Vice-Chairman Julie Baker called the meeting of the Johnson County Planning and Zoning Commission to order November 5, 2019 at 7:02 PM.

Those present were Commission members Layne Qualm, Manny Rodriguez and Curt Newcomb, Planner Jim Waller and Vicki Edelman County Clerk. Chairman Travis Pearson participated via telephone.

Curt Newcomb moved to approve the minutes of the September 3, 2019 regular meeting. Layne Qualm seconded, motion carried.

Chairman Pearson stated for the record, there is a statement signed by Vice-Chairman Baker that the October 1, 2019 meeting was cancelled due to a lack of a quorum.

Vice-Chairman Baker opened discussion on the Sketch Plan Review of Tract 10 Robinson Acres/Re-Subdivision-Blackbird Minor Subdivision.

Planner Waller presented the following report to the Commission regarding the Sketch Plan Review of Tract 10 Robinson Acres/Re-Subdivision-Blackbird Minor Subdivision.

**Case:** Minor 2019-003  
**Item:** Blackbird Minor subdivision  
**Applicant:** Blackbird 2, LLC  
**Summary:** Re-Subdivision of Tract 10 Robinson Acres

**Background information:**

1. Owner of record; Blackbird 2, LLC as filed in Book 87A68 page 234 (12.14 Ac).  
   a. Robinson Acres recorded in 1967 in Book 1 Page 57 (Plat Book).  
   b. Tract 10 has not be split from the original layout.  
2. Proposed division located off Robinson Ln; which is a county road.  
3. Proposed lot sizes are 3.04, 4.53, & 4.57 acres respectively;  
4. Existing house located on proposed lot 2.  
   a. Limited information on the septic tank and leach field; applicants engineer will investigate the septic system for possible leach field location.

**Planning Considerations:**

1. Application submitted as a minor subdivision. Tract is located along county road Robinson Ln.  
   a. Private road/easement required to access lots from county road. The county road ROW is 40 feet wide.
b. A cul-de-sac or hammer head turnaround is required as this road may not ever be extended beyond the subdivision due to topography and location.

c. Proof of legal access for subdivision to Robinson Lane. Current access is for a single residence, additional residences may require changes to the approach; which will need approved by the County Road and Bridge Office.

2. Public Notice; 2 consecutive notices in the newspaper and adjacent landowners notified according to the Minor Subdivision Regulations.

3. Clear Creek Conservation District provided review of the proposed subdivision as per county regulations and state law. Review was submitted on September 16, 2019.

   a. Clear Creek Conservation District identified 3 soils throughout the property with soil features ranging from not limited to very limited.
      i. Limited features related to slope, cobbly soil features, and soft bedrock (sandstone).
      ii. Experienced engineers need to address the limitations prior any construction.

   b. Soils Limitations and Recommendation should be identified on a final plat.
      i. If bedrock is encountered; leach fields are required to be installed 4 feet above the bedrock.
      ii. If soil is too porous (Percolation rate faster than 5); imported material may be required in addition to enhanced components.
      iii. A maximum slope correlate to the percolation rate.

4. On lot wells proposed.
   a. Information indicates wells are generally 150-1050 feet deep and yield between 3-20 gallons per minute.
   b. Well spacing requirements are in the Wyoming State Engineer’s Office, Regulations and Instructions, Part III, Water Well minimum Construction Standards, Revised June 2011.

5. Onsite septic systems proposed.
   a. Existing septic permits in area have percolation rates ranging between 5-40 minutes per inch (mpi).
      i. Percollation rates less than 5 mpi must have special enhancements.
      ii. Sketch Plan indicates there are areas where septic leach fields can be installed within allowed slope criteria.

6. Covenants to address the common elements (road) should be required.

7. Subdivision is within 1 mile of the City of Buffalo and requires approval by the City of Buffalo.

8. Subdivision lies within the Airport Overlay.
   a. The site is within the Runway Approach Zone (AZ) and the Airport Traffic Pattern Zone (TPZ).

