

# JOHNSON COUNTY PLANNING AND ZONING COMMISSION

## REGULAR MEETING-TUESDAY, JANUARY 8, 2019

Commission Chairman Travis Pearson called the January meeting of the Johnson County Planning and Zoning Commission to order January 8, 2019 at 4:04 PM.

Those present were Commission members, Julie Baker, Curt Newcomb, Layne Qualm, and Planner Jim Waller. Manny Rodriguez was absent.

Julie Baker moved to approve the minutes of the December 11, 2018 regular meeting noting the typo on page 3, Staff Report, second line. Layne Qualm seconded, Curt Newcomb abstained, motion carried.

First order of business was action on the Planning and Zoning Rules and Procedures. Due to current members working in other communities; the board discussed meeting dates and times. Planner Waller presented the board with a new meeting date and time. The proposed date will be the 1<sup>st</sup> Tuesday of each month at 7:00 p.m. To make meeting times easier for all members and possibly more accessible to the general public, the board decided to accept the proposal. Julie Baker moved to adopt the proposed change as presented; the meeting date will be the First Tuesday of each month and modify the time to 7:00 p.m. Layne Qualm seconded, motion carried.

Old Business: No action required only updates.

Hilton subdivision plat discussion. Final paper plat review. The covenants and development agreement are pending. The Plat requirements are adequate. General discussion on the development agreement for the road construction. Discussion on future easement on the east side of the subdivision to adjacent lands for future access to control county road access. During sketch plan review the board had requested a 60 foot easement along the east boundary extending to the adjacent lands. Road and Perimeter fence was questioned. The property is fenced.

### Staff Report:

Planner Waller updated the board on the 2018 septic permitting. There were 43 issued permits in 2018 and are 3 new applications for 2019.

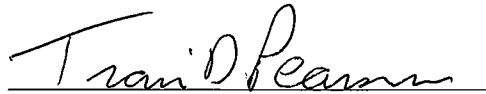
The board was informed a boundary line adjustment will be submitted in the near future for Kaycee RV.

The planner led discussion on the subdivision regulations and a work session beginning at 6:00 pm on 2/5/2019 before the regular meeting. The development agreement is still pending revision and will be modified with the county attorney. The board was given a complete draft. General discussion on the total time needed to finalize the document and using time effectively with future work sessions.

Planner Waller updated the board about a land complaint and a septic compliant. The land complaint concerns a demolished house and burial on the same property. The complaint was forwarded to the state for investigation as the county does not have regulations which would prevent the demolition and/or burial. The septic compliant involves the county attorney.

There being no public comments and no further business Layne Qualm moved to adjourn the meeting at 4:40 P.M, Julie Baker seconded, motion carried.

Respectfully,



Travis Pearson-Chairman

02-05-19

Date

Attest: 

Jim Waller, County Planner

# JOHNSON COUNTY PLANNING AND ZONING COMMISSION

## REGULAR MEETING-TUESDAY, FEBRUARY 5, 2019

Commission Chairman Travis Pearson called the January meeting of the Johnson County Planning and Zoning Commission to order February 5, 2019 at 7:01 PM.

Those present were Commission members, Julie Baker, Curt Newcomb, Layne Qualm, Manny Rodriguez, Planner Jim Waller, and Civil Deputy County Attorney Barry Crago.

Julie Baker moved to approve the minutes of the January 8, 2019 regular meeting noting the typo under Staff Report in the date and the date in the opening line. Minutes will be corrected. Curt Newcomb seconded, motion carried.

First order of business, Presentation of the Hilton Land & Livestock LLC 5 Lot Minor Subdivision Final Plat. Chairman Pearson recused himself as he is the surveyor. Vice-Chair Baker assumed Chair position. Planner Waller explained the plat was delivered earlier in the day; the owners have not signed the plat and documentation related to the subdivision proposal has not been submitted. The facts and findings were reviewed and discussed. The draft development agreement was reviewed and discussed with the board members. Draft covenants were submitted and will be modified to cover this proposed subdivision. At a minimum they must address the road maintenance responsibility, upkeep, and maintenance.

Questions from other board members. Manny Rodriguez questioned who will inspect the road construction to ensure it meets the county road standards. Barry Crago mentioned it will be a licensed engineer that will stamp submitted information. This will put the liability on the engineer. Brief discussion on the process and the reasoning behind the development agreement.

Curt Newcomb asked about the enforcement of the HOA. The landowners subject to the HOA would be responsible for self-enforcement. The county could enforce or require an HOA is created to address the road and any maintenance issues that may arise according to the Wyoming Statute. Vice-chair Baker asked for a motion to table the final approval until the supplemental information is received and the Mylar is signed; Layne Qualm moved, Curt Newcomb seconded, motion carried.

Second order of business, Kaycee RV affidavit of Boundary Line Adjustment has not been received. Planner Waller updated the board on the status. The Affidavit is pending the survey and will be presented in March. No action taken.

