

**JOHNSON COUNTY PLANNING AND ZONING COMMISSION  
REGULAR MEETING-TUESDAY JANUARY 10, 2012**

**OFFICIAL MINUTES**

The regular meeting of the Johnson County Planning and Zoning Commission was called to order at 4:02 PM by Commission Chairperson Margaret Smith-Braniff.

Those present were Commission members Margaret Smith-Braniff, Craig Wetterlund, Dave Spencer; County Planner and Project Manager, Rob Yingling; County Clerk, Vicki Edelman; Road & Bridge Supervisor, Scott Pehringer; Mark Gordon and Wayne Graves, members of the public. Commission member Scott Mills was absent and there is one vacancy on the Board.

Chairperson Smith-Braniff asked the Board to review the minutes from the December 13, 2011 meeting and called for a motion to table the approval of these minutes until the next meeting because as the only member present from the previous meeting, she was the only one who could vote for approval. Wetterlund moved to table the approval of the December 13, 2011 minutes until the February regular meeting. Spencer seconded, motion carried.

Wetterlund moved to re-elect Margaret Smith-Braniff as Chairperson of the Johnson County Planning & Zoning Commission for the 2012 Year. Spencer seconded, motion carried. Spencer moved to elect Scott Mills as Vice-Chairman of the Johnson County Planning & Zoning Commission for the 2012 Year. Wetterlund seconded, motion carried.

Mark Gordon, a third party negotiator came before the Commission to explain and discuss the Affidavit of Minor Boundary Adjustment between the North Fork Water Users Assn. and Frank Auzqui and Paul Auzqui, individually and d/b/a Auzui Brothers Partnership. This has been ongoing for 38 years and will clean up the permanent boundary line to the center of the county road. Spencer noted that all parties had signed off on the agreement. Spencer moved to approve the Affidavit of Minor Boundary Adjustment between the North Fork Water Users Assn. and Frank Auzqui and Paul Auzqui individually and d/b/a Auzqui Brothers Partnership. Wetterlund seconded, motion carried. Yingling said he would get on the agenda for the Commissioner's meeting on Jan 17<sup>th</sup>, 2012 for the Commissioner's approval.

Smith-Braniff asked for public comments and Wayne Graves as a member of the public requested that the Commission consider paying mileage to the Commission members who lived as far away as he did; especially when they started doing the workshops again. Spencer said they should possibly consider that as a part of the new budget. Smith-Braniff said she remembered at one time the discussed having a meeting once a quarter or so in Kaycee, Wyoming. That would help with a person having to commute from the southern part of the county. Yingling said he had set up a meeting place at the city hall in Kaycee, however if people would have to come from the northern part of Johnson County to a Kaycee Meeting it might inconvenience them especially if that were the only item on the agenda. Graves said he would submit a letter of consideration to continue on the Planning and Zoning Commission if no one else applied.

JOHNSON COUNTY PLANNING AND ZONING COMMISSION

Regular Meeting-Tuesday January 10, 2012

Page 2 of 2

Under old business Yingling asked about scheduling more workshops. Smith-Braniff said without the mapping they can't go forward with public workshops. Yingling said he thought they would work the public comments into the document and would need workshops scheduled to that. There is also a need to reschedule the regular February meeting because Spencer will be out of town. Wetterlund moved to reschedule the regular February meeting to the 7<sup>th</sup> of February at 4:00 PM. Spencer seconded, motion carried. Work sessions for working on the public comments will be scheduled at 1:00 PM on February 7, 2012 and February 21, 2012 at 4:00 PM.

Spencer asked Wetterlund to see about having the Board of Realtor's clarify their comments so they can work them into the document. Yingling told the Commission he is re-formatting the Subdivision Regulations himself since he has not heard back from Julie Baker. Smith-Braniff said she received an email from Baker that was sent to both her and Yingling in which Baker said she wanted to continue to help with the project. Smith-Braniff said she would send a copy of the email to Rob and the other PZ members. Yingling reported they would be holding interviews on the City/County Engineer in the next couple weeks and that person would be housed at City Hall. Yingling said he hopes the GIS/Manager position will be filled by the 1<sup>st</sup> of March and that person will be located in the Planner's Office.

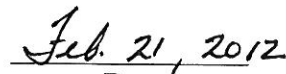
Spencer asked Yingling to follow-up on the enforcement issues that have been turned over to the County Attorney. The Commission would like an update on the status.

Yingling told the Commission the Wyoming Planner's Assn. spring meeting would be April 26<sup>th</sup> and 27<sup>th</sup> in Thermopolis, Wyoming if anybody was interested in attending.

There being no further business to come before the Commission, Wetterlund moved to adjourn the regular meeting at 5:00 PM. Spencer seconded, motion carried.

Approved,

  
Margaret Smith-Braniff, Chairperson

  
Date

**JOHNSON COUNTY PLANNING AND ZONING COMMISSION  
REGULAR MEETING-TUESDAY, FEBRUARY 7, 2012**

**OFFICIAL MINUTES**

Commissioner Chairperson Margaret Smith-Braniff called the regular meeting of the Johnson County Planning and Zoning Commission to order at 4:00PM.

Those present were Commission members Margaret Smith-Braniff, Dave Spencer, Scott Mills, Craig Wetterlund, County Planner and Project Manager, Rob Yingling; Deputy County Attorney, Christian Lukjan; Scott Pehringer, Road & Bridge Superintendent; and Vicki Edelman, County Clerk. Commissioner member Wayne Graves was absent.

Mills moved to approve the Minutes for the December 13, 2011 regular meeting. Smith-Braniff seconded, motion carried. Spencer moved to approve the Minutes for the January 10, 2012 regular meeting as amended for clarification purposes. Mills seconded, motion carried.

After explanation by Rob Yingling, Spencer moved to approve the Affidavit of Minor Boundary Adjustment for William D. Omohundro, Trustee of the First Restatement of the William D. Omohundro Revocable Trust Agreement Dated 4/8/2005 and Elissa A. Omohundro, Trustee of the First Restatement of the Elissa A. Omohundro Revocable Trust Agreement Dated 4/8/2005 and the Johnson County Cemetery District, Klondike Road, South of Buffalo, Wyoming and recommend approval by the Board of Commissioners. Mills seconded, motion carried.

There being no General Public Comments, Deputy Attorney Lukjan asked Yingling to verify the facts regarding the alleged violation of Subdivision Regulations by William Schilling on his property on Trabling Road. Once the facts are verified he will be criminally charged with one count of violating the Johnson County Subdivision Regulations.

Smith-Braniff asked that Julie Baker be at the Commission work session on February 21, 2012. Yingling reported that Greenwood Mapping is still working on the parcel mapping and Pederson Planning Consultants will no longer be doing work on the zoning maps. The new GIS Manager will be working on the maps beginning March 1, 2012 and moving forward.

Yingling updated the Commission on the shared City/County Engineer; interviews have been completed and a proposal will be offered to one of the applicants interviewed. Yingling also told the Commission after interviews done by Planner Yingling, Assessor Rogers and Commissioner Wildeman, Jim Waller from Big Horn County has been offered and accepted the Position of Planner/GIS Manager and he will start work with Johnson County on March 1, 2012.

The next regular meeting of the Johnson County Planning and Zoning Commission will be on March 13, 2012 at 4:00pm. The Commission will hold a workshop meeting beginning at 1:00pm on March 13, 2012 to work on the draft zoning regulations. They will also meet March 6, 2012 at 4:00pm for a work session.

