

# JOHNSON COUNTY PLANNING AND ZONING COMMISSION

## REGULAR MEETING-TUESDAY SEPTEMBER 6, 2022

Chairman Travis Pearson called the meeting of the Johnson County Planning and Zoning Commission to order September 6, 2022, at 7:00 PM.

Those present were Commission members Julie Baker, Jake Hatch; Planner Jim Waller, Vicki Edelman County Clerk, Barry Crago Deputy County Attorney; William J Novotny III, Chairman of the County Commission. Layne Qualm and Manny Rodriguez were absent from this meeting.

Julie Baker moved to approve the minutes of the August 2, 2022, meeting. Jake Hatch seconded; motion carried.

Chairman Travis Pearson recused himself from discussion on the Yoder Minor Subdivision since he is the surveyor of record and turned the meeting over to Vice-Chairman Julie Baker.

Vice-Chairman Julie Baker called for discussion on the Yoder Minor Subdivision Preliminary Plat located at 369 Trabling Road. Planner Waller gave the following report:

**Case:** *Minor 2022-002*

**Item:** *Yoder Minor Subdivision Preliminary Plat Review Meeting*

**Applicant:** *Daniel and Anna Yoder*

**Summary:** *Subdivision of parts of the SE¼SW¼ & S½SE¼ of Section 18 and part of the NW¼NE¼ of Section 19, T49N R81W*

### **Background information:**

1. Owner of record; Daniel and Anna Yoder as filed in Book 87A69page 53-54 (~48.9 Acres)
2. Proposed division located off Trabling Road.
  - a. Access to property is an existing access.
3. Property has an existing single-family home, a few shops, and a Store Building.
4. Proposed lot size is 12.77 acres and a 35+ acre exempt parcel.

### **Planning Considerations:**

1. Application submitted as a minor subdivision proposing to create one single lot less than 35 acres.
2. The preliminary plat must be consistent with adopted regulations. Article V, 5.2 specifically identifies contents for the plan/plat and it should reflect the subdivision design standards in Article VI as applicable.
3. Public Notice; two consecutive publications in Buffalo Bulletin advertising the Notice of Intent. (***Affidavit of Publication on file***).
  - a. All adjacent landowners to be notified by certified letters at same time advertised notice published. (***Mail Receipts on file***)
4. Clear Creek Conservation District provided review of the proposed subdivision as per county regulations and state law. (***received 8/15/2022***)

- a. *Very limited features soil types found within the property; (707 Theedle-Kishona loams and 708-Theedle-Kishona-Shingle loams)*
  - b. *Soil limitations are disclosed under Warning # 11 and are required to be disclosed on a final plat.*
5. *The property has an existing water well. P212310.0W on file with Wyoming State Engineer.*
  - a. ***Applicant must provide evidence of compliance with the water rights for the well*** *(Preliminary Plat Requirement, 5.2, E, v). It is on a single parcel and will be shared between the lot and the 35+ acre parcel. State Engineer's Office would be able to determine if action is needed for the groundwater rights.*
  - b. *Sketch Plan indicated no new water improvements proposed.*
  - c. *Well record indicates the well is 250 feet deep and produces 7 gpm.*
  - d. *No surface water rights appear to be associated with the parcel.*
6. *An existing onsite septic system serving the store building, Permit No. 20-021 on file. No other permit on file for the property.*
  - a. *Note on the Sketch Plan indicated no further septic systems proposed.*
7. ***Outhouses are required to be permitted*** *and must follow Section 28 of the Johnson County Small Wastewater Treatment Facility Regulations and Section 16 of the WY DEQ/WQD rules and regulations.*
8. *Existing access established at Trabing Road. This will need to have an easement of at least 60 feet to cover the adequate access following to the west along the lot line.*
  - a. *As shown, it will be shared by the lot & exempt parcel.*
  - b. *County Road & Bridge provided verbal confirmation that the access is adequate as proposed.*
  - c. *All other existing recorded easements will need identified for a final plat.*
  - d. *Roadway Maintenance Agreement may be required.*
9. *Parking has been shown on the Preliminary Plat. It appears there is enough space for the 72-occupancy rating of the building. As shown, there is 36 spaces with 2 additional handicap spaces.*
  - a. *Parking area is reflective of the current conditions on the property.*
10. ***Subdivision is not within 1 mile*** *of the City of Buffalo.*
11. *Public comments/concerns.*
  - a. *Received two phone calls about the subdivision.*
  - b. *A neighbor owns property in same area and is concerned about the number of houses and the overall footprint of the development. This parcel is within the Trabing View Development which does have restrictions through covenants. The county has limited authority with covenants.*
12. *A digital copy of the plat was submitted to outside agencies as required.*
13. *Other considerations by the Commission.*

### **Recommendations:**

1. *Discuss the Planning Considerations.*
2. *Instruct the applicant show proof of compliance with the water right associated with the well. Preliminary Plat requirement 5.2, E, v) requires water right action. If the well is served by multiple users, the state does have requirements to address use.*
3. *The board should discuss houses and requirements. Will this property have multiple houses and what is happening with the remainder?*
4. *A Final plat must identify an adequate access of 60 feet to the public road. There will be some easements that will be needed to legally accomplish the total width of the easement in part due to the access being shared.*

5. *Hear all public comments and concerns.*
6. *Other recommendations related to the Preliminary Plat.*

After discussion by the Commission on septic concerns and the number of housing units on the property; Julie Baker suggested they take no action until they find out more detail regarding all the housing, if the outhouses are compliant with section 5.3; a shared well agreement, and road maintenance agreements. Any public comments should be taken and considered.