Old Business: No old business.

Staff Report:

Planner Waller updated the board on the 2019 septic permitting. There were 3 permits issued in January and 2 systems installed. Expecting a busy year.

Two cell companies inquired about permitting requirements for cell tower improvements. T-Mobile is moving forward with installing necessary improvements to bring T-Mobile service to Johnson County.

DEQ, Water Quality Division forwarded a holding tank application package for review and comments.

The Wyoming Planning Association dues will be paid during the March 2019 bill paying.

The State of Wyoming Geological Survey created a pamphlet of natural hazards, coal and mineral resources, and precious minerals for the Wyoming. The pamphlets have been downloaded and are available. The Planner has been keeping an eye on the Oil and Gas Permitting in Johnson County as it may impact the county.

There being no public comments and no further business Layne Qualm moved to adjourn the meeting at 7:37 P.M, Julie Baker seconded, motion carried.

Respectfully,

Travis D. Pearson  
Travis Pearson-Chairman

04-02-19  
Date

Attest: Jim Waller  
Jim Waller, County Planner

JOHNSON COUNTY PLANNING AND ZONING COMMISSION  
REGULAR MEETING-TUESDAY, MARCH 5, 2019

Chairman Travis Pearson called the meeting of the Johnson County Planning and Zoning Commission to order March 5, 2019 at 7:07 PM.

Those present were Commission members Julie Baker, Curt Newcomb, Layne Qualm and Manny Rodriguez, Planner Jim Waller, Vicki Edelman County Clerk and Deputy County Attorney Barry Crago.

Julie Baker moved to approve the minutes of the February 5, 2019 regular meeting as corrected. Layne Qualm seconded, motion carried.

Chairman Travis Pearson recused himself from any discussion on the Hilton Minor Subdivision since he is the Surveyor of record. Vice-Chairman Julie Baker took over further discussion on this agenda item. Planner Waller gave a review of the background and planning consideration and the following recommendations to the Commission:

**Case:** MS-2017-005

**Item:** Hilton Minor Subdivision (73+ Ac into 5 lots)

**Applicant:** Hilton Land and Livestock, LLC

**Summary:** Minor Subdivision Final Plat review

**Background Information:**

1. Proposed subdivision is located east of Buffalo off TW Rd.
2. Owner of record is Hilton Land & Livestock by record book 87A53 page 432, recorded 1/4/2008.
3. The petitioner desires to split the 73 Acres into 5 residential lots. Lots sizes 7-12 acres each.

**Planning Considerations:**

1. Clear Creek Conservation District soils review disclosed soil limitations and are shown as Plat Warning 13. The district recommendation is shown as #2 under Notes.
  - a. **Recommendation:** Clear Creek Conservation District recommends a plan be submitted to the district to mitigate the potential damages caused by Very Limited Features before any construction begins.
2. Road and Bridge preliminarily approved access points. Accesses will be constructed during construction season when the road is built.
3. Internal Road is subject to Subdivision Road and Bridge Standards, Article 4.
  - a. Development Agreement specifies the improvements must be installed prior to selling any lot.
4. Public notification has been completed.

5. Applicant/Developer is proposing covenants. The covenants at minimum must address maintenance and responsibility for the road.
6. Easement extensions to adjacent lands for future access.
7. 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:
  - a. Signed Development Agreement;
  - b. Final Covenants;
  - c. Signature on the final plat;

After discussion Curt Newcomb moved to approve the Hilton Minor Subdivision subject to the signatures on both documents and the Final Plat. Manny Rodriguez seconded, motion carried.

Chairman Travis Pearson recused himself from discussion on the Boundary Line Adjustment presented by Randy and Mary Cleveland as he is the surveyor of record. Vice-Chair, Julie Baker assumed chair position. Randy Cleveland was present at this meeting to answer questions.

Planner Waller presented the Commission the following background, considerations and recommendations:

**Case:** BLA-2019-001

**Item:** Randy and Mary Cleveland Boundary Line Adjustment

**Summary:** Approval of Proper Use & Implementation of Boundary Line Adjustment (BLA)

**Background information:**

1. Proposed Boundary Line Adjustment located off Mayoworth Rd (Wyoming Highway 191)
2. Owner of record: Randy G. Cleveland & Mary C. Cleveland as Book 87A40 page 1 (25.74 Ac). This parcel includes the Kaycee RV Park.
3. Owner of record: Randy G. Cleveland & Mary C. Cleveland as filed in Book 87A40 page 450 (42.74 Ac). This parcel is vacant.
4. The two parcels are owned by the same landowner; however, they are under 2 separate legal deeds that were conveyed at two different times as legal separate parcels
5. 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:**

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 forgotten during transactions.
2. The intent of the exemption is to reduce the Kaycee RV park parcel and to enlarge the vacant parcel.
  - a. The exemption cannot be used to create separate parcels.