Johnson County Planning and Zoning Commission  
Regular Meeting – Tuesday, February 7, 2012  
Page 2 of 2

There being no further business to come before the Commission, Mills moved to adjourn the meeting at 4:44pm. Wetterlund seconded, motion carried.

Respectfully,

Margaret Smith Braniff      3-13-2012  
Margaret Smith-Braniff      Date  
Chairperson



JOHNSON COUNTY PLANNING AND ZONING COMMISSION  
REGULAR MEETING-TUESDAY, MARCH 13, 2012

OFFICIAL MINUTES

Commissioner Chairperson Margaret Smith-Braniff called the regular meeting of the Johnson County Planning and Zoning Commission to order at 4:03PM.

Those present were Commission members Margaret Smith-Braniff, Dave Spencer, and Wayne Graves; County Planner and Project Manager, Rob Yingling, Planner GIS/Manager James Waller; Scott Pehringer, Road & Bridge Superintendent; and Vicki Edelman, County Clerk. Commissioner members Craig Wetterlund and Scott Mills were absent.

Spencer moved to approve the Minutes for the February 7, 2012 regular meeting. Smith-Braniff seconded, motion carried.

After introductions, Planner/GIS Manager Waller discussed mapping with the Commission. Waller feels he will be able to handle all the mapping requirements without the use of any more consultants. Waller stated he should have some maps for them to look at within a couple of months and complete zoning maps by the end of the year, but mapping will be a work in progress.

Yingling discussed the Shores at Lake DeSmet Subdivision and pending need for a resubdivision and vacation of a portion of the subdivision. Issues discussed by the Commission were the sale of 100 acres within the platted subdivision and going back to Ag land for property tax purposes, the need to re-survey the road, line of sight on the road, the need to have all current owners' signatures of approval on the re-subdivision and vacation, background documentation on the exchange and how the conveyance was made.

Yingling discussed a potential new minor subdivision proposed by Spencer and Paula Hepp at 34 Airport Rd. The Hepps propose to divide the property into 3 or 4 lots. Items discussed by the Commission were parcel size with well and septic on each lot, drainage issues, and driveway issues were discussed with Scott Pehringer.

Smith-Braniff called for general public comments and, there being none, Yingling discussed the status of current projects. Yingling stated he had signed the Affidavit regarding the alleged violation of Subdivision Regulations by William Schilling on his property on Trabing Road at the County Attorney's Office. Dave Spencer asked Planner Yingling to see if one of the Attorneys from the County Attorney's Office could not be present at the regular monthly planning meeting for consultation and advice. Yingling also discussed a letter he received from a family wanting to move to Johnson County. The next scheduled zoning workshop will be April 10, 2012 at 1:00pm before the regularly scheduled meeting at 4:00pm. Spencer said the

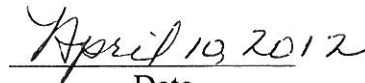
JOHNSON COUNTY PLANNING AND ZONING COMMISSION  
REGULAR MEETING-TUESDAY, MARCH 13, 2012  
PAGE 2 OF 2

shared City/County Engineer position was still in negotiation per Mayor Dyess. Yingling informed the Commission he would be on vacation from April 12-24, 2012. Yingling also discussed the Wyoming Planning Association Spring Conference in Thermopolis April 26 & 27, 2012. Yingling stated that Commission member Scott Mills was planning on attending and wondered about other Commission members. Yingling discussed the 2012 Legislative Bills that had failed and also passed, primarily the public records act and the public meetings act.

There being no further business to come before the Commission, Graves moved to adjourn the meeting at 4:50pm. Spencer seconded, motion carried.

Approved,

  
Margaret Smith-Braniff, Chairperson

  
Date

JOHNSON COUNTY PLANNING AND ZONING COMMISSION  
REGULAR MEETING-TUESDAY, APRIL 10, 2012

OFFICIAL MINUTES

Commissioner Chairperson Margaret Smith-Braniff called the regular meeting of the Johnson County Planning and Zoning Commission to order at 4:00PM.

Those present were Commission members Margaret Smith-Braniff, Dave Spencer, Craig Wetterlund, and Scott Mills; County Planner and Project Manager, Rob Yingling, Planner GIS/Manager James Waller; Scott Pehringer, Road & Bridge Superintendent; Vicki Edelman, County Clerk, County Attorney Kenneth DeCock, and County Commissioner Delbert Eitel. Commission member Wayne Graves was absent.

Spencer moved to approve the Minutes for the March 13, 2012 regular meeting. Smith-Braniff seconded, motion carried.

Smith-Braniff called for General Public Comments and their being none, Planner Yingling updated the Commission on the issues with the Shores at Lake DeSmet Subdivision. Yingling stated the Developer sold off a 100 acre parcel along with a common area and road, without vacating the lots, relocating the road and re-platting the subdivision. He will need to have permission from all the lot owners to go through the process. Yingling had County Attorney, DeCock send a letter to Jason Spielman, Developer regarding the re-subdivision of the Shores at Lake DeSmet Subdivision. Spencer said since the sale has already taken place, the new owners will need to sign also. Wetterlund said 25 lots have been sold and turned to ag land. Spencer said they will need to have proof all lien holders were notified also.

Yingling discussed the pending minor subdivision proposed by Spencer & Paula Hepp at 34 Airport Rd. The Hepps propose to break this up into 3 or 4 two acre lots with private well & septic systems on each lot.

Yingling told the Commission Bill Schilling went to court and pled guilty to violation of the subdivision laws. He was fined \$500.00 and the jail time was suspended. He will have to go through the minor subdivision process. Yingling would like to see the Commission waive the review fee, soils report fees and they can discuss this further at the sketch plan meeting.

Scott Pehringer, Road & Bridge Supervisor discussed the road situation at the Shores at Lake DeSmet Subdivision and the drainage at the pending Hepp minor subdivision, saying the Commissioners ultimately grant variances and they look at it situation by situation.

The next work sessions will be set for April 24, 2012 at 4:00pm and then May 8, 2012 at 1:00pm. Smith-Braniff asked the both Tom Langston and Julie Baker, planning & zoning consultants should be at this meeting. Yingling stated they had received zoning map information from Peterson.

JOHNSON COUNTY PLANNING AND ZONING COMMISSION  
REGULAR MEETING-TUESDAY, APRIL 10, 2012  
PAGE 2 OF 2

Once the Zoning is passed Yingling feels there will be a need for a high end administrative secretary position. Yingling said Jim Waller/GIS Manager will be learning the planning processes and move into that position and Yingling would move into the Zoning Administrator position.

Yingling reported that the joint city/county engineer position has been filled effective 4/4/2012 by Wayne Hill from Virginia. He is coming to the office to go over some subdivision plans and improvements agreements.

Yingling will be on vacation from April 12-24, 2012. Yingling updated the Commission on the proposed budget, saying they will need to add new lines for software and a revenue line for data sales. They will be working hard on the land use plan.

Yingling said the Spring Conference will be in Thermopolis, Wy April 26-27, 2012. He also said the Western Conference will be in Billings, MT August 7-10, 2012.

There being no further business to come before the Commission, Wetterlund moved to adjourn the meeting at 5:01pm. Spencer seconded, motion carried.

Approved,

  
Margaret Smith-Braniff, Chairperson

  
Date

JOHNSON COUNTY PLANNING AND ZONING COMMISSION  
REGULAR MEETING-TUESDAY, MAY 8, 2012

OFFICIAL MINUTES

Commission Chairperson Margaret Smith-Braniff called the regular meeting of the Johnson County Planning and Zoning Commission to order at 4:00 PM.

