LESS THAN 20 FT. DEEP WILL BE 1 1/2H : 1V. COMPLY w/ALL APPLICABLE SAFETY REQUIREMENTS

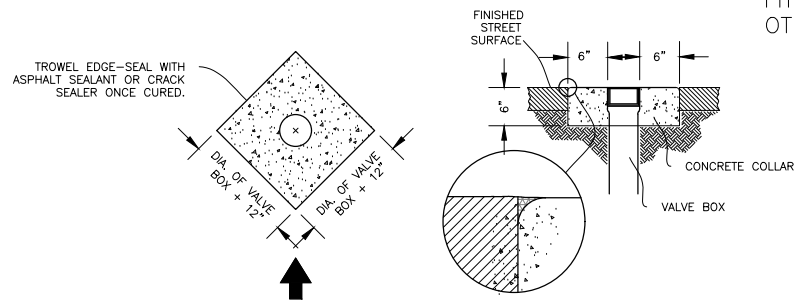
PIPE BEDDING

TYPE A - WELL GRADED MATERIAL WITH A MAXIMUM SIZE OF 3/4 INCH; MAXIMUM PLASTICITY INDEX OF 6, AS DETERMINED BY AASHTO DESIGNATIONS T-89 AND T-90.

TYPE B - NONPLASTIC; GRADING B DRAIN GRAVEL

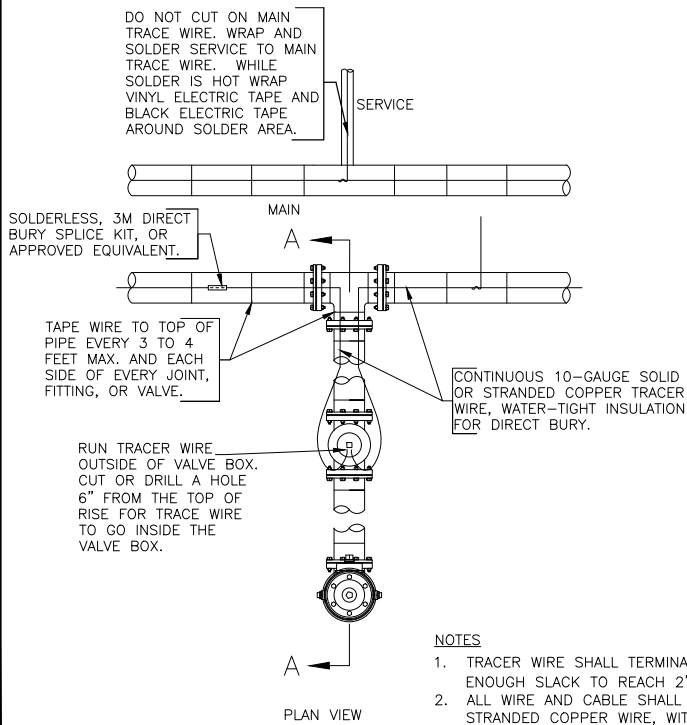
TYPE C - NONPLASTIC; MAX SIZE 1 INCH; 0-5% PASSING NO. 4 SIEVE

TYPE 2 - NATIVE MATERIAL; 8-INCH LIFTS.