9. Public comments/concerns
   a. Comments from attendees.
   b. Two phone calls were received from adjacent landowners about the subdivision proposal.
      i. Concerns with possible conflict with proposed subdivision and covenants.
      ii. Concerns with density and possible types of homes
      iii. Concerns with Septic pollution and water well contamination
      iv. Concerns with a future water well on Lot 1 and impacts to existing water quality and volume
      v. Interference claims with Wyoming State Engineer Wyoming Statute § 41-3-911

10. Recorded covenants on file for Robinson Acres as record Bk 86A 11 page 139-142.
Recommendations:

1. Classify the submitted sketch plan as a minor subdivision and allow applicant to utilize the minor subdivision process and proceed to a final plat.
   a. Plat shall conform to all requirements in Chapter 3 of the Minor Subdivision Regulations.
   b. Plat shall contain additional warning about Airport Approach Zone (AZ), Airport Traffic Pattern Zone (TPZ), noise, and/or other effects as result of aircraft in airspace above the proposed subdivision as required under the Airport Master Plan.
   c. Private road shall contain a turnaround as part of the easement.
   d. Plat shall disclose existing recorded covenants.
2. Final Plat must be approved by the City of Buffalo (Planning Commission & City Council).

Travis Pearson was concerned about the lot size being different from the neighboring lots and Manny Rodriguez was concerned about the distance between the neighboring well and the proposed septic tank on the new lot.

After discussion, Travis Pearson moved to accept the sketch plan as a minor subdivision per the recommendations of the Planner with the caveats laid out in the staff report. Curt Newcomb seconded, motion carried. Planner Waller stated the Final Mylar may possibly be available for the December meeting.

Vice-Chairman Julie Baker opened discussion on Loftus/Crockett BLA/Re-Plat between Lot 4 & 5 Lake Meadows Phase I Subdivision, 1516 Lake DeSmet Court.

Planner Waller presented the following report to the Commission on the Loftus/Crockett proposed Boundary Line Adjustment.

Case: BLA-2019-003

Item: Loftus/Crockett proposed Boundary Line Adjustment

Summary: Boundary Line Adjustment between Lot 4 and Lot 5 Lake Meadows I Subdivision

Background information:

5. Proposed re-subdivision located off DeSmet Court (Lake Meadows Subdivision).
6. Owner of record; Greg R. Loftus and Janet E. Loftus as filed in Book 87A60 page 83 (6.09 Ac). This parcel is described as Lot 4 Lake Meadows I of the Lake Meadows Subdivision.
7. Owner of record, Scott David Crockett Revocable Trust, Dated November 16, 1993 and Jodean Karen Crockett Revocable Trust, Dated October 21, 1997 as filed in Book 87A54 page 640. This lot is vacant and is described as Lot 5 Lake Meadows I of the Lake Meadows Subdivision.
8. July 2, 2019 the commission generally discussed the boundary line adjustment. At that time, it was determined that the boundary line adjustment is applicable, however a new plat will be required along letters to all landowners in Lake Meadows I.
9. DEQ/WQD placed restrictions on depth and location of leach fields; restrictions are shown on the original plat and disclosed under a note section on re-subdivision/boundary line adjustment plat.
10. DEQ/WQD placed restrictions on well locations and depths; restrictions and warnings shown on the original plat and disclosed under a note section on the re-subdivision/boundary line adjustment plat.

Planning Considerations:

1. W.S. 18-5-303, viii—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.
   a. Merging involves more than a single conveying document. There are a few ways to merge and join the parcels. Johnson County has had cases in the past where 2 separate parcel descriptions have led to parcels being left or forgot during transactions.
   b. Boundary line adjustments are exempt from subdivision regulation; however, Johnson County Subdivision Regulations do contain a section on process for documentation and implementation of the exemption as allowed under the state law.
   c. A new plat will identify the property, the changes taking place, and the new lot lines.

2. Notification and Advertisements
   a. Adjacent landowners notified on October 24, 2019.
   b. No advertisement was placed in the Buffalo Bulletin paper as this is a boundary line adjustment and no advertisements are required.