Those present were Commission members Margaret Smith-Braniff, Dave Spencer, Craig Wetterlund, and Scott Mills; County Planner and Project Manager, Rob Yingling; County Planner/GIS Manager James Waller; Scott Pehringer, Road & Bridge Superintendent; Vicki Edelman, County Clerk; County Attorney Kenneth DeCock; and County Commissioner Delbert Eitel. Commission member Wayne Graves was absent.

Mills moved to approve the Minutes of the April 10, 2012 regular meeting with the amendments, which added Julie Baker and Tom Langston, Zoning Consultants and reworded the last two sentences in paragraph #6. Spencer seconded, motion carried.

Spencer and Paula Hepp came before the Commission to discuss their Minor Subdivision Sketch Plan for their Airport Road Property. Yingling stated this is a 7.17-acre parcel located on Airport Road which is proposed to be subdivided into three lots of 2.0, 2.8 and 2.3 acres. They propose domestic wells and septic systems for all lots, and there is a water right proposed to supply irrigation water to each lot, which will require a water rights distribution plan. Mr. Hepp has contacted the Local Board of Control to move forward with the water rights distribution plan. There is an existing permitted approach from Airport Road to the property and a second shared drive way is proposed to access the new lots. A permit for the new approach will be obtained from the Johnson County Road and Bridge Department. The proposed subdivision is within one mile of the City of Buffalo; therefore joint city/county approval is required. The Commission can allow the minor subdivision process, as there are no improvements to construct. For planning considerations, Yingling said a culvert would probably need to be put in under the second driveway to help with drainage issues. A soils report has been requested by the developer from the Lake DeSmet Conservation District, plat warnings on the final plat will be required. Yingling stated that public comments would need to be heard, and that the Sketch Plan meets all requirements of the Johnson County Subdivision Regulations.

After discussion on the entrances into the property Smith-Braniff called for public comments. Mr. Lyle Gift, a neighbor, discussed the second entrance location, concern over the drainage and the shallow well situations that all the neighbors have in that area. Scott Pehringer, Road and Bridge Department Supervisor, said the County is looking at the drainage issue to determine the best way to get the run off water to the creek. He also said access permits only grant permission to go from the county road to the private property and it is the land owner's responsibility to improve and upgrade the access. Mr. Gift's access has no culvert in it and the water comes up

JOHNSON COUNTY PLANNING AND ZONING COMMISSION  
REGULAR MEETING-TUESDAY, MAY 8, 2012  
PAGE 2 OF 4

and across his driveway. Mr. Dan Fraley another neighbor across the road expressed concern about the shallow wells and the potential of losing their wells. Spencer said the adjacent property owners should start to document their well water flow so they would have a baseline moving forward. Yingling gave the following recommendations to the Commission: The City of Buffalo's comments should be discussed and the City of Buffalo should approve the final plat prior to the county's approval. The Sketch Plan should be approved and the developer should proceed to final plat using the minor subdivision process. The final plat should incorporate requirements from the City of Buffalo's review, contain all applicable plat warnings including soils reports from the Conservation District, and be prepared by a Wyoming licensed surveyor. Spencer moved to approve the Sketch Plan for the Hepp Minor Subdivision with the recommendations by Planner Yingling. Wetterlund seconded, motion carried.

William and Janice Schilling of 361 Trabing Road came before the Commission to discuss their court-ordered minor subdivision that has been submitted for review. Yingling said this is a court-ordered subdivision process as a penalty for prior improper use of the family lot division of the developer's property. Recorded covenants applicable to the original property allowed for one lot split-that was already done by the previous owner. All lots/parcels shown on the sketch plan already exist; have legally permitted individual septic systems, wells and fully constructed dwellings. There is an existing permitted driveway from Trabing Road that accesses the one lot created within the original property. Yingling said the Commission should receive and consider any public comments. The sketch plan map meets all requirements of the Johnson County Minor Subdivision Regulations. Smith-Braniff asked why the adjacent landowners were not listed on the sketch plan map and Rob said he had a list of those owners. Clint Culliton, an adjacent landowner said they have this property and the easements in both the Schillings name and their children now and with the survey markers as they are on the ground; the potential is there to do this same thing again. Part of the requirements in other subdivisions would be a 60' driveway access and fire suppression system and he does not think there should be any waiver of the process. Matt Ramey, an adjacent landowner said he never received a letter notifying him of this minor subdivision process and expressed concerns about knowing exactly what is being done and if the recorded covenants of the subdivision will still be in effect. Mr. and Mrs. Schilling assured the Commission and public they are only doing what the Court requires; there will be no future splits and the property is only for their children. The Schillings have constructed a fence between themselves and the Herths. There are 3 separately deeded homes there now and that is all there will be. Yingling stated after they have gone through the subdivision process there will be three documented lots on the plat recorded in the courthouse and that is all that can be done legally; anything else would not be approved by Johnson County. Christy Ramey-Miller expressed concern over the fact that what they did was illegal. They will now have a named



JOHNSON COUNTY PLANNING AND ZONING COMMISSION  
REGULAR MEETING-TUESDAY, MAY 8, 2012  
PAGE 3 OF 4

subdivision within their subdivision and she wondered whether all of the lots are bound by the original covenants. Yingling said the process is only documenting what has already happened and they had to comply with a court order. County Attorney DeCock said this was done to make the best of a bad situation and to keep the original covenants in place. He will research the covenants. Mills said covenants are a civil matter and violations can be dealt with in civil court. Yingling said this is to be the Schilling parcel, the Herth parcel and a 30' shared access all subject to the existing covenants. Smith-Braniff encouraged the parties to get together and come up with an agreement that is satisfactory to all. Yingling recommended that the Commission grant an exception to Mr. Schilling to use the Minor Subdivision process because the parcels are already fully developed; that the Commission waive the requirement of a conservation district soils review; and that the Commission waive the \$100.00 sketch plan review fee. He stated that the Schillings will be required to pay the final plat review fee of \$150.00 plus \$50.00 per lot fee and will pay a surveyor to prepare the final plat and recording fees to record the final plat. The Commission approve the Minor Subdivision Sketch Plan and allow Mr. Schilling proceed to final plat. Keith Neustel asked how they can proceed with a two-lot subdivision without having the Herth's sign off on the plat or if this should be a one lot minor subdivision. Attorney DeCock said the Herth's would be required to sign off on the plat. Mills is not in favor of waiving the sketch plan fee. If they had done this legally they would have paid that fee. Mills moved to accept the sketch plan as recommended by Planner Yingling and that the sketch plan review fee be paid. Wetterlund seconded, motion carried.

Yingling informed the Commission about Angel Lindblom's inquiry into a subdivision involving 36 acres at Lake DeSmet that she received from Fred Odekoven, her father. She would like to sell 30 acres and keep 6 acres to build her home on. She cannot use the minor subdivision process because the family exemption has already been used. Smith-Braniff is not in favor of waiving water studies, as there may be potential problems down the road. Spencer would like to see her bring in a sketch plan and is not in favor of going on the record with an opinion at this time.

Smith-Braniff asked for general public comments and there being none called for old business. Yingling informed the Commission that the County Attorney has sent a letter to the developers of the Shores at Lake DeSmet Subdivision regarding re-subdividing to exclude what has been sold and a partial vacation of the original subdivision. The County Attorney is also looking into the Emerald Park Subdivision improvements and at what point the paving of the roads needs to take place.