GATE VALVE SURFACE PAD FOR GATE VALVES

NOT TO SCALE

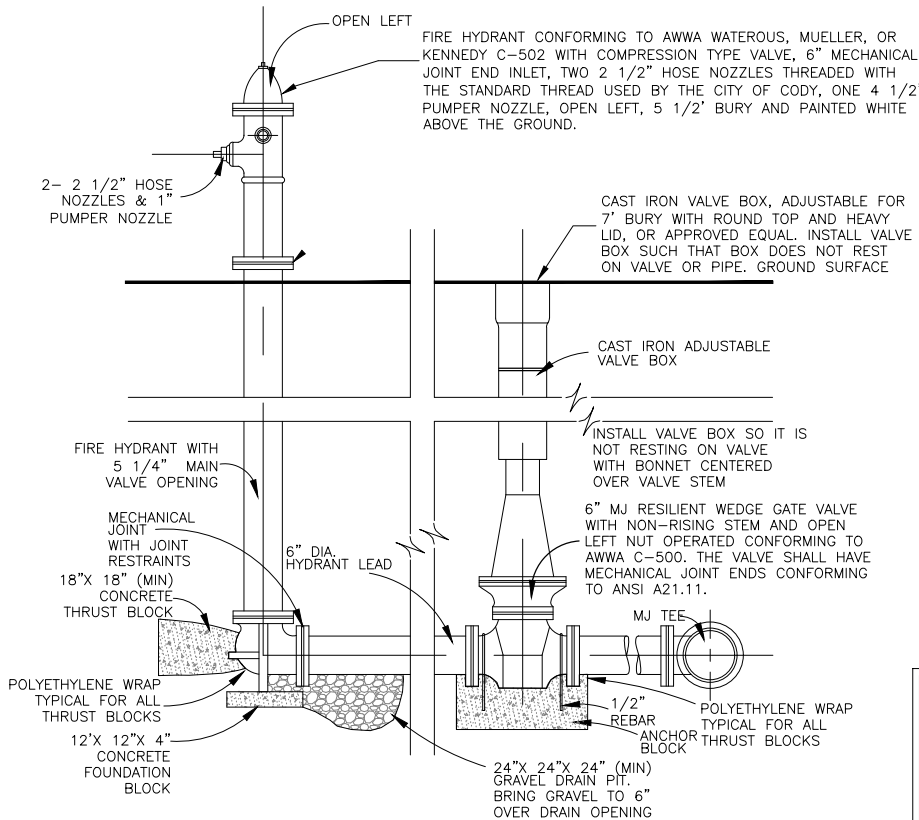


NOTES

- TRACER WIRE SHALL TERMINATE INSIDE VALVE BOX WITH ENOUGH SLACK TO REACH 2' ABOVE GROUND SURFACE.
- ALL WIRE AND CABLE SHALL BE 10-GAUGE SOLID OR STRANDED COPPER WIRE, WITH 600 VOLT RATED HIGH MOLECULAR WEIGHT POLYETHYLENE (HMWPE) INSULATION.

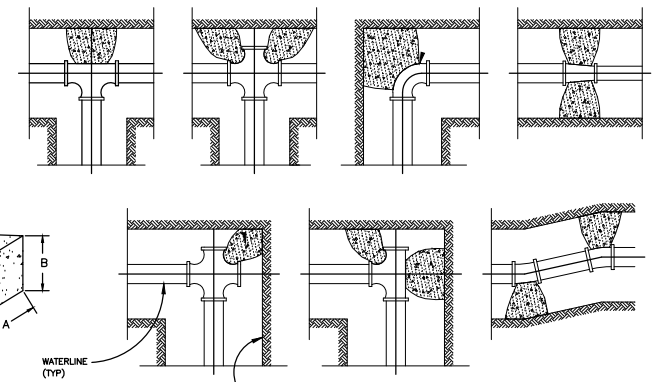
TRACER WIRE DETAIL N.T.S.

NOT TO SCALE



FIRE HYDRANT, VALVE & THRUST BLOCK DETAIL

NOT TO SCALE



CONCRETE THRUST BLOCKS

NOT TO SCALE

- NOTES:
- FITTINGS TO BE SEPARATED FROM BLOCKS WITH AN APPROVED BOND BREAKER, SUCH AS POLY WRAP.
 - ALL BLOCKS TO BEAR AGAINST UNDISTURBED MATERIAL.
 - DESIGN IS BASED ON 165 PSI MAIN PRESSURE AND 2000 PSF SOIL BEARING CAPACITY.

FITTING SIZE	MINIMUM DIMENSIONS FOR THRUST BLOCKING									
	TEES & PLUGS		90° BENDS		45° BENDS & WYES		REDUCERS & 22 1/2° BENDS		11 1/4° BENDS	
	A	B	A	B	A	B	A	B	A	B
4"	1'-7"	1'-2"	1'-9"	1'-6"	1'-8"	0'-10"	1'-7"	0'-6"	0'-6"	0'-6"
6"	2'-0"	1'-11"	2'-5"	2'-2"	1'-10"	1'-7"	1'-9"	0'-10"	1'-0"	0'-6"
8"	2'-8"	2'-6"	3'-2"	3'-0"	2'-5"	2'-1"	1'-9"	1'-6"	1'-0"	1'-0"
10"	3'-4"	3'-3"	4'-0"	3'-10"	3'-0"	2'-9"	2'-2"	1'-11"	1'-6"	1'-0"
12"	4'-0"	3'-10"	4'-8"	4'-8"	3'-8"	3'-3"	2'-7"	2'-3"	2'-0"	1'-0"
14"	5'-5"	3'-10"	6'-6"	4'-11"	4'-9"	3'-5"	3'-5"	2'-5"	2'-0"	1'-6"
20"	5'-0"	5'-0"	6'-0"	6'-0"	5'-0"	4'-0"	3'-6"	3'-0"	3'-0"	2'-0"
24"	6'-0"	6'-0"	7'-0"	7'-0"	5'-0"	5'-0"	4'-6"	3'-0"	3'-0"	3'-0"
30"	7'-6"	7'-6"	8'-0"	8'-0"	6'-3"	6'-3"	4'-9"	4'-6"	3'-3"	3'-3"

