Chairman Travis Pearson called the meeting of the Johnson County Planning and Zoning Commission to order June 4, 2019 at 7:00 PM.

Those present were Commission members Julie Baker, Layne Qualm and Curt Newcomb, Planner Jim Waller, Vicki Edelman County Clerk and Bill Novotny, Johnson County Commission Chairman. Commission member Manny Rodriguez was absent from this meeting.

Curt Newcomb moved to approve the minutes of the May 7, 2019 regular meeting. Julie Baker seconded, motion carried.

Chairman Travis Pearson recused himself from discussion on the Dave Loden Minor Subdivision since he is the surveyor of record. Vice-Chairman Julie Baker took over for discussion. Planner Waller gave the following review and consideration:

Case: MS-2019-002

Item: Dave Loden Minor Subdivision (2.97+ Ac into 2 lots)

Applicant: David and Cynthia Loden

Summary: First Consideration of Minor Subdivision Application & Sketch Plan Review

Background Information:

1. Proposed subdivision is located west of Buffalo at 400 Hemlock St.
3. The petitioner desires to split the 2.97 Acres into 2 lots. Lots sizes 1.25 acres and 1.72 acres.
   a. Property is described as Lot 3 Big Horn Estates
   b. The existing lot has a commercial shop and a duplex residential unit.
4. The proposed lot sizes are consistent with other re-subdivisions in the Big Horn Estates.
5. The current water and sewer are being provided from an existing well and septic tank/leachfield. These services are shared between each building.
6. Property has two (2) existing easements along the south and west boundary.

Planning Considerations:

1. Application Submittal
   a. Application submitted as a minor subdivision and is located along a public road as platted and shown on Big Horn Estates. The proposal is a re-subdivision of a platted lot. The type of division is consistent with previous lot splits within Big Horn Estates. It should be noted, in the future, minor subdivision rules will be allowed for use on subdivisions with less than 5 lots.

2. Notification and Advertisements
a. Public Notice; 2 consecutive notices in the newspaper and adjacent landowners to be notified according to the Minor Subdivision Regulations after presentation of the Sketch Plan to the Commission.

b. Does this division have any impact on the rest of the Big Horn Estates?

3. **Soils and Flooding Potential**
   a. Clear Creek Conservation District shall review the proposed subdivision as per county regulations and state law. Applicant representative submitted to the Conservation District for review and recommendation.
   b. Soils review and recommendation shall be disclosed under the Plat Warnings.

4. **Easements/Access**
   a. Existing Road is 60 feet ROW and is platted and dedicated to the public.
   b. Road maintenance is subject to covenants and existing agreement.

5. **Lot Size**
   a. The proposed lot size is 1.25 Acres and 1.72 Acres.

6. **Sketch Plan Contents**
   a. As presented the sketch plan and application is following Minor subdivision process for 1st consideration and consistent with previous applications in the immediate area.
      i. Checklist submitted, and Fees paid;
   b. No central sewer or central water proposed;
      i. Shared well and septic system shall be subject to recorded operation and maintenance agreement. Applicant has delivered a draft agreement. This agreement should be disclosed on the plat.
      ii. Typically, easements are shown for access and maintenance?
      iii. Septic permitted in 2011 as Permit # 31011
      iv. Well permitted as P479754.0W
   c. Parcel involved not created after 7/1/2001
   d. Parcel is within 1 mile of municipal boundaries and does require municipal action.
   e. Land is not located on lands unsuitable for subdivision
      i. Complete evaluation of soils prior to application submittal of any proposed septic.
      ii. County permitting authority limited to domestic waste only and cumulative volume less than 2000 gallons/day. Certain site conditions, percolation rates, commercial circumstances may require a permit from DEQ.
   f. Land is **not** contiguous with other lands subdivided by same applicant
   g. There are existing covenants filed against the Big Horn Estates and they shall be disclosed on the final plat.

7. **Other Approvals**
   a. City Approval is required; Plat shall be signed by the clerk, mayor or appropriate parties to prove city approval has been received.

8. **Other considerations by the Commission?**

**Recommendations:**

1. Classify the submitted sketch plan as a re-subdivision and allow minor Subdivision process to be applicable for this split and pursue the notification and public notice requirement.

2. Allow applicant to begin work on a draft plat for review at the July 2, 2019 Planning and Zoning meeting.
   a. Final Sewer and Water Agreement shall be presented with a final plat and must be a recordable document and be disclosed on the plat.
b. All required disclosures shall be noted on the final plat.
c. Recommend that the sewer and water easements be identifiable in one of two ways
   i. Shown on the plat; or
   ii. As exhibit to Water/Sewer Agreement.

After discussion among the board members, Layne Qualm moved to allow Dave Loden to move forward with the minor subdivision process, notify the adjacent land-owners, do the public notice ad in the paper, allow them to begin work on a draft plat, all required disclosures shall be noted on the final plat, water and sewer easements will be shown on the final plat, with review of the draft plat at the July 2, 2019 regular planning meeting. Curt Newcomb seconded, motion carried.