An additional work session on the zoning regulations project will be scheduled for June 12, 2012 at 1:00pm.



JOHNSON COUNTY PLANNING AND ZONING COMMISSION  
REGULAR MEETING-TUESDAY, MAY 8, 2012  
PAGE 4 OF 4

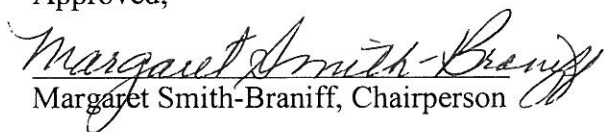
Jim Waller updated the Commission on the GIS mapping. Mapping is moving slowly and there are many parcels that need to be added and many corrections to be made.

Scott Mills, Jim Waller and Rob Yingling attended the Spring Conference of the Wyoming Planning Association in Thermopolis.

Yingling discussed the Fiscal Year 2012-2013 proposed budget with the Commission, and he will discuss the proposed budget with the Board of County Commissioners either the 24<sup>th</sup> or 25<sup>th</sup> of May.

There being no further business to come before the Commission, Mills moved to adjourn the meeting at 5:44 pm. Spencer seconded, motion carried.

Approved,

 Margaret Smith-Braniff, Chairperson      July 10, 2012  
Date

**JOHNSON COUNTY PLANNING AND ZONING COMMISSION  
REGULAR MEETING-TUESDAY, JUNE 12, 2012**

**OFFICIAL MINUTES**

The regular meeting of the Johnson County Planning and Zoning Commission was called to order at 4:01 pm by Commission Chairperson Margaret Smith-Braniff.

Those present were Commission members Margaret Smith-Braniff, Scott Mills, Craig Wetterlund, Dave Spencer Wayne Graves; County Planner and Project Manager, Rob Yingling; GIS Manager, Jim Waller; County Attorney Ken DeCock, Deputy County Attorney, Ryan Wright and Vicki Edelman, County Clerk.

Scott Mills moved to approve the minutes of the May 8, 2012 regular meeting with the correction to specifically identify Dave Spencer as Commission Member on page 2. Dave Spencer seconded, motion carried.

Planner Yingling updated the Commission on the Affidavits of Boundary Adjustment that has been signed by Rusty J and Christina Bogers, husband and wife and William Paxton and Susan M Irvine, husband and wife. After discussion of the circumstances Dave Spencer moved to approve the Affidavit of Minor Boundary Adjustment as presented by Planner Yingling. Scott Mills seconded, motion carried. Margaret Smith-Braniff requested that when these maps are presented to them for discussion that the neighboring land-owners or subdivisions could be labeled on the map; it would clear up some confusion as they are discussing these boundary adjustments.

Planner Yingling next presented the Affidavit of Minor Boundary Adjustment that has been signed by Scott W. and Aimee Shreve and Peter L and Michelle Dahlberg. The Shreve's bought this strip from the Cemetery District and now they would like to clean up the line between the two property owners. The Commission discussed the city/county boundaries and whether it should be a city matter or a county matter. After some further discussion Craig Wetterlund moved to approve the Affidavit of Minor Boundary Adjustment as presented by Planner Yingling. Wayne Graves seconded, motion carried.

Margaret Smith-Braniff called for General Public comments; there being none Attorney Ken DeCock introduced the new Deputy County Attorney, Ryan Wright.

Yingling updated the Commission on Hepp Minor Subdivision. Their Sketch plan has been approved and they are now working with the city.

William Schilling is trying to get the signatures of his daughter and the neighbor on the plat. Attorney DeCock said it would be better to get the signatures but would deal with other circumstances if the County Attorney's office would have to do so.

**JOHNSON COUNTY PLANNING AND ZONING COMMISSION**  
**REGULAR MEETING-TUESDAY, JUNE 12, 2012**  
**PAGE 2 OF 2**

Yingling reported the developers for the Shores at Lake DeSmet have met with the County Attorney and discussed re-subdividing to show exactly what is in the subdivision, relocating the street and vacating what has been sold. Dave Spencer said they need to have all the problems solved before they come before the Commission.

Yingling discussed the boundary adjustment affidavits, saying they do not transfer property. He said possible when they bring their boundary adjustment before the Commission maybe they could be required to present a draft of a deed also. Craig Wetterlund said people think the boundary adjustment is all they have to do.

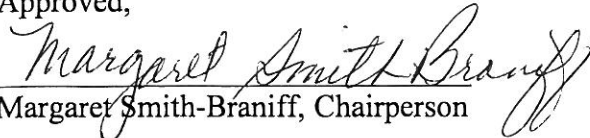
The next work session will be June 26, 2012 at 4:00pm. The Commission would like to have the County Commissioners come to their work session meeting on July 10, 2012 beginning at 1:00 before the regular meeting that day. Dave Spence said he would like their opinion since this is an election year. It possibly would be best to postpone the next round of public meetings until after the November election. Margaret Smith-Braniff said they need maps before any more public meetings are held.

Yingling is working on amendments to the Land Use Plan which will be needed to support zoning. He is working on updating the subdivision regulations. Julie Baker is helping with the formatting but had put things in the wrong place and he was doing some over again. Yingling updated the Commission on the 2012-13 budget and it will be finalized on July 16, 2012. Yingling also discussed the annual report of Planning & Zoning activities which he would like to present to the Johnson County Commissioners at one of the meetings in July. Yingling hopes to have the subdivision regulations done in 3 months; for sure before the next growth spurt.

Yingling reported Angel Lindbloom has met with an adjacent landowner to purchase her property at Lake DeSmet so there will be no subdivision at this time.

There being no further business to come before the Commission, Wayne Graves moved to adjourn the meeting at 5:12pm. Scott Mills seconded, motion carried.

Approved,

  
Margaret Smith-Braniff, Chairperson

  
Date

**JOHNSON COUNTY PLANNING AND ZONING COMMISSION  
REGULAR MEETING-TUESDAY, JULY 10, 2012**

**OFFICIAL MINUTES**

The regular meeting of the Johnson County Planning and Zoning Commission was called to order at 4:03PM by Commissioner Chairperson Margaret Smith-Braniff.

Those present were Commission members Margaret Smith-Braniff, Scott Mills, Craig Wetterlund, and Wayne Graves; County Planner and Project Manager, Rob Yingling; GIS Manager, Jim Waller; Deputy County Attorney, Ryan Wright; Vicki Edelman, County Clerk; Scott Pehringer, Road & Bridge Supervisor; and John McNary. Commission member Dave Spencer was absent.

Wayne Graves moved to approve the minutes of the June 12, 2012 regular meeting as amended by Commission members. Scott Mills seconded, motion carried.

Wayne Hill City/County Engineer introduced himself and discussed projects he is now working on for both entities.

Planner Yingling updated the Commission on the Affidavit of Minor Boundary Adjustment that has been signed by Chad Espenscheid, Managing Member of Swish Properties, and LLC. This involves Lot #2 and Lot #3 in the Bald Ridge Estates on Klondike Road. After discussion of the circumstances Graves moved to approve the Affidavit of Minor Boundary Adjustment as presented by Planner Yingling. Wetterlund seconded, motion carried.

Margaret Smith-Braniff called for General Public comments; there being none Planner Yingling gave his status of projects.