Julie Baker moved to take no action until all the requested information is available for review by the Commission; further asking that another preliminary plat be submitted with all the information for the entire property. Jake Hatch seconded; motion carried.

Chairman Travis Pearson called for discussion on the Staghead Minor Subdivision Sketch Plan. Surveyor Craig Shavlik and Rob Hicks were present for questions. Planner Waller gave the following report:

**Case:** *Minor 2022-003*

**Item:** *Staghead Minor Subdivision Sketch Review Meeting*

**Applicant:** *Robert and Jennifer Hicks*

**Summary:** *Subdivision of part of the SW¼NE¼ of Section 18, T51N R82W*

**Background information:**

1. *Owner of record; Robert H Hicks and Jennifer Lynn Sieve-Hicks filed in Book 87A62page 224-225 (~13 Acres).*
2. *Owners are pursuing a quiet title suit in court to clean the parcel boundaries to match ground conditions to the records as filed in the County Courthouse. The parcel is bounded by a county road, 2 subdivisions and an aliquot PLSS quarter/quarter description on the north. Parcel size is fenced in at approximately 17.84 +/- acres. The deeded acreage does not match the fences or the county road. The owners desire to have a parcel match the existing ground conditions and follow the subdivision process.*
3. *Proposed division is located at 425 French Creek Road.*
  - a. *Access to property is through two (2) existing accesses and a proposed 3<sup>rd</sup> approach.*
4. *Property has an existing single-family home, a few outbuildings, and shop/barn.*
5. *Proposed lot sizes are 4.95 acres, 6.31 acres, and 6.58 acres.*

**Planning Considerations:**

1. *Application submitted as a minor subdivision proposing to create 3 lots (2 vacant and 1 with the existing house and applicable services.*
2. *Two existing accesses established at French Creek Road. One is for a residence and the other is a field approach. The field approach will need to be changed and modified.*
  - a. *A 3<sup>rd</sup> new access is proposed and must be approved. Subdivision regulations allow no more than two accesses.*
3. *All existing recorded easements will need identified for a final plat in the future as the proposal moves forward.*
  - a. *Roadway Maintenance Agreement may be required unless 3 accesses are allowed.*
4. *Public Notice; two consecutive publications in Buffalo Bulletin advertising the Notice of Intent. (Pending).*

- a. All adjacent landowners to be notified by certified letters at same time advertised notice published. A separate list was provided with all landowners. **(Pending)**
5. Clear Creek Conservation District provided a soil review of the proposed subdivision as per county regulations and state law. The review was received on August 15, 2022.
  - a. Soil Types 740 & 881 are both Arwite fine sandy loams. The sandy loam are somewhat limited features for septic tank absorption fields (slow water movement and slope).
6. The property has two (2) existing water wells permitted through the Wyoming State Engineer. Well P15086 is for the residence and well P94754 is located on proposed Lot 1.
  - a. The residence well record indicates it is 182 feet deep and produced 8 gpm at the time it was permitted (1972). The windmill well is 160 feet deep and produced 2 gpm when it was permitted (1996).
7. An existing onsite septic system serving the residence is on file. (Permit No. 115)
  - a. Future septic systems on the vacant lots should. There are some limitations due to the existing well locations, existing septic system, and the topography. It is appropriate to plan for this at the subdivision level as the conflicts can be mitigated prior to approval.
8. Subdivision is **not within 1 mile** of the City of Buffalo.
9. Public comments/concerns.
  - a. The third access need considered carefully. The more direct accesses allowed to the County Road will reduce the speed limit. As more and more individual driveways are allowed to connect, speed becomes a concern as well as site distances. The current regulations allow two (2) direct accesses. Most subdivisions are encouraged to consolidate accesses and control the road network interior.
10. Other considerations by the Commission.

#### **Recommendations:**

1. Classify the proposal as a minor subdivision. The parcel was not created under any regulation, as the original parcel descriptions are from the early 1970's.
2. Instruct the applicant to submit a preliminary plat no later than end of week for consideration at the next regular meeting. This is consistent with current preliminary requirements identified in Article V, 5.2 and the design standards in Article VI.
  - a. Water Standards may apply. It should be required to verify no action is needed with surface water rights.
  - b. Public Notice and adjacent landowners must be notified in accordance with regulations which is subject to when a preliminary plat submittal.
3. Provide proof from Road and Bridge Department that the existing accesses are adequate for the proposed division.
4. Provide proof the third access will be allowed; it may impact requirements as the subdivision proposal moves through the review process.
  - a. Access construction is subject to subdivision improvement requirements.
5. Other recommendations related to the Sketch Plan.

After discussion Jake Hatch moved to classify Staghead as a minor subdivision following recommendations 1 through 4 given by Planner Waller, moving forward with a preliminary plat. Julie Baker seconded; motion carried. Planner Waller stated the quiet title information needs to be on the Final Plat.

There being no old business, Planner Waller reported stated there is nothing new on the Kale Morse Minor Subdivision and the Mather Peak Subdivision probably will be re-submitting.

Planner Waller reported the County Commissioners have budgeted funding to update the Comprehensive Land Use Plan which the Planning Commission will start working with target completion within the next 12-18 months. He also said they will need to set-up some work sessions.

County Commission Chairman Bill Novotny said the plan Hot Springs County developed is probably a good option to use as a guide since we have no zoning.

The Commission asked Planner Waller figure out some dates for a work session.

The meeting was adjourned at 8:28pm.

Respectfully,

Travis D Pearson  
Chairman, Travis Pearson

10-04-22  
Date

Attest: Vicki Edelman  
Vicki Edelman, County Clerk