Chairman Travis Pearson resumed charge of the meeting to discuss the Boundary Line Adjustment in Bald Ridge Estates. Layne Qualm recused himself from discussion on this agenda item. Planner Waller gave the following report to the Commission:

**Presentation of Boundary Line Adjustment/Amended boundary between Lot 7, Lot 8, and Lot 9 Bald Ridge Estates.**

Lisa Norman is the present owner of Lot 9, Lot 8 is owned by Swish Properties LLC; Lot 7 is owned by Galen Richards and Suzie Kirvinskee as Trustees of the Richard Kirvinskee Family Irrevocable Trust.

There is a contract to purchase Lot 8 from the Developer and then immediately after the transaction, ½ of Lot 8 will be transferred to the Richards Kirvinskee Family Irrevocable Trust, leaving Lisa Norman owning the remainder ½.

This subdivision was approved as a Major subdivision in March 2008.

WS 18-5-303 a, viii allows for Boundary Line Adjustments to be exempt from subdivision regulation

> A division which is created by boundary line adjustments where the parcel subject of the sale or other disposition is adjacent to and merged with other land owned by the grantee;

State law does not mention of platted or make a reference to subdivision. There is a reference to Parcel which is defined as a *contiguous piece of property lawfully created or conveyed of record as a single piece of property.*

County subdivision regulations, Part VI Plat Vacations, Amendments, Re-subdivision, Minor Boundary Adjustments.

B. Amendment of Recorded Plats.
   - Affidavits may be used to correct minor survey or drafting errors.
   - Amendments to a recorded plat which do not increase the number of lots or relocated or add roads. Planning and Zoning approval and BOCC approval.

D. Minor Boundary Adjustments
   - Adjustment to redefine a boundary line between two adjacent tracts
   - Merged and combined. The adjustment in a recorded subdivision shall not cause any resultant lot to be reduced substantially in acreage beyond the average of corresponding sized lots in the subdivision
Subdivision facts

19 lots; 7 houses; 1 house under construction; 1 house proposed Summer of 2019. Average Lot Size is 5.031579 Ac and the lots range 3.8 ac to 7.4 Ac. If amended or adjusted the Lot 7 & 9 Change would be 7.65 Ac. and 9.05 Ac respectively. The Bald Ridge Subdivision has had a previous adjustment that was processed as a BLA. It is however only .25 acres.

After discussion among the commission members, Curt Newcomb moved to require an amended plat, notification to adjoining property owners only and public notice ad in the paper; then move to 24 x 36” final plat. Julie Baker seconded, motion carried.

Planner Waller gave the following report to the Commission on the request for use of the family exemption at Hazelton Peak Estates.

Bernie Juelfs has inquired about splitting his parcel located in the “Hazelton Peaks Estates” which is a large acreage division” (35+ acres). His property is part of 6 Tracts that make up the area. There are covenants that apply to all of the tracts.

Covenants, Article II, Item 16…….states Resubdivision. The owner of any tract, excluding the developer, is prohibited from resubdividing a tract or selling a portion of a tract to a third party for the purposes of further subdivision; except the original tract may be split into two (2) tracts with the approval of the local governing body of Johnson County, Wyoming.

Mr. Juelfs would like to split his property in half and deed ½ to his son. Mr. Juelfs acquired the property in 2013 and was subject to keeping the property in his name for 5 years. Family exemption are allowed by statute; but the covenants are a little confusing. Do they need modified to allow for a family exemption?

After discussion among the Commission members, Curt Newcomb moved to allow Bernie Juelfs to move forward with a family exemption for the parcel split of his property. Layne Qualm seconded, motion carried.

There being no old business and no public comments Chairman Travis Pearson asked for the Staff Report.

Planner Waller reported to the Commission Gerry Miller had contacted him about doing a boundary line adjustment between the Rhodes property and his ranch. He proposes to follow the current fence line.

Planner Waller also reported the Shippy family is asking about a family exemption to split their property off the Billy Creek Access road to make it more saleable. After consulting with Attorney Crago he reported this is not a legal use of the exemption and they will have to do a minor subdivision.

Planner Waller also reported he has been contacted by Linda Frostmeier regarding a lot split in Cloud Peak Ranchettes. He reported this would have to be a re-subdivision/re-plat.

He also reported a complaint from Powder River Energy regarding Chris George’s Canal Rd Subdivision.
Planner Waller reported this has been a busy month with septic inspections and permits.

The Commission decided to again meet at 6:00 July 2, 2019 to review subdivision regulations with the regular meeting to begin at 7:00 pm.

There being no further business Curt Newcomb moved to adjourn the meeting at 8:06 P.M. Layne Qualm seconded, motion carried.

Respectfully,

[Signatures]

Travis Pearson, Chairman

Attest: Vicki Edelman, County Clerk

Date

7/2/2019