**Recommendations:**

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

After discussion Layne Qualm moved to approve the Boundary Line Adjustment as presented for Randy and Mary Cleveland located off the Mayoworth Road. Curt Newcomb seconded, motion carried.

Julie Baker turned over meeting to Chair, Travis Pearson. There being no old business and no public comments Chairman Pearson asked for the Staff Report.

Planner Waller reported the office has been busy with septic permits, discussed oil & gas permitting and the "Trabing Field" potential boom. He also discussed a land use complaint, saying water wells were drilled in Nov/Dec time frame that were left free-flowing and have flooded Dally Lane near Chris George Property.

The next meeting will be on April 2, 2019 with a work session beginning at 6:00pm and the regular meeting to be at 7:00pm.

There being no further business Manny Rodriguez moved to adjourn the meeting at 7:40P.M. Layne Qualm seconded, motion carried.

Respectfully,

  
Travis Pearson, Chairman

04-02-19  
Date

Attest:   
Vicki Edelman, County Clerk



JOHNSON COUNTY PLANNING AND ZONING COMMISSION

REGULAR MEETING-TUESDAY, APRIL 2, 2019

Chairman Travis Pearson called the meeting of the Johnson County Planning and Zoning Commission to order April 2, 2019 at 7:00 PM.

Those present were Commission members Julie Baker and Manny Rodriguez, Planner Jim Waller, Vicki Edelman County Clerk and Deputy County Attorney Barry Crago. Commission members Layne Qualm and Curt Newcomb were absent from this meeting.

Julie Baker moved to approve the minutes of the March 5, 2019 regular meeting as corrected. Manny Rodriguez seconded, motion carried.

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

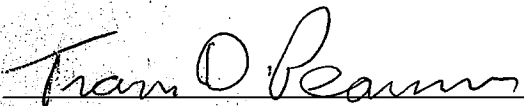
Planner Waller reported the office has been busy with septic permits, problems with septic system construction without obtaining permits on the mountains, updates on the land use complaint in the George subdivision, the process to correct the plat for the Hilton Minor Subdivision and discussion on the BLM's request to change the Ross Minor Subdivision plat regarding the easements. Planner Waller reported the WYOPASS conference will be May 2-3 in Riverton.

Planner Waller reviewed some changes in the subdivision regulations.


The next meeting will be on May 7, 2019 with a work session beginning at 6:00 pm and the regular meeting to be at 7:00 pm.

There being no further business Manny Rodriguez moved to adjourn the meeting at 7:38P.M. Julie Baker seconded, motion carried.

Respectfully,

  
Travis Pearson, Chairman

05-07-19  
Date

  
Attest: Vicki Edelman, County Clerk





JOHNSON COUNTY PLANNING AND ZONING COMMISSION

REGULAR MEETING-TUESDAY, MAY 7, 2019

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

Those present were Commission members Julie Baker, Manny Rodriguez and Curt Newcomb Planner Jim Waller, Vicki Edelman County Clerk and Deputy County Attorney Barry Crago. Commission member Layne Qualm was absent from this meeting.

Julie Baker moved to approve the minutes of the April 2, 2019 regular meeting. Manny Rodriguez seconded, motion carried.

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

Planner Waller reported the office has been busy with septic permits and a complaint with septic system construction on Canal Rd. He also reported on a DEQ complaint on James Curutchet's property east of Buffalo. Planner Waller also reported he cut the budget 2.2%. He also reported he will be meeting with a property owner in Cloud Peak Ranchettes who owns 2 lots and is maybe selling one lot however, the shop is built on the property line. They will be discussing a possible boundary line adjustment. He reported the Hilton Rd is close to completion. He also discussed some changes in statues. Planner Waller also said he would like to have the new subdivision regulations finished by July, so they can start the process of advertisement and public hearings.


The next meeting will be on June 4, 2019 with a work session beginning at 6:00pm and the regular meeting to be at 7:00pm.

There being no further business Manny Rodriguez moved to adjourn the meeting at 7:35P.M. Julie Baker seconded, motion carried.

Respectfully,

  
Travis Pearson, Chairman

06-04-19  
Date

Attest:   
Vicki Edelman, County Clerk



# JOHNSON COUNTY PLANNING AND ZONING COMMISSION

## REGULAR MEETING-TUESDAY, JUNE 4, 2019

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.
2. Owner of record is David and Cynthia Loden by record book 87A52 page 593, recorded 7/2/2007.
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 1<sup>st</sup> 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,

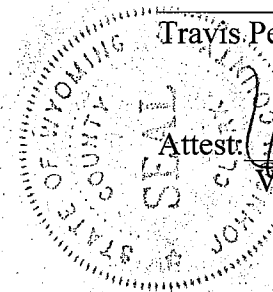
Julie Baker  
Travis Pearson, Chairman

*vice chair*  
Date

7/2/2019

Attest:

Vicki Edelman  
Vicki Edelman, County Clerk



# JOHNSON COUNTY PLANNING AND ZONING COMMISSION

## REGULAR MEETING-TUESDAY, JULY 2, 2019

Vice-Chairman Julie Baker called the meeting of the Johnson County Planning and Zoning Commission to order July 2, 2019 at 7:00 PM.