Planner Yingling met with the Developer of the Shores at Lake DeSmet Subdivision. They will re-subdivide the subdivision into Tracts A and B and vacate Tract B, the portion of the subdivision that was sold. They have not presented a sketch plan as of this meeting. The Commission would want to see all the land-owner signatures and issues cleaned up before they present to the Planning Commission. Scott Pehringer discussed the road relocation and the permit process.

Yingling updated the Commission on Hepp Minor Subdivision. The Sketch plan has been approved and they are now working on the city of Buffalo's requirements.

William Schilling reported to Planner Yingling he probably won't be able to get the Herst's signature on the plat. He may only be able to record the survey. This will be discussed further with the County Attorney.

**JOHNSON COUNTY PLANNING AND ZONING COMMISSION**  
**REGULAR MEETING-TUESDAY, JULY 10, 2012**  
**PAGE 2 OF 2**

Yingling updated the Commission on his discussion with the County Attorney on the boundary adjustments. They advised the boundary adjustment affidavit authorizes the transfer of property but they cannot force people to record the deed.

Yingling reported there has been a DEQ violation on the Huff property on the TW Road. The property owner is being forced to clean it up.

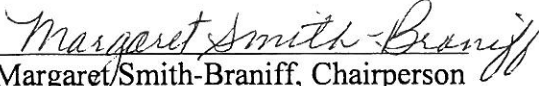
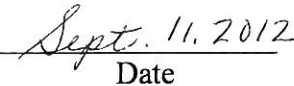
Wetterlund moved to change the regular meeting date in August to August 28, 2012 beginning at 4:00pm. Mills seconded, motion carried.

The next work sessions will be July 24, 2012 at 4:00pm, August 14, 2012 at 4:00pm and the meeting August 28, 2012 at 1:00pm.

Yingling is working on amendments to the Land Use Plan which will be needed to support zoning. He is working on updating the subdivision regulations. Yingling stated the 2012-13 budget will be finalized by the County Commissioners on July 16, 2012. Planner Yingling will present the annual report of Planning and Zoning activities to the Johnson County Commissioners on July 16, 2012 at the regular Commissioners Meeting. Yingling told the Commission that he and Jim Waller are scheduled to give a presentation at the Kiwanis Club meeting on July 16, 2012 at 12:00. They will discuss the proposed zoning regulations. Margaret Smith-Braniff said she would like to be on Community Speaks to discuss proposed zoning and advise the community on the progress and promote the positive aspects of zoning. Wayne Graves emphasized the need to create a document with public input and comment and hopes to be able to put a survey in with the tax bills so people can comment.

There being no further business to come before the Commission, Scott Mills moved to adjourn the meeting at 4:43 pm. Craig Wetterlund seconded, motion carried.

Approved,

 Margaret Smith-Braniff, Chairperson	 Date
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**JOHNSON COUNTY PLANNING AND ZONING COMMISSION  
REGULAR MEETING-TUESDAY, AUGUST 28, 2012**

**OFFICIAL MINUTES**

The regular meeting of the Johnson County Planning and Zoning Commission was called to order at 4:00 pm by Commission Chairperson Margaret Smith-Braniff.

Those present were Commission members Margaret Smith-Braniff, Scott Mills, Dave Spencer, Craig Wetterlund and Wayne Graves; County Planner and Project Manager, Rob Yingling; County Planner and GIS Manager, Jim Waller; Deputy County Attorney, Ryan Wright; and Vicki Edelman, County Clerk.

Scott Mills moved to approve the minutes of the July 10, 2012 regular meeting as amended with clarification of meeting dates. Craig Wetterlund seconded, motion carried.

Planner Yingling presented the Petra Subdivision Final Plat which has been submitted by Spencer and Paula Hepp, developers. This is a 7.23 acre parcel which has been subdivided into 3 lots with domestic wells and septic systems proposed for each lot. The Board of Control has approved water rights distribution within the subdivision to supply irrigation water to each lot. There is an existing permitted residential approach from Airport Road and an additional access permit has been issued by the Johnson County Road and Bridge Department. The City of Buffalo has already approved the Final Plat since the subdivision is located within one mile of the City. A soils report has been received from the Lake DeSmet Conservation District and a plat warning has been added to the final plat regarding soils limitations. The final plat subdivision review fee has been paid. It is Planner Yingling's recommendation that the Planning and Zoning Commission recommend approval of the Petra Minor Subdivision by the Board of County Commissioners, as all requirements have been met. Scott Mills moved to accept the final plat for the Petra Subdivision on Airport Road, Buffalo, WY and recommend approval by the Johnson County Board of Commissioners. Craig Wetterlund seconded, motion carried.

Tim Kirven, Attorney for Nedra and Jason Tomich; Dennis Kirven, Attorney for Halo, LLC, (Nikki and Tom Lohse and Mike Harriet) came before the Commission to discuss the Rock Creek Estates Subdivision potential vacation of lots and open space. After discussion on the best way to accomplish the vacation and boundary line adjustments, Planner Yingling said he would not recommend vacating the existing subdivision, except for the lot owner by Halo, LLC as it could be merged with adjacent agricultural land. Scott Mills said ownership of the common area needs to be determined and who has the right to transfer those parcels. Dave Spencer would like to see all ownership issues resolved before it comes before the Commission and a petition with the consent of all remaining lot owners presented at the time of their consideration on the vacation process.

JOHNSON COUNTY PLANNING AND ZONING COMMISSION  
REGULAR MEETING-TUESDAY, AUGUST 28, 2012  
PAGE 2 OF 3

Margaret Smith-Braniff asked for public comments, and there being none, she asked Planner Yingling to give his Status Report on Projects.

The Commission discussed Wayne Grave's resignation from the Board and thanked him for all his years of service and commitment to the Planning and Zoning Commission.

Planner Yingling stated that he met with the Developer of the Shores at Lake DeSmet Subdivision. The developer will resubdivide the subdivision into Tracts A and B and vacate Tract B, which is the portion of the subdivision that has been sold. The developer has not presented a sketch plan as of this meeting. Commission member Craig Wetterlund asked to be recused from any discussion on the Shores at Lake DeSmet Subdivision, as he has personal involvement in the matter.

The Attorney for Monte Means, owner of the unsold lots of the Rock Creek Estates Subdivision, inquired about vacation of the remaining lots and open space on the Rock Creek Estates Subdivision. Planner Yingling said the lots are already developed, the utilities are in place and it already functions as a subdivision with the homeowners association. Therefore, he recommends that those lots not be allowed to be vacated.

The developer of Emerald Park has contacted Planner Yingling to discuss the improvements agreement and his continued commitment to paving all of the streets in the subdivision.

Planner Yingling discussed a potential 3 lot minor subdivision on Trabling Road near Middle Fork Road by Neil Snidow. Margaret Smith Braniff asked to be recused from any discussion on this subdivision as she is a nearby property owner.

Planner Yingling discussed an inquiry by Bill Huddleston about a Minor Subdivision on Turkey Lane and a problem with adequate and legal access, because Turkey Lane is a private road and the width of the road does not meet county standards for subdivision access.

Planner Yingling said William Schilling cannot get the required signature on the Plat on the court ordered subdivision on Trabling Road. A survey will be recorded since the required signatures cannot be obtained.

Planner Yingling is still trying to contact the Vogel's and Ledbetter's to correct an illegal lot split where the Vogel's sold their lot without first transferring a small parcel previously approved by the County as a boundary adjustment with the Ledbetter's in Johnson Creek Ranchettes Subdivision.