DATE	DRAWING LOG	BY	CHECKED	APPROVED	DRAWN BY: IKSM
5/5/23	EDITS		BJR	BJR	JOB NO. 22000.23
5/5/22	ORIGINAL DRAWING	IKSM			FIELD BOOK NO. 593



ENGINEERING ASSOCIATES - CODY, WYOMING
CONSULTING ENGINEERS & SURVEYORS

OWNER:

JESSICA CASE

PROJECT:

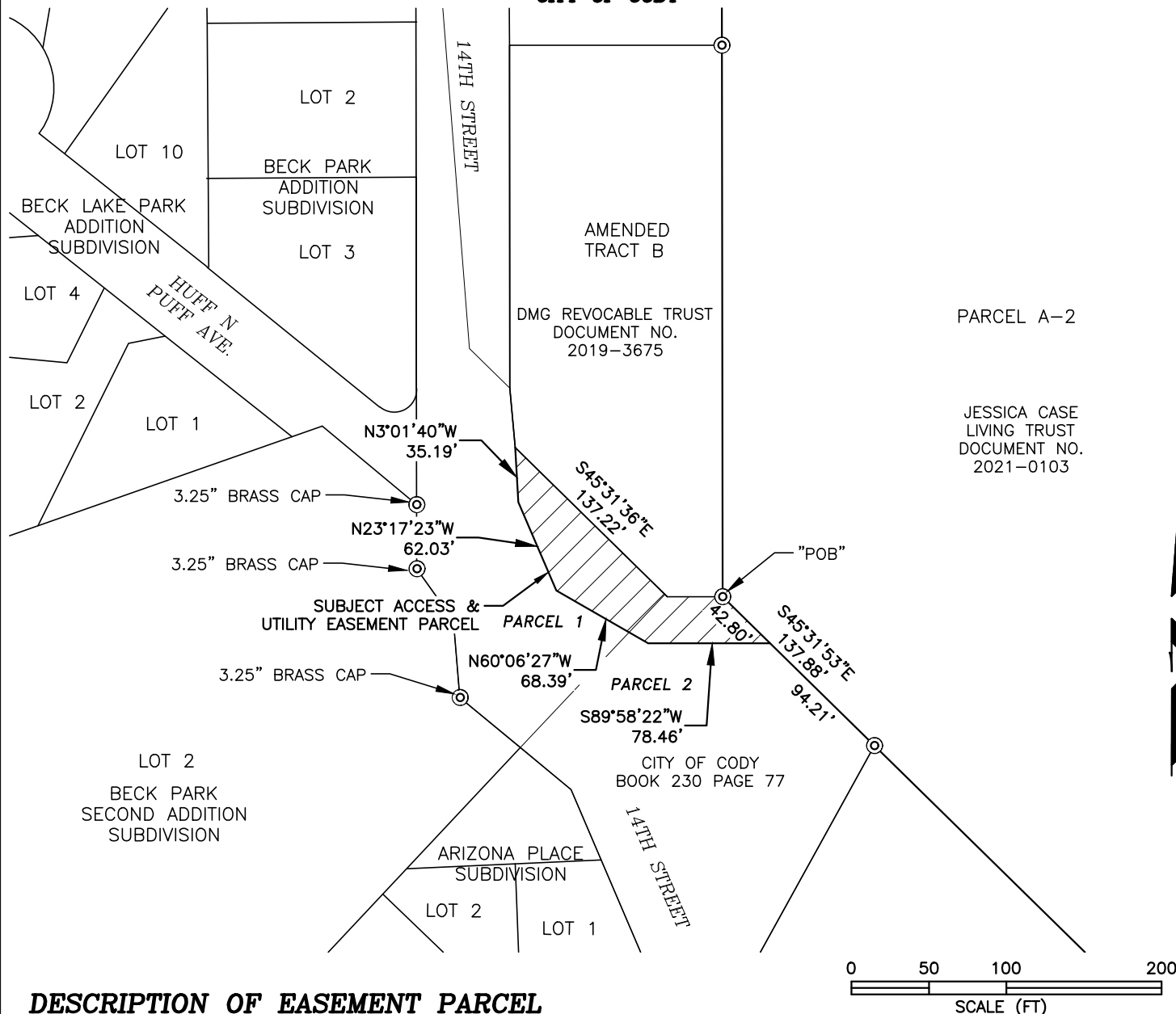
CASE MINOR SUBDIVISION

TITLE:

DETAILS - TREATED WATER

SHEET

5 OF 5



DESCRIPTION OF EASEMENT PARCEL

AN EASEMENT PARCEL FOR ACCESS & UTILITY PURPOSES LOCATED WITHIN PARCEL 1 & 2, DESCRIBED AND SHOWN IN BOOK 230 PAGE 77-79, ACCORDING TO THE RECORDS OF THE COUNTY CLERK AND RECORDER OF PARK COUNTY, LOCATED WITHIN TRACT 62, CITY OF CODY, RESURVEY T.52N. R.101W., PARK COUNTY, WYOMING., SAID EASEMENT PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL A-2, LABELED "POB"; THENCE ON AND ALONG THE WEST LINE OF SAID TRACT A-2, S.45°31'53"E., 42.80 FEET; THENCE S.89°58'22"W., 78.46 FEET; THENCE N.60°06'27"W., 68.39 FEET, THENCE N.23°17'23"W., 62.03 FEET, THENCE