Those present were Commission members Manny Rodriguez, Layne Qualm and Curt Newcomb, Planner Jim Waller, Vicki Edelman County Clerk, Bill Novotny Johnson County Commission Chairman, and Deputy County Attorney Barry Crago. Chairman Travis Pearson was absent from this meeting.

Curt Newcomb moved to approve the minutes of the June 4, 2019 regular meeting. Layne Qualm seconded, motion carried.

The Commission agreed there were no modifications to the Agenda and approved it as presented.

Vice-Chairman Baker opened the public hearing on the Dave Loden Minor Subdivision Draft Final Plat.

Planner Waller presented the following report to the Commission regarding the Dave Loden Minor Subdivision Draft Final Plat:

**Case:** MS-2019-002

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

**Applicant:** David and Cynthia Loden

**Summary:** Minor Subdivision Draft Final Plat

### **Background Information:**

1. Proposed subdivision is located west of Buffalo at 400 Hemlock St.
2. Owner of record is David and Cynthia Loden by record book 87A52 page 593, recorded 7/2/2007.
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 as platted in 1978.
  - b. The existing lot has a commercial shop and a residential duplex unit.
4. The proposed lot sizes are consistent with other re-subdivisions in the Big Horn Estates.
5. The current water and sewer is 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 the Big Horn Estates subdivision plat. The proposal is a resubdivision 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 only be allowed for

use in subdivisions where the total lot count is less than 5. If the division creates more than 5 lots total including the original subdivision, then the major subdivision rules must be followed.

**2. Notification and Advertisements**

- a. Public Notice; 2 consecutive notices in the newspaper; affidavit of publication received. Adjacent landowners notified according to the Minor Subdivision Regulations.
- b. Does this division have any impact on the rest of the Big Horn Estates or on users of Hemlock Street?
  - i. Comments received from 3 owners along Hemlock St. Concerns that other lot owners not being notified or out of state owners whom do not receive the Buffalo newspaper.

**3. Soils and Flooding Potential**

- a. Clear Creek Conservation District provided soil review of proposed subdivision as per county regulations and state law.
- b. Soils limitations disclosed under the Plat Warnings. No severe limiting features identified.

**4. Easements/Access**

- a. Existing Road is a 60 feet ROW and is platted and dedicated to the public.
- b. Road maintenance subject to existing recorded agreement in Book 86A59 page 629-630.
  - i. Road Maintenance issues; may need to modify maintenance agreement from 2005.

**5. Lot Size**

- a. The proposed lot size is 1.25 Acres and 1.72 Acres. The Plat identifies existing well and area surrounding the existing septic leachfield/tank and sewer that is common.
  - i. Operation and Maintenance Agreement drafted for common elements to subdivided lots.

**6. Final Plat Contents**

- a. As presented the draft plat and application appear consistent with minor subdivision regulations.
  - i. Checklist submitted, and Fees paid;
  - ii. Water and Septic maintenance agreement drafted
    - 1. Easements shown on plat for location;
    - 2. Agreement has exhibit with map and reference to subdivision and legal description.
  - iii. Covenants and Amended Covenants disclosed
  - iv. All easements are shown as access & utility easements
  - v. Septic permitted in 2011 as Permit # 31011
  - vi. Well permitted as P479754.0W

**7. Other Approvals**

- a. City Approval received according to the Lot Split regulations with the City of Buffalo; Plat signed by the appropriate city officials.

**8. Other considerations by the Commission**

- a. Hear comments from Public in attendance.
- b. Discuss concerns received pertaining Road & Drainage, Infrastructure to protect health and safety of future residents, and further subdividing.

**Recommendations:**

- 1. It is recommended that the subdivision plat be approved contingent upon hearing comments.



- a. All documentation (Agreement for Sewer & Water) needs to be in recordable form.
2. Recommendation is forwarded to County Commissioners for final consideration.
3. OTHER \_\_\_\_\_

James G. Waller

Planner Waller again stated there are concerns about smaller lots, over-crowding, devalue of property, not surveying all the land owners in Big Horn Estates and well and septic issues.

There were no questions from the Commission on the staff report, no rebuttal to the staff report from Dave Loden and no questions from the Commission on the written comments received in this matter.

Vice-Chairman Baker called for a time of public comment. Rick Woodland, Johanna Taylor, Catherine Hokanson and Alice Shelton voiced their concerns over water issues, setting a precedent on splitting lots, wells and septic issues, road issues. Dave Loden stated the covenants could be amended to say there could be no further sub-dividing Big Horn Estates and that would eliminate the issues similar to Richardson Park.