JOHNSON COUNTY PLANNING AND ZONING COMMISSION  
REGULAR MEETING-TUESDAY, AUGUST 28, 2012  
PAGE 3 OF 3

County Commissioner Gibbs has asked Planner Yingling about a Minor Subdivision on mountain property off of Hazelton Road. There are issues with legal easements and an adequate access road. Margaret Smith Braniff said the road width for the legal access requirement should be consistent and there should be permanent easements.

Planner Yingling discussed the consultant line in the budget and the need to watch the expenditures carefully as they had to spend quite a bit on supplies for the printer to print the maps. Margaret Smith Braniff requested Planner Yingling to ask Consultant Julie Baker for the updated electronic copy of the zoning document. Dave Spencer said they would need to use Melissa Bucher for the facilitator to take comments during the next series of public meetings on Zoning. GIS Manager Jim Waller discussed his progress of the zoning maps. He will have maps ready for their review at the Sept 11th meeting. Planner Yingling said Assessor Rogers can generate mailing labels by tax district with no duplications and separate city and county residents.

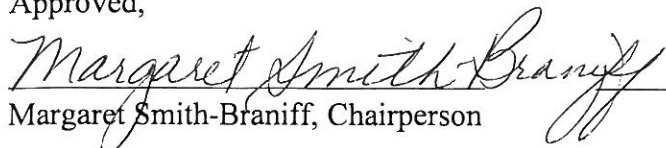
Chairman Wildeman had indicated that the commissioners may fund the cost of the mailing of the proposed surveys on zoning. Wayne Graves said it needs to be clear to the public that the survey is only an advisory tool and not a vote. Scott Mills said the survey needed to be countywide and they need to have another series of public workshops, one in Buffalo and one in Kaycee, with a display of the zoning maps.

The next work sessions will be September 11, 2012 at 1:00 pm prior to the regular meeting at 4:00pm. Tentatively the next public workshops on zoning will be November 8, 2012 and November 14, 2012, with one meeting in Buffalo and one meeting in Kaycee. Planner Yingling said he would like to see the Buffalo meeting held at the fairgrounds community building and the meeting in Kaycee would again be at the school.

Planner Yingling updated the Commission on his and Jim Waller's presentation to the Kiwanis Club at their Meeting, a Community Speaks radio taping with him and Chairperson Smith-Braniff, and the Annual Report that he presented to the Board of County Commissioners at their July meeting.

There being no further business to come before the Commission, Mills moved to adjourn the meeting at 6:09 pm. Graves seconded, motion carried.

Approved,

 Sept 11, 2012  
Margaret Smith-Braniff, Chairperson                      Date

**JOHNSON COUNTY PLANNING AND ZONING COMMISSION  
REGULAR MEETING-TUESDAY, SEPTEMBER 11, 2012**

**OFFICIAL MINUTES**

Commission Chairperson Margaret Smith-Braniff called the regular meeting of the Johnson County Planning and Zoning Commission to order at 4:02 pm.

Those present were Commission members Margaret Smith-Braniff, Dave Spencer, and Scott Mills; County Planner and Project Manager, Rob Yingling; County Planner and GIS/Manager James Waller; Vicki Edelman, County Clerk; and Deputy County Attorney Ryan Wright. Commission member Craig Wetterlund was absent.

Spencer moved to approve the Minutes for the August 28, 2012 regular meeting. Mills seconded, motion carried.

There being no new business or public comments, Planner Yingling provided updates on the status of pending projects.

1. Resubdivision and partial vacation of the Shores at Lake DeSmet - Yingling reported nothing new since he met with the Developer in June.
2. Rock Creek Estates Subdivision - Yingling reported the parties will hopefully agree to only vacate one lot and all the lot owners would need to sign off on any vacation.
3. Emerald Park Subdivision - Yingling reported the Developer will arrange some creative funding for the street paving, will provide a revised subdivision improvements agreement and obtain a letter of irrevocable credit from his bank to guarantee the improvements. Wayne Hill, the City/County Engineer will review.
4. Trabling Road Minor Subdivision - Yingling said there probably would not need to be a subdivision process because the size of the amount of land involved.
5. William Schilling is having a survey prepared and recorded for his Trabling Road property.
6. Yingling has not heard from the Vogels on the Affidavit of Minor Boundary Adjustment in the Johnson Creek Ranchettes Subdivision. Mills said he would be able to provide contact information to Mr. Vogel.

It was decided to have a work session beginning at 2:00 on October 9, 2012 prior to the regular meeting at 4:00pm. Margaret Smith Braniff said the Commission needs to draw up a set of questions for the survey, which the Board of Commissioners would like to send to all property owners in Johnson County. The results of this survey will be used by the Commissioners to help with their decision regarding Zoning in Johnson County.

**JOHNSON COUNTY PLANNING AND ZONING COMMISSION**  
**REGULAR MEETING-TUESDAY, SEPTEMBER 11, 2012**  
**PAGE 2 OF 2**

There being no further business to come before the Commission, Spencer moved to adjourn the meeting at 4:17 pm. Mills seconded, motion carried.

Approved,

<u><i>Margaret Smith Braniff</i></u> Margaret Smith-Braniff, Chairperson	<u><i>November 12, 2012</i></u> Date
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**JOHNSON COUNTY PLANNING AND ZONING COMMISSION  
REGULAR MEETING-TUESDAY, OCTOBER 9, 2012**

**OFFICIAL MINUTES**

Commission Chairperson Margaret Smith-Braniff called the regular meeting of the Johnson County Planning and Zoning Commission to order at 4:00PM.

Those present were Commission members Margaret Smith-Braniff, Dave Spencer, Scott Mills, and John McNary; County Planner and Project Manager, Rob Yingling; Planner GIS/Manager James Waller; Vicki Edelman, County Clerk; and Deputy County Attorney Ryan Wright. Commission member Craig Wetterlund was absent.

Spencer moved to approve the Minutes for the September 11, 2012 regular meeting with the clarification there was no new business to discuss. Scott Mills seconded, motion carried.

John McNary, new commission member from southern Johnson County, was introduced.

Chairperson Smith-Braniff called for New Business.

Steve Kovarik, potential owner of 5 acre Lot 11 in the Bald Ridge Estates Subdivision is requesting an access permit onto Klondike Road. Planner Yingling stated without this access permit his driveway would be approximately 700' long and potentially interfere with the natural drainage of the lot. He would be required to take off part of the hill to take care of line of sight issues on Klondike Road and this would be very beneficial to the traveling public on Klondike Road. Spencer moved to recommend approval of the access permit onto Klondike Road for Lot 11 of the Bald Ridge Estates Subdivision. Mills seconded, motion carried.

After discussion on the Affidavit of Boundary Adjustment between Lot 42 of Emerald Park Subdivision and the Diefenderfer property on Rock Creek Road. Mills moved that the Planning and Zoning Commission would take no action at this time on this matter, as required signatures had not been obtained on the Affidavit. Spencer seconded, motion carried.

Planner Yingling updated the Commission on the Request to Vacate Lot 28 of the Rock Creek Estates Subdivision which is owned by Halo, LLC. Yingling recommended the following conditions to their approval: Halo, LLC would merge this lot with the adjacent land they own and provide an easement for public use of Rawhide Drive across the parcel. Yingling also suggested that a recommendation be made to the County Commissioners to provide public notice to all adjacent land owners so comments could be taken at an official meeting. After discussion amongst the commission members, Mills moved to table the request to vacate until they receive the signatures of adjacent landowners. Spencer, seconded, motion carried. County Commissioner, Delbert Eitel told the Commission they want a recommendation from the Planning and Zoning Commission before they make a decision. Commissioner Eitel also thanked the Planning and Zoning Commission and stated the County Commissioners appreciate the effort and work that they do.