N.03°01'40"W., 35.19 FEET, THENCE S.45°31'36"E., 137.22 FEET, THENCE N.89°58'22"E., 35.68 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

SAID EASEMENT PARCEL CONTAIN 0.08 ACRES.

LEGEND

- ⊙ FOUND 2" ALUMINUM CAP, OTHERWISE NOTED
- SET 2" ALUMINUM CAP, ON 5/8"x24" REBAR
- ▨ EASEMENT PARCEL

BASIS OF BEARINGS

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

CERTIFICATE OF SURVEYOR

STATE OF WYOMING }
COUNTY OF PARK } ss.
I, LYLE J. CASCIATO, OF ENGINEERING ASSOCIATES IN CODY, WYOMING, HEREBY CERTIFY THAT THIS MAP WAS PREPARED USING DOCUMENTS ON FILE IN THE PARK COUNTY CLERK'S OFFICE, AND FROM NOTES TAKEN DURING AN ACTUAL SURVEY PERFORMED UNDER MY DIRECTION IN JANUARY, 2023; AND THAT THIS IS A CORRECT DESCRIPTION OF THE LOCATION OF THIS EASEMENT TO THE BEST OF MY KNOWLEDGE.

ALTERATION OF THIS MAP OTHER THAN BY THE ABOVE PROFESSIONAL LAND SURVEYOR OR AS OTHERWISE ALLOWED BY LAW MAY AFFECT LIABILITY FOR THE ACCURACY OF SAID MAP.