The public hearing in this matter closed at 7:50pm with no further questions on the draft plat.

There being no further discussion, Curt Newcomb moved to approve the Dave Loden Minor Subdivision Plat as presented, require the supporting documents to be in recordable form and forward to the Board of County Commissioners for final consideration. Manny Rodriguez seconded, motion carried.

Vice-Chairman Baker called for presentation of the next agenda item-Re-subdivision of Lot 7-9 Bald Ridge Estates.

Planner Waller presented the following staff report to the Commission:

**Case: RE-SUB 2019-001**

**Item: Lisa Norman proposed resubdivision**

**Summary: Resubdivision of Lot 7-9 Bald Ridge Estates**

**Background information:**

1. Proposed resubdivision located off of Bald Ridge Dr (Bald Ridge Estates).
2. Owner of record; Lisa Norman as filed Book 87A61 page 618 (6.5 Ac). This parcel is described as Lot 9 Bald Ridge Subdivision.
3. Owner of record, Swish Properties (Bald Ridge Developer). This lot is vacant and is described as Lot 8 Bald Ridge Subdivision.
4. Owner of record, Galen Richards and Suzie Kirvinskee Trustees of the Richards Kirvinskee Family Irrevocable Trust, dated December 1, 2015 as filed in Book 87A67 page 388 (5.1 Ac). This parcel is vacant and is described as Lot 7 Bald Ridge Subdivision.
5. The three lots are all adjacent and Lot 8 is being proposed to be split between Lot 7 and 9.
6. June 4, 2019 it was determined that resubdivision is applicable and a new plat required along with notices.
7. Lisa Norman is under Contract to purchase Lot 8.

8. DEQ/WQD placed restrictions on depth and location of leachfields; restrictions are shown on the original plat and disclosed on re-subdivision plat.
9. DEQ/WQD placed restrictions on well locations and depths; restrictions and warnings shown on the original plat and disclosed on the re-subdivision plat.

### **Planning Considerations:**

#### **1. Notification and Advertisements**

- a. Public notice; 2 consecutive notices in the newspaper; affidavit of publication pending.
- b. Adjacent landowners notified according to the Minor Subdivision Regulations.

#### **2. Size of lots proposed;**

- a. Originally the lots are 5.1, 5.1, & 6.5 acres respectively;
- b. Redividing the 3 lots will create 2 lots of 7.6 & 9.0 acres.

#### **3. Soils and Flooding Potential**

- a. Lake DeSmet Conservation District provided a review and recommendation on May 24, 2007.
  - i. All soil limitations identified on the original final plat shown on resubdivision plat.
  - ii. Decreasing density should lessen disturbances by eliminating a house site.

#### **4. Septic system and Water well placement;**

- a. Original Hydrology review applicable to resubdivision. DEQ/WQD comments stand from the original review in 2007. No changes needed to letter of recommendation from DEQ as this is a reduction in density.
  - i. Well and septic restrictions still applicable.
  - ii. Warnings noted on the plat
- b. Increasing the lot size will allow for more property line separation and lessen conflicts with well and septic/leachfield separations
- c. Lot 9 has an existing septic and well—Septic Permit # 9814 AND Well Permit #P202665.0W

#### **5. State Engineer's Office**

- a. Generally, water rights were reviewed during the subdivision review in 2007.
  - i. No surface water rights were identified on the subject lands
  - ii. Additional water well information required to be disclosed on the original subdivision plat.
- b. Decreasing density (less houses) lessen possible well conflicts.
  - i. It was noted by the State Engineer's Office, they are generally supportive of approving the development at the time. However, they advised that any number of events could occur at some point in the future which may preclude the state from issuing new permits.

#### **6. Access and utility easements and lot line shown on the new plat.**

- a. Bald Ridge Drive is not changing from the original plat.
- b. Utility easements are reserved along the lot lines and is not changing from the original plat.
- c. Original lot lines shown as a lighter grey. Do these lines need identified as vacated?

#### **7. Plat Contents**

- a. Discrepancies in the written legal description for Lot 7A versus the descriptions shown along Bald Ridge Dr.
  - i. Slight differences between record information from 2007 and today. Record information should be identified as (R) with bearing and distance.
  - ii. Summary information of Area and lots under the title in left hand corner similar to original plat.
- b. Drainage easement should be shown from original plat along west side of Lot 7a.

- c. Building free envelope shown on original plat with description, should be same on new plat.
- d. Does owner of record need to reference the official name? Richard and Kirvinskee own Lot 7 as a Revocable Family Trust.

**Recommendations:**

- 1. Approve applicant to pursue final plat for the August meeting. Subject to the following:
  - a. Plat must conform to the original plat and follow the identified missing contents under Planning Considerations above.
- 2. Others \_\_\_\_\_

Planner Waller also reported Lisa Norman will close on the property and then do the split of lot 8.