3. Size of lots proposed;
   a. Original lots are 6.09 and 6.01 acres respectively;
   b. The adjusted property line will result in no acreage change.

4. Soils and Flooding Potential
   a. Clear Creek Conservation District, formerly Lake DeSmet Conservation District provided a review and recommendation on March 3, 2006.
      i. All soil limitations identified on the original final plat and identified as being applicable under a note section on re-subdivision/boundary line adjustment plat.
      ii. Amending the lot boundary should have not impacts to the areas that will contain development.

5. Septic system and Water well placement;
   a. Original Hydrology review applicable to re-subdivision. DEQ/WQD comments stand from the original review in 2006. No changes needed to letter of recommendation from DEQ as this is a reduction in density.
      i. Well and septic restrictions still applicable.
      ii. Note identifies that Lot 4A and 5A as shown remain subject to all notes, warnings, easements, and restrictions as shown on the original plat.
      iii. Lot 4 has a permitted water well—Permit # P179094.0W. This well is for the benefit of Lot 5.
   b. A house is currently under construction for Lot 4 and it was discovered the well is located on the incorrect property.

6. State Engineer’s Office
   a. Generally, water rights were reviewed during the subdivision review in 2006.
      i. Surface water rights were identified on the subject lands
      ii. The original developer submitted a water right detachment form to the Wyoming State Engineers office on April 8, 2006.

7. Access and utility easements and lot lines shown on the new plat
   a. DeSmet Court is not changing from the original plat.
   b. Utility easements are reserved along the lot lines and are not changing from the original plat.
   c. Original lot lines shown as a lighter grey.

8. Plat Contents
a. The re-subdivision/boundary line adjustment plat contains notes that reference Lot 4A & Lot 5A as shown are subject to all notes, warnings, easements, and restrictions as shown on the original plat as recorded in Hanging File, page 272 and to the covenants regarding the same as filed in Bk. 86A61, pages 466-476.

b. All other contents appear consistent with the Johnson County Subdivision Regulations

Recommendations:

3. Review and hear any open public comments.
4. Approve the plat for the Re-subdivision/Boundary Line Adjustment of Lot 4 & 5 of the Lake Meadows Subdivision
   a. Approval is subject to the Amendment Fee ($100.00):

Planner Waller reported to the Commission he did send notice to all the neighbors.

Layne Qualm moved to Approve the plat for the Re-subdivision/Boundary Line Adjustment of Lot 4 & 5 of the Lake Meadows Subdivision subject to the $100.00 amendment fee. Manny Rodriguez seconded, motion carried.

Vice-Chairman Julie Baker opened discussion on the James & Jolene Phelps BLA located off Virginia Lane in Indian Valley Subdivision.

Planner Waller presented the following report to the Commission on the James & Jolene Phelps BLA located off Virginia Lane in Indian Valley Subdivision.

Case: BLA-2019-002
Item: James and Jolene Phelps Boundary Line Adjustment
Summary: Approval of Proper Use & Implementation of Boundary Line Adjustment (BLA)

Background information:

11. Proposed Boundary Line Adjustment located off Virginia Lane (Indian Valley Subdivision)
12. Owner of record: James and Jolene Phelps as Book 87A63 page 361 (Lot 8 & Lot 9).
13. Main house is located on Lot 8 and a shop building partially located on both Lot 8 & 9.
14. County process requires verification of the proper use and implementation of the boundary line adjustment as allowed under W.S. 18-5-303. County regulations require a survey with property descriptions and a signed notarized affidavit describing the intent with approval statements and signatures.

Planning Considerations:

12. W.S. 18-5-303. viii—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.
   a. Merging involves more than a single conveying document. There are a few ways to merge and join the parcels. Johnson County has had cases in the past where 2 separate parcel descriptions have led to parcels being left or forgot during transactions.
13. The intent of the exemption is to modify the common boundary between Lots 8 & 9 due to a building encroachment. Modifying the boundary will put the shop and the house on Lot 8A as indicated on survey attached to the affidavit.
The exemption cannot be used to create separate parcels.