MAP and DESCRIPTION OF EASEMENT

- For -

CITY OF CODY &
JESSICA CASE LIVING TRUST

- Located In -

PARCEL 1 & 2, TRACT 62
CITY OF CODY, T.52N. R.102W.
PARK COUNTY, WYOMING

- Prepared By -

ENGINEERING ASSOCIATES, CODY, WYOMING
CONSULTING ENGINEERS & SURVEYORS

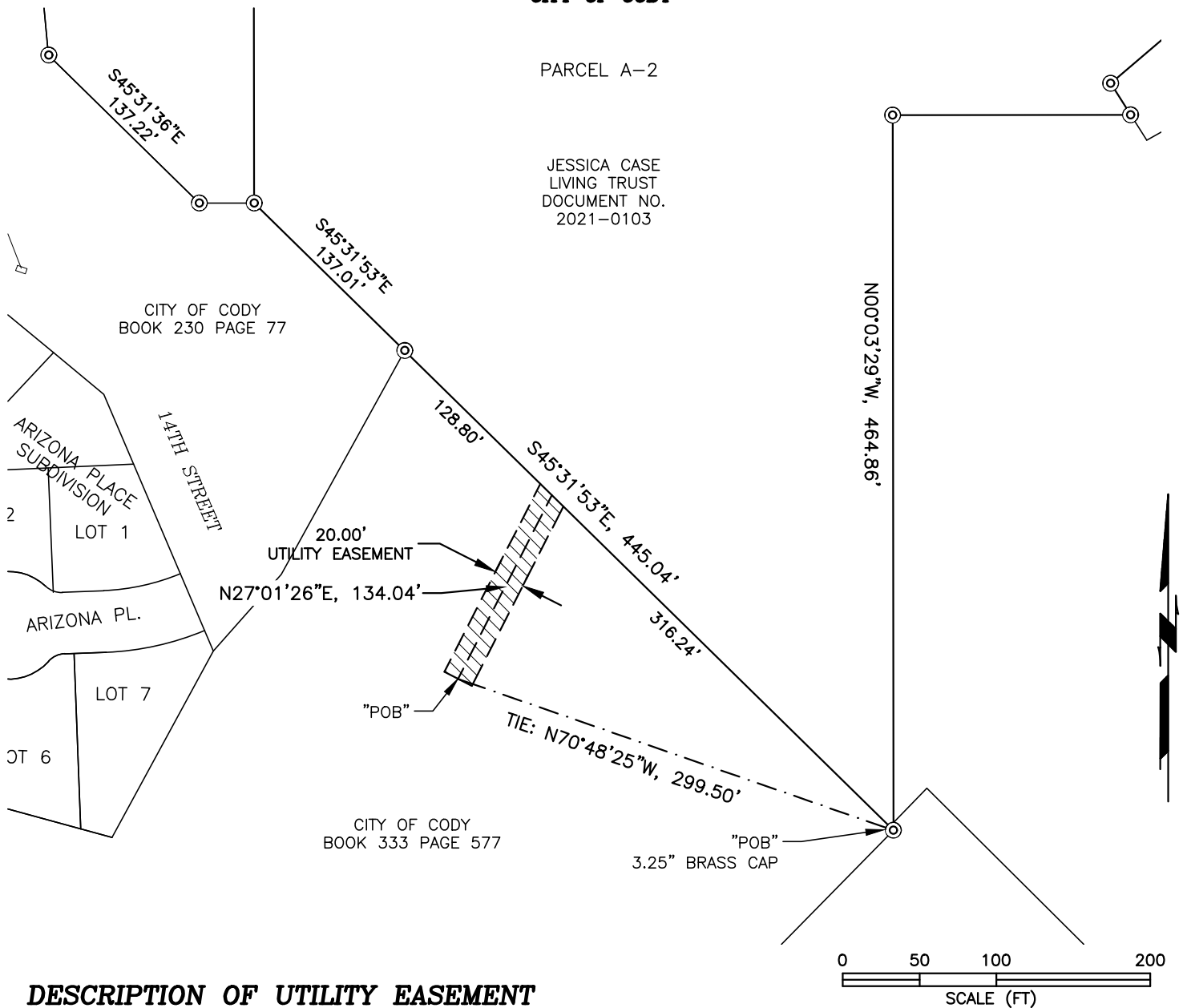


MAY 3, 2023
JOB NO. 22000.23
NSH

SHEET 1 OF 1

RESURVEY T.52N., R.102W.
CITY OF CODY

EXHIBIT A



DESCRIPTION OF UTILITY EASEMENT

AN 20.00' EASEMENT STRIP FOR UTILITY PURPOSES LOCATED WITHIN A PARCEL OF LAND, DESCRIBED IN BOOK 333 PAGE 577, ACCORDING TO THE RECORDS OF THE COUNTY CLERK AND RECORDER OF PARK COUNTY, LOCATED WITHIN TRACT 62, CITY OF CODY, RESURVEY T.52N. R.101W., PARK COUNTY, WYOMING., SAID STRIP BEING A VARIABLE WIDTH EASEMENT, CENTERLINE OF SAID EASEMENT MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHERN MOST CORNER OF PARCEL A-2, MARKED BY A 3.25" BRASS CAP; THENCE N.70°48'25"W., 299.50 FEET, TO THE POINT OF BEGINNING LABELED "POB", THENCE N.27°01'26"E., 134.04 FEET, MORE OR LESS, TO THE TERMINUS OF SAID 20.00' UTILITY EASEMENT, TO THE WEST LOT LINE OF SAID PARCEL A-2;

SAID POWER EASEMENT STRIP CONTAINS 2680.82 SQ FEET OR 0.06 ACRES.