After discussion among the Commission, Manny Rodriguez moved to allow the applicant to pursue final plat for the August meeting subject to the new plat conforming to the original plat and the identified missing information be included on the re-subdivision plat. Curt Newcomb seconded, motion carried.

Vice-Chairman Baker called for the next agenda item being the possible boundary line adjustment between Lot 4 and 5 of the Lake Meadows Subdivision.

Planner Waller reported the landowner who purchased lot 5 drilled the well on lot 4 and wants to move the lot line approximately 19ft to incorporate his well onto his property. If the Commission agrees they would submit an affidavit and survey at the August meeting.

Layne Qualm moved to allow them to proceed with the boundary line adjustment process. Curt Newcomb seconded. Attorney Crago stated if they do the boundary line adjustment, they need to require an amended plat, 24" x 36" on mylar so the subdivision information in the clerk's office is accurate. He also stated the land owners within the subdivision should be notified especially if there are covenants. He also advised an easement could contract away all liability. Layne Qualm withdrew the motion.

After further discussion Curt Newcomb moved to allow the lots to be re-subdivided and notify all adjacent land owners. Manny Rodriguez seconded, motion carried. Planner Waller and Attorney Crago will set up a time to meet with the owners of Lot 4 and 5 and discuss the possibility of an easement.

There being no old business and no public comments Vice-Chairman Julie Baker asked for the Staff Report.

Planner Waller reported he and Attorney Crago will be actively pursuing septic permit violations in the county. He also restated his concerns with Richardson Park and at some point, the issue of wells and septic systems is going to have to be dealt with.

Curt Newcomb stated Big Horn Estates could control their growth and development by changing their covenants and then enforcing them.

The next meeting will be on August 6, 2019 with a work session beginning at 6:00pm and the regular meeting to be at 7:00pm.

There being no further business Curt Newcomb moved to adjourn the meeting at 8:40P.M.  
Manny Rodriguez seconded, motion carried.

Respectfully,

Julie Baker  
Julie Baker, Vice-Chairman

8/6/19  
Date

Attest: Vicki Edelman  
Vicki Edelman, County Clerk



# JOHNSON COUNTY PLANNING AND ZONING COMMISSION

## REGULAR MEETING-TUESDAY, AUGUST 6, 2019

Chairman Travis Pearson called the meeting of the Johnson County Planning and Zoning Commission to order August 6, 2019 at 7:10 PM.

Those present were Commission members Julie Baker, Manny Rodriguez, and Curt Newcomb, Planner Jim Waller, and Deputy County Attorney Barry Crago. Layne Qualm was absent from this meeting.

Julie Baker moved to approve the minutes of the July 2, 2019 regular meeting as corrected. Curt Newcomb seconded, motion carried.

The first item on the agenda was the presentation of Amended Plat/Re-Subdivision of Lot 7-9 Bald Ridge Estates Subdivision. The Planner stated a final plat was not submitted and therefore no action can be taken. The planner reported a plat should be available by the September meeting.

The next agenda item was Old Business. The Planner explained Boundary Line Adjustment between Lot 4 & 5 Lake Meadows Subdivision Phase I is pending. Nothing has been received or reviewed. The adjustment is to accommodate a well that is drilled on Lot 4 and is intended for use on Lot 5. The owner representative of Lot 4 was informed of the process and that an easement would be easier and would not involve the county. The Planner will keep the board informed. No action taken.

The chairman called for Other Business.

The Planner gave a brief staff report. It was reported that modification has been made to the subdivision regulations based on the work sessions. Article VI is more complicated as there are major changes noted to the first three sections.


There have been 10 septic permits and 6 inspections since July.

The newspaper called and is working on an article covering development in the City of Buffalo and Johnson County. Due to no building permits, the new septic system permits were used to determine approximately the number of the new houses. The Wyoming Economic Analysis Division has good population estimates for entire county. Statistics indicate the population has been stable over the last 3 years after the drop in 2015 and the population may be similar to the 2010 census.

The Town of Kaycee and the Natural Resource Conservation Service held a meeting regarding a flood levee project for the Middle Fork of the Powder River. There will be additional meetings in the future.

Curt Newcomb moved to adjourn the meeting at 7:30 P.M. Manny Rodriguez seconded, motion carried.

Respectfully,

  
Travis Pearson, Chairman

9/3/19  
Date

Attest:   
James Waller, County Planner

# JOHNSON COUNTY PLANNING AND ZONING COMMISSION

## REGULAR MEETING-TUESDAY, SEPTEMBER 3, 2019

Vice-Chairman Julie Baker called the meeting of the Johnson County Planning and Zoning Commission to order September 3, 2019 at 7:06 PM.