Recommendations:

5. Review and hear any open public comments.
6. Approve the Affidavit as presented
   a. Forward the Affidavit to the Board for final approval.

Layne Qualm moved to approve the Affidavit of BLA as presented and forward to the Board for final approval. Curt Newcomb seconded, motion carried.

Vice-Chairman Julie Baker opened discussion on Geis Minor Subdivision Final Plat Review.

Planner Waller presented the following report to the Commission on the Geis Minor Subdivision Final Plat Review.

**Case:**  MS-2018-004

**Item:**  *Geis Minor Subdivision (32+ Ac into 2 lots)*

**Applicant:** William and Jeanette Geis

**Summary:** Minor Subdivision Final Plat review

**Background Information:**

1. Proposed subdivision is located south of Buffalo off Old Highway 87.
3. The petitioner desires to split the 32 Acres into 2 residential lots. Lots sizes 14.05 acres and 8.64 acres.
4. In November 2018 there was a walkthrough of the property to review potential building sites and better understand the topography. This site visit was based on the recommendation from Clear Creek Conservation District about very limited features as related to Soil 709 Theedle-Shingle.

**Planning Considerations:**

1. Application Submittal
   a. Application submitted as a minor subdivision and is located along a public road (Old Highway 87). Future minor subdivisions may be limited in the future from the original unit of land.
2. Notification and Advertisement
   a. Public Notice; 2 consecutive notices in the newspaper; affidavit of publication received. Adjacent landowners notified according to the Minor Subdivision Regulations.
3. Soils and Flooding Potential
   a. Clear Creek Conservation District provided a soil review of the proposed subdivision as per county regulations. The review also included a recommendation about the very limited features
   b. Soils limitation disclosed under the Plat Warnings as well as the recommendation.
4. Easements/Access
a. The existing road which divides the subdivided lots is the access easement to the adjacent lands to the west as well as the access road for the subdivided lots.
b. Does this easement need recorded as a separate document to grant access to the adjacent lands?
c. The private access easement begins at the State Highway. In November 2018 an application submitted to Wyoming Department of Transportation regarding the access for multiple residences. No information submitted in the past year.

5. Lot Size
a. The size of the lots is adequate for property separation between wells and septic system. However, due to the topography, septic systems must be properly sited to fall within Johnson County Small Wastewater Treatment Facility Regulations. Slopes that exceed the maximum allowed for conventional treatment (20%), may be required to have enhanced components.

6. Final Plat Contents
a. As presented the plat and application appear consistent with the minor subdivision regulations.
   i. Checklist submitted, and Fees paid;
   ii. All easements are shown as access & utility easements
   iii. Both lots are currently vacant.

7. Other approvals
a. None Required.

8. Other considerations by the Commission?

Recommendations:

1. Approve the final plat as presented and present to the county commissioners for final approval; subject to the following:
2. Recommendation is forwarded to County Commissioners for final consideration.

Curt Newcomb moved to approve the final plat as presented and forward to the County Commissioners for final consideration. Manny Rodriguez seconded, motion carried.

There being no old business Vice-Chairman Baker asked for the staff report. Planner Waller reported on the WYO PASS Conference and their discussion on the natural resource plans and family exemptions. He has been busy with septic applications and permits, flood plain permits, discussion with landowners of Middle-fork Road that adjoin state land whom are concerned about oil drilling activities on the state land. He reported the Commissioners have appointed a group to work on a natural resource plan with some help from a grant. This will be a year-long project. He also reported the subdivision regulations are almost completed and in Dec they will need to set and advertise a time for a public work session both in Buffalo and Kaycee.
There being no public comment, Curt Newcomb moved to adjourn the regular meeting at 8:05 pm. Layne Qualm seconded, motion carried.

Respectfully,

Julie Baker, Vice-Chairman

Attest: Vicki Edelman, County Clerk

Vicki Edelman, County Clerk