**JOHNSON COUNTY PLANNING AND ZONING COMMISSION**  
**REGULAR MEETING-TUESDAY, OCTOBER 9, 2012**  
**PAGE 2 OF 3**

Yingling updated the Commission on a petition to vacate a portion of The Shores at Lake DeSmet Subdivision. The Commission chose to take no action until the parties involved settle various issues.

Planner Yingling, developer Ken Reid and Brent Bennett with Nelson Engineering presented the Sketch Plan for the North Shore PUD Subdivision Phase II (Lot addition). Yingling discussed the background information and considerations, including: requirement for the full subdivision process for Phase II, requirement for written verification from WDEQ stating that the earlier analysis for the safety and adequacy of wells and septic systems is still valid; determination of any required action on water rights, no further soils analysis necessary, determination whether lot owner will be legally bound to the existing covenants and homeowners association and the review fee for the sketch plan which has not been paid. Yingling recommended that the Commission allow proceeding to the Preliminary Plat phase for the subdivision. Spencer moved to approve the Subdivision Sketch Plan and move forward to Preliminary Plat. Mills seconded, motion carried.

Chairperson Margaret Smith-Braniff called for public comments and there being none, Planner Yingling discussed the status of projects.

1. Planner Yingling asked the County Attorney to draft a letter to the developers of the Shores at Lake DeSmet Subdivision on the resubdivision and partial vacation.
2. Planner Yingling has heard nothing from the Attorneys on vacation of the remaining lots in the Rock Creek Estates Subdivision
3. Planner Yingling has asked the County Attorney's Office to look into drafting a revised Subdivision Improvements Agreement for the Emerald Park Subdivision.
4. Nelson Engineering is working on a survey to be recorded for William Schilling's Trabing Road Property.
5. Planner Yingling said the entire Sand Creek Subdivision property is for sale.
6. Planner Yingling is still trying to contact the parties involved in the Johnson Creek Ranchettes boundary adjustment issue.

County Planner and GIS Manager Jim Waller discussed zoning mapping with the commission. In discussing how best to zone the Linch area, Dave Spencer said the focus needed to be on future use and the commission said Yingling and Waller needed to visit with the land owners in Linch.

**JOHNSON COUNTY PLANNING AND ZONING COMMISSION**  
**REGULAR MEETING-TUESDAY, OCTOBER 9, 2012**  
**PAGE 3 OF 3**

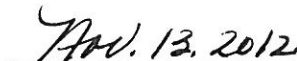
The next work session will be scheduled for October 30, 2012 beginning at 1:00 pm. The Commission will review the document one more time at the meeting. Consultant Julie Baker will get the document cleaned up and ready for the upcoming public workshops in Buffalo at the Fairgrounds on November 28, 2012 and at the Kaycee School on November 29, 2012.

The Commission also discussed the zoning survey questions to be presented to the County Commissioners and Waller's concerns about the common areas involved in the Shores of Lake DeSmet Subdivision.

There being no further business to come before the Commission, Mills moved to adjourn the meeting at 5:44 pm. Spencer seconded, motion carried.

Approved,

  
Margaret Smith-Braniff, Chairperson

  
Date

**JOHNSON COUNTY PLANNING AND ZONING COMMISSION  
REGULAR MEETING-TUESDAY, NOVEMBER 13, 2012**

**OFFICIAL MINUTES**

Commission Chairperson Margaret Smith-Braniff called the regular meeting of the Johnson County Planning and Zoning Commission to order at 4:00 pm.

Those present were Commission members Margaret Smith-Braniff, Scott Mills, John McNary, and Craig Wetterlund; County Planner and Project Manager, Rob Yingling; and Vicki Edelman, County Clerk. Commission member Dave Spencer was absent.

Mills moved to approve the Minutes for the October 9, 2012 regular meeting. McNary seconded, motion carried.

Margaret Smith Braniff called for new business.

Dennis Kirven, Attorney for HALO, LLC discussed their Petition for Vacation of Lot #28 of the Rock Creek Estates Subdivision. They will merge this lot with the adjacent agricultural property they own. Furthermore, they will follow the boundary adjustment process to combine the parcels. Rawhide Drive and the utility easements will not be affected by this partial vacation. After Planner Yingling addressed the Planning Department's recommendations, Wetterlund moved to recommend to the Johnson County Commissioners approval of the Vacation of Lot 28 of the Rock Creek Estates Subdivision. Mills seconded, motion carried.

Tim Kirven, Attorney for Jason and Nedra Tomich informed the Planning and Zoning Commission his clients have no objection to the vacation and the easements being left in place is good for all parties.

Rick Erb, Attorney for Monte Means, presented a Petition for Partial Vacation of the Rock Creek Estates Subdivision, including the common areas abutting Rock Creek and leaving Lots 27, 29, 30, 31 and 32 in the subdivision. After discussion regarding rescinding requirements for covenants, a homeowners association and the subdivision improvements agreement, Wetterlund moved to recommend approval of the Petition for Partial Vacation to vacate the common areas; but not vacate the remaining lots 27, 29, 30, 31 and 32; to rescind the requirement for a Subdivision Improvements Agreement, covenants and a homeowners association. Rawhide Drive and the utility easements will not be affected. Mills seconded, motion carried. Smith Braniff stated she is generally reluctant to recommend approval of these types of vacations without serious review.

Planner Yingling reported the Certificate of Survey for the Schilling Property on Trabling Road has been completed and is ready to be recorded.

Rob Yingling discussed the street paving options in Emerald Park Subdivision. He is working with the Developer on paving recommendations and getting an Improvements Agreement in



**JOHNSON COUNTY PLANNING AND ZONING COMMISSION  
REGULAR MEETING-TUESDAY, NOVEMBER 13, 2012**

**PAGE 2 of 3**

place as the developer has 4 lots left to sell before being required to pave the streets. Yingling said the issues with the current road standards are the higher cost to the developer, the residents have to maintain the road forever, if the county ever takes over the road, the cost will be higher for road and bridge to maintain, and wider roads encourage higher speeds. Marilyn Connolly and Cheryl Benner discussed the reasons behind the road standards as they were written. Emergency services people, engineers and developers spent many months developing a document that seemed to meet all needs at the time. Yingling said Emerald Park was built under the old road standards agreement and feels that the developer should have the option of which standard to use. Smith-Braniff felt both items on the agenda were too much for discussion together and they needed to be separated for clarification and discussion.

Wetterlund moved to separate the items on the agenda for discussion. Mills seconded, motion carried. The Commission is not in favor of changing the road standards for Emerald Park Subdivision.

Mills moved to recommend to the Johnson County Commissioners that the Emerald Park developer follow the road standards that were in the place at the time the subdivision was approved. Wetterlund seconded, motion carried.

Mills moved to recommend to the Johnson County Commissioners that the road standards for subdivisions be revisited. McNary seconded, motion carried. Marilyn Connolly and Cheryl Benner thanked the Commission for listening to them. Mills said the Planning and Zoning Commission should not be a bailout for the developer.

There being no public comments, Margaret Smith Braniff asked for old business.

Yingling said letters have been sent by the county attorney's office regarding the re-subdivision of the Shores at Lake DeSmet Subdivision and partial vacation. Yingling reported this matter will probably go to court.