Those present were Commission members Layne Qualm and Curt Newcomb, Planner Jim Waller, Vicki Edelman County Clerk and Deputy County Attorney Barry Crago. Chairman Travis Pearson participated via telephone and Manny Rodriguez was absent from this meeting.

Curt Newcomb moved to approve the minutes of the August 6, 2019 regular meeting as amended. Travis Pearson seconded, motion carried.

Vice-Chairman Baker opened discussion on the Amended Plat/Re-Subdivision of Lot 7-9 Bald Ridge Estates Subdivision.

Planner Waller presented the following report to the Commission regarding the Amended Plat/Re-Subdivision of Lot 7-9 Bald Ridge Estates Subdivision.

**Case: RE-SUB 2019-001**

**Item: Lisa Norman proposed resubdivision**

**Summary: Resubdivision of Lot 7-9 Bald Ridge Estates**

### **Background information:**

1. Proposed resubdivision located off Bald Ridge Dr (Bald Ridge Estates).
2. Owner of record; Lisa Norman as filed in Book 87A61 page 618 (6.5 Ac). This parcel is described as Lot 9 Bald Ridge Subdivision.
3. Owner of record, Lisa Norman as filed in Book 87A68 page 199. This lot is vacant and is described as Lot 8 Bald Ridge Subdivision.
4. Owner of record, Galen Richards and Suzie Kirvinskee Trustees of the Richards Kirvinskee Family Irrevocable Trust, dated December 1, 2015 as filed in Book 87A67 page 388 (5.1 Ac). This parcel is vacant and is described as Lot 7 Bald Ridge Subdivision.
5. The three lots are all adjacent and Lot 8 is being proposed to be split between Lot 7 and 9.
6. June 4, 2019 it was determined that resubdivision is applicable and a new plat required along with notices.
7. DEQ/WQD placed restrictions on depth and location of leachfields; restrictions are shown on the original plat and disclosed on re-subdivision plat.
8. DEQ/WQD placed restrictions on well locations and depths; restrictions and warnings shown on the original plat and disclosed on the re-subdivision plat.

### **Planning Considerations:**

1. **Notification and Advertisements**

- a. Public notice; 2 consecutive notices in the newspaper; affidavit of publication received.
  - b. Adjacent landowners notified according to the Minor Subdivision Regulations.
    - i. Letter of support from an adjacent landowner; increasing lot size is favorable.
- 2. Size of lots proposed;**
  - a. Originally the lots are 5.1, 5.1, & 6.5 acres respectively;
  - b. Re-dividing the 3 lots will create 2 lots of 7.6 & 9.0 acres.
- 3. Soils and Flooding Potential**
  - a. Lake DeSmet Conservation District provided a review and recommendation on May 24, 2007.
    - i. All soil limitations identified on the original final plat shown on resubdivision plat.
    - ii. Decreasing density should lessen disturbances by eliminating a house site.
- 4. Septic system and Water well placement;**
  - a. Original Hydrology review applicable to resubdivision. DEQ/WQD comments stand from the original review in 2007. No changes needed to letter of recommendation from DEQ as this is a reduction in density.
    - i. Well and septic restrictions still applicable.
    - ii. Warnings noted on the plat
  - b. Increasing the lot size will allow for more property line separation and lessen conflicts  
Lot 7 has a new permitted septic system and well—Septic Permit # 19-012 and Well Permit # P210942.0W
  - c. Lot 9 has an existing septic and well—Septic Permit # 9814 and Well Permit # P202665.0W
- 5. State Engineer's Office**
  - a. Generally, water rights were reviewed during the subdivision review in 2007.
    - i. No surface water rights were identified on the subject lands
    - ii. Additional water well information disclosed on the re-subdivision plat.
  - b. Decreasing density (less houses) lessen possible well conflicts.
    - i. It was noted by the State Engineer's Office, they are generally supportive of approving the development at the time. However, they advised that any number of events could occur at some point in the future which may preclude the state from issuing new permits.
- 6. Access and utility easements and lot line shown on the new plat.**
  - a. Bald Ridge Drive is not changing from the original plat.
  - b. Utility easements are reserved along the lot lines and is not changing from the original plat.
  - c. Original lot lines shown as a lighter grey. Do these lines need identified as vacated?
- 7. Plat Contents**
  - a. The re-subdivision plat contains all warnings from the original plat and is consistent with the regulations.

**Recommendations:**

- 1. Approve the final plat for the Re-subdivision of Lot 7-9 Bald Ridge Estates. Subject to the fee and certified notice mailing cost:
- 2. Others \_\_\_\_\_

Planner Waller reported the only issue is he is waiting on the mylar from the Engineer. There was no discussion or questions from the Commission.

Travis Pearson moved per the planner's recommendation to approve the final plat for Re-subdivision of Lot 7-9 Bald Ridge Estates subject to fees and considerations. Layne Qualm seconded, motion carried.