BASIS OF BEARINGS

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

LEGEND

- ⊙ FOUND 2" ALUMINUM CAP, OTHERWISE NOTED
- ▨ 20.00' UTILITY EASEMENT STRIP

CERTIFICATE OF SURVEYOR

STATE OF WYOMING } ss.
COUNTY OF PARK }

I, LYLE J. CASCIATO, OF ENGINEERING ASSOCIATES IN CODY, WYOMING, HEREBY CERTIFY THAT THIS MAP WAS PREPARED USING DOCUMENTS ON FILE IN THE PARK COUNTY CLERK'S OFFICE, AND FROM NOTES TAKEN DURING AN ACTUAL SURVEY PERFORMED UNDER MY DIRECTION IN JANUARY, 2023; AND THAT THIS IS A CORRECT DESCRIPTION OF THE LOCATION OF THIS EASEMENT TO THE BEST OF MY KNOWLEDGE.

ALTERATION OF THIS MAP OTHER THAN BY THE ABOVE PROFESSIONAL LAND SURVEYOR OR AS OTHERWISE ALLOWED BY LAW MAY AFFECT LIABILITY FOR THE ACCURACY OF SAID MAP.



MAP and DESCRIPTION OF EASEMENT

- For -

CITY OF CODY &
JESSICA CASE LIVING TRUST

- Located In -

TRACT 62
CITY OF CODY, T.52N. R.102W.
PARK COUNTY, WYOMING

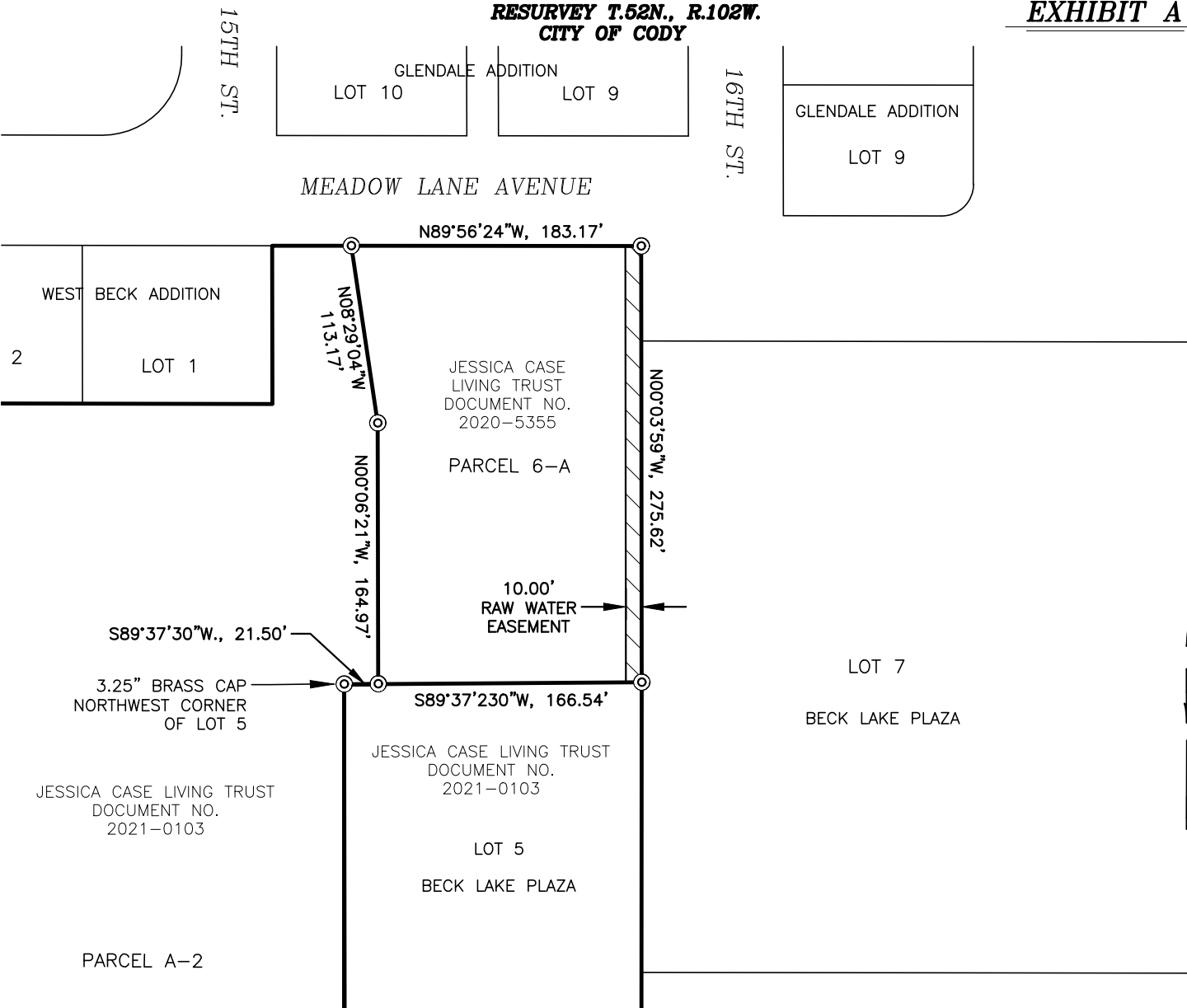
- Prepared By -

ENGINEERING ASSOCIATES, CODY, WYOMING
CONSULTING ENGINEERS & SURVEYORS



MAY 3, 2023
JOB NO. 22000.23
NSH

SHEET 1 OF 1



DESCRIPTION OF RAW WATER EASEMENT

AN EASEMENT STRIP FOR RAW WATER PURPOSES LOCATED WITHIN PARCEL 6-A, DESCRIBED IN PLAT CABINET "P", PAGE 86, ACCORDING TO THE RECORDS OF THE COUNTY CLERK AND RECORDER OF PARK COUNTY, CITY OF CODY, RESURVEY T.52N. R.101W., PARK COUNTY, WYOMING., SAID STRIP LYING 5.00' ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