Yingling is working with developer on the Subdivision Improvements Agreement for Emerald Park.

Yingling said the North Shore PUD Phase II should be on the agenda for the Preliminary Plat at the December meeting. There are some water rights issues and other items to address.

Yingling has not heard for the parties from the Johnson Creek Ranchettes Affidavit of Boundary Adjustment.

Yingling reported that Dave Spencer's term on the Board will expire in January of 2013.

**JOHNSON COUNTY PLANNING AND ZONING COMMISSION  
REGULAR MEETING-TUESDAY, NOVEMBER 13, 2012**

**PAGE 3 of 3**

The Commission discussed the Planning Department budget, a public zoning survey, upcoming public workshops on zoning, the maps Jim Waller will present and the slide presentation given to them for review before the public workshops. After discussion Mills said the slide show is too lengthy and this needs to be kept simple. The public needs time to work with the maps and see the land uses. Several Commission members, consultant Melissa Butcher and the Planning Department staff will meet Nov 27<sup>th</sup> in the morning to finalize the agenda for the public workshops.

There being no further business to come before the Commission, Mills moved to adjourn the meeting at 6:03 pm. Wetterlund seconded, motion carried.

Approved,

Margaret Smith-Braniff      1/8/2013  
Margaret Smith-Braniff, Chairperson      Date

**JOHNSON COUNTY PLANNING AND ZONING COMMISSION  
REGULAR MEETING-TUESDAY, DECEMBER 11, 2012**

**OFFICIAL MINUTES**

Commission Chairperson Margaret Smith-Braniff called the regular meeting of the Johnson County Planning and Zoning Commission to order at 4:00 pm.

Those present were Commission members Margaret Smith-Braniff, Scott Mills, Dave Spencer, John McNary, and Craig Wetterlund; County Planner and Project Manager, Rob Yingling; County Planner and GIS Manager Jim Waller; County Attorney Ken DeCock; Vicki Edelman, County Clerk; Scott Pehringer, Road & Bridge Supervisor; and Peggy Krause.

Wetterlund moved to approve the Minutes for the November 13, 2012 regular meeting as amended per request of Chairperson Smith-Braniff. Mills seconded, motion carried.

Chairperson Smith-Braniff called for new business.

Ken Reid, Developer for North Shore Development Planned Unit Development Phase II, and Travis Pearson of Nelson Engineering came before the Commission for the preliminary plat review and public hearing. In Planner Yingling's staff report he stated that Phase II is comprised of one additional lot with individual well and septic system, the utilities are already installed and accessible by an existing roadway. This subdivision requires the full subdivision process. The developer needs to provide a letter from WDEQ stating the earlier recommendation is still valid and the water rights issues are being addressed with the State Engineer's Office. All fees have been paid and Planner Yingling recommended that the Preliminary Plat be approved and that the developer proceed to the final plat phase with the condition that the WDEQ and State Engineer issues be resolved prior to final plat approval. After discussion on the water rights issue between Ken Reid and the Planning & Zoning Commission, Wetterlund moved to approve the preliminary plat and proceed to the final plat as recommended. Spencer seconded, motion carried.

Planner Yingling explained that the McIntyre Family Trust & William and Amy Icanberry Affidavit of Boundary Adjustment needed no action as there has been a sale of the property by one of the parties.

Planner Yingling said the Board of County Commissioners approved the Affidavit of Boundary Adjustment for Halo, LLC and that a boundary adjustment had also been completed between Means Enterprises and Tomich Properties. The attorneys did not follow the established procedure and recorded the Affidavits without a required survey and they did not come before the Planning and Zoning Commission. County Planner and GIS Manager Jim Waller reported the deed they filed has an incorrect legal description. Planner Yingling said he will contact the attorneys involved to discuss the established procedure.

**JOHNSON COUNTY PLANNING AND ZONING COMMISSION**  
**REGULAR MEETING-TUESDAY, DECEMBER 11, 2012**  
**PAGE 2 OF 3**

Mills moved to accept the Affidavit of Boundary Adjustment for Halo, LLC and the Affidavit of Boundary Adjustment between Means Enterprises and Tomich properties as recorded. McNary seconded, motion carried.

Chairperson Smith-Braniff called for public comments and there were none. Peggy Krause had submitted written comments on draft zoning regulations to the Planning and Zoning Commission but had no verbal comments.

Chairperson Smith-Braniff called for Old Business.

Planner Yingling updated the Commission on the status of projects as follows:

1. Rock Creek Estates Subdivision partial vacation is completed as previously recommended by the Planning and Zoning Commission.
2. Regarding The Shores at Lake DeSmet Subdivision issues, County Attorney DeCock stated it will probably be sometime in January before any action is filed by his office, but the matter will likely end up in court. The county will sue for "Specific Performance of Contract" to hopefully to have the resubdivision done the way it should have been done. Other items discussed were the violation of the subdivision regulations, the sale being valid with the resubdivision and provisions for the road construction. Spencer stated he would like to see an admission of the violation of the subdivision regulations so there is case law for future reference.
3. Regarding Emerald Park Subdivision, Yingling stated the Commissioners have approved allowing the developer to choose whether to use the old road standards or the new road standards. Yingling also said he is trying to get the subdivision improvements agreement in place as the developer only has to sell four more lots before he is required to pave the subdivision streets.
4. The William Schilling Trabling Road property survey has been recorded and this matter is settled.
5. Affidavit of Boundary Adjustment for two lots in Johnson Creek Ranchettes Subdivision - Planner Yingling said this matter is on hold right now and will be addressed.
6. Draft Zoning Regulations project - The Commission discussed county road use agreements for quarry operations with Scott Pehringer, Road & Bridge Supervisor. They also discussed road damage, gravel trucks hauling from gravel pits and weight limits on county roads. Pehringer said the quarry regulations in the zoning document are definitely a step in the right direction.

**JOHNSON COUNTY PLANNING AND ZONING COMMISSION**  
**REGULAR MEETING-TUESDAY, DECEMBER 11, 2012**  
**PAGE 3 OF 3**

Other items discussed were the comments made at the two public workshops held on the draft zoning regulations, the need to separate out comments that warrant changes to the document from other comments, and a public hearing. McNary and Smith-Braniff will review the Kaycee public comments and Mills and Spencer will review the Buffalo comments. Yingling said he will need to bring Julie Baker back in to do some formatting to fix the errors that have been found. It was agreed to have Commission workshops in January as follows: January 8, 2013 at 1:00 pm before the regular meeting that day, and at 4:00 pm on January 29, 2013. Yingling also said Jim Waller has made some changes to the draft zoning maps based on comments received at the recent public workshops. Yingling also updated the Commission on the Planner's budget and the consultant funds line item.

After discussion the Commission agreed if they wanted to they could ask to be reimbursed for mileage over 25 miles one way for extra meetings above and beyond the regularly scheduled monthly meeting. This would be a personal choice for each Commission member. Planner Yingling will bring this to the Commissioners for their approval.

Planner Yingling updated the Commission on Zoe Lloyd's potential request to do subdivide her lot in the Robber's Roost Subdivision. Planner Yingling said he will check the covenants for the subdivision to determine whether subdividing a lot would be a violation of the recorded covenants.

There being no further business to come before the Commission, Wetterlund moved to adjourn the meeting at 5:30 pm. McNary seconded, motion carried.

Approved,

 Margaret Smith-Braniff, Chairperson	<u>1/8/2013</u> Date
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