Vice-Chairman Baker called for the next agenda item being the presentation of Tract 10 Robinson Acres proposed subdivision. Planner Waller reported Tract 10 of Robinson will be divided into 3 lots. Craig Shavlik will submit a sketch plan review for the meeting in October. Notice of intent to subdivide will be sent certified to all adjacent land owners. Robinson Lane which is a county road only has a 40' easement; according to the regulations the road within the subdivision is to have a 60' easement. There are slope issues within the lots and possibly septic sites will have to be designated. This will be looked at as a major subdivision by the City of Buffalo. Travis Pearson commented there would need to be a cul-de-sac for turning emergency equipment and would agree to a variance back to the 40' within the subdivision.

Vice-Chairman Baker called for Old Business. Planner Waller reported on the Boundary Line Adjustment of Lot 4 & 5 Lake Meadows Subdivision Phase I; saying there is now an attorney involved and they propose an acreage swap of the exact same. They will need to notify the adjacent land owners.

There being no new business and no public comments Vice-Chairman Julie Baker asked for the Staff Report.

Planner Waller reported he has done 6 septic inspections and has 5 applications since August 6<sup>th</sup>. He also reported he has been contacted on several proposed subdivisions within the county.

The next meeting will be on October 1, 2019 with a work session beginning at 6:00pm and the regular meeting to be at 7:00pm.

There being no further business Layne Qualm moved to adjourn the meeting at 7:30P.M. Curt Newcomb seconded, motion carried.

Respectfully,

  
Julie Baker, Vice-Chairman

11/5/19  
Date

Attest:   
Vicki Edelman, County Clerk





JOHNSON COUNTY PLANNING AND ZONING COMMISSION

REGULAR MEETING-TUESDAY, OCTOBER 1, 2019

**Meeting Canceled due to lack of Quorum**

Respectfully,

Julie Baker  
Vice Chairman

11/5/19  
Date

Attest: James Waller  
James Waller, County Planner

# JOHNSON COUNTY PLANNING AND ZONING COMMISSION

## REGULAR MEETING-TUESDAY, NOVEMBER 5, 2019

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.
        1. 20% is adequate for a 5-45 minute per inch (mpi) 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. Percolation 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.
        1. Slopes that exceed 20% may not be adequate for conventional septic treatment.
  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.

## 11. Other considerations by the Commission?

### 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.

- a. 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.
2. Owner of record is William J Geis and Jeanette Geis by record book 87A66 page 74, recorded 11/3/2017.
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  
Julie Baker, Vice-Chairman

12/3/19  
Date

Attest:

Vicki Edelman  
Vicki Edelman, County Clerk

JOHNSON COUNTY PLANNING AND ZONING COMMISSION

REGULAR MEETING-TUESDAY, DECEMBER 3, 2019

Chairman Travis Pearson called the meeting of the Johnson County Planning and Zoning Commission to order December 3, 2019 at 7:00 PM.

Those present were Commission members Manny Rodriguez, Julie Baker and Curt Newcomb, Planner Jim Waller, Vicki Edelman County Clerk, and Deputy County Attorney Barry Crago. Layne Qualm was absent from this meeting

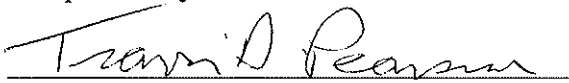
Julie Baker moved to approve the minutes of the November 5, 2019 regular meeting. Manny Rodriguez seconded, motion carried.

Planner Waller stated this is a re-presentation of the Geis Minor Subdivision Final Plat. Chairman Travis Pearson recused himself from discussion since he is the surveyor of record. Vice-Chairman Julie Baker took over the discussion. After discussion on the reservation of the road easement by the Geis family, Manny Rodriguez moved to approve the Geis Minor Subdivision Plat as presented. Curt Newcomb seconded, motion carried.

There being no old business Chairman Pearson asked for the staff report. Planner Waller reported the cold weather has slowed the septic installation process, but he has several permits issued and several applications to come after the first of the year. Planner Waller also reported he has been contacted by Cheryl Benner from Road & Bridge to take over the rural addressing process. The Board expressed concern about the amount of time this extra job would take. Planner Waller has sent out draft copies of the regulations to the board for their review and they discussed several items yet to finalize. The Board approved a work session before the January 7<sup>th</sup> meeting, agreeing to come at 6:00pm with the regular meeting to begin at 7:00. Planner Waller stated he will have a strike-out version for public review; further saying he would like to see work sessions both in Kaycee and Buffalo in January. They will need to be advertised for 45 days before going to the Commissioners for final approval.

There being no public comment, Julie Baker moved to adjourn the regular meeting at 8:10 pm. Curt Newcomb seconded, motion carried.

Respectfully,



Travis Pearson, Chairman

02-14-20

Date

Attest: 

Vicki Edelman, County Clerk