

# JOHNSON COUNTY PLANNING AND ZONING COMMISSION

## REGULAR MEETING-TUESDAY JULY 6, 2021

Chairman Travis Pearson called the meeting of the Johnson County Planning and Zoning Commission to order July 6, 2021 at 7:00PM.

Those present were Commission member Layne Qualm, Manny Rodriguez, Julie Baker and Jake Hatch; Planner Jim Waller; Deputy County Attorney Barry Crago and Vicki Edelman County Clerk. Public members present were Mark Bedford; Sage & Tammy Hendricks; Scott Madsen; Kim Bolinger and Richard Frankovic & Shawn Gustafson, an Engineer from Casper, Wy.

Julie Baker moved to approve the minutes of the June 1, 2021 meeting. Layne Qualm seconded; motion carried.

Planner Waller presented the Final Survey Plat and Affidavit to the Commission on the Sage & Tammy Hendricks and Rad Rides Realty, LLC Boundary Line Adjustment and after discussion Julie Baker moved to approve the Boundary Line Adjustment Plat and Affidavit as presented. Manny Rodriguez seconded; motion carried.

Planner Waller presented the Sketch Plan Review for the Culp Minor Subdivision on Elsom Ranch Rd to the Commission stating the publication affidavit has been received; the existing access from WYDOT needs clarification that it is adequate and needs to be on the final plat; along with warnings about limited soils and 50' setbacks. After discussion on some road issues Manny Rodriguez moved to approve the Sketch Plan and moved to Final Plat per Planner Waller's recommendations. Layne Qualm seconded; motion carried.

Planner Waller presented the following report to the Commission on the first consideration of the Ponderosa Minor Subdivision Sketch Plan off Airport Rd:

**Case: Minor 2021-002**

**Item: Ponderosa Minor Subdivision 1<sup>st</sup> Consideration Meeting**

**Applicant: Kim Bolinger and Ronda Bolinger**

**Summary: Subdivision of Lot 4 Valley View Subdivision and Remaining 7.9 acres of Tract 9 Robinson Acres in T51N R82W**

### **Background information:**

1. Owner of record; Kim and Ronda Bolinger as filed in Books 87A65 page 12-13 (pt Tract 9 Robinson Acres) and 87A66 page 239 (Lot 4 Valley View Estates).
2. Proposed division located off Airport Rd.
  - a. Access to property is an existing access to Airport Road.
3. Proposal shown are Lot 4 Valley View Estates Subdivision **and** part of Tract 9 Robinson Acres plat/record of survey from 1967.
  - a. Valley View Estates originally platted as 4 lots and then Lot 2 was re-subdivided in 2009 into 2A & 2B.
    - i. All adjacent lot