EASTERLY 10.00 FEET OF SAID PARCEL 6-A, ALSO KNOWN AS THE EASTERLY 10.00 FEET OF LOT 6, BECK LAKE PLAZA.

SAID RAW WATER EASEMENT STRIP CONTAINS 0.06 ACRES.

BASIS OF BEARINGS

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

LEGEND

- FOUND 2" ALUMINUM CAP, OTHERWISE NOTED
- 10.00' RAW WATER EASEMENT STRIP

CERTIFICATE OF SURVEYOR

STATE OF WYOMING }
COUNTY OF PARK } ss.

I, LYLE J. CASCIATO, OF ENGINEERING ASSOCIATES IN CODY, WYOMING, HEREBY CERTIFY THAT THIS MAP WAS PREPARED USING DOCUMENTS ON FILE IN THE PARK COUNTY CLERK'S OFFICE, AND FROM NOTES TAKEN DURING AN ACTUAL SURVEY PERFORMED UNDER MY DIRECTION IN JANUARY, 2023; AND THAT THIS IS A CORRECT DESCRIPTION OF THE LOCATION OF THIS EASEMENT TO THE BEST OF MY KNOWLEDGE.

ALTERATION OF THIS MAP OTHER THAN BY THE ABOVE PROFESSIONAL LAND SURVEYOR OR AS OTHERWISE ALLOWED BY LAW MAY AFFECT LIABILITY FOR THE ACCURACY OF SAID MAP.



MAP and DESCRIPTION OF EASEMENT

- For -

CITY OF CODY &
JESSICA CASE LIVING TRUST

- Located In -

LOT 6, BECK LAKE PLAZA
CITY OF CODY, T.52N. R.102W.
PARK COUNTY, WYOMING

- Prepared By -

ENGINEERING ASSOCIATES, CODY, WYOMING
CONSULTING ENGINEERS & SURVEYORS



MAY 3, 2023
JOB NO. 22000.23
NSH SHEET 1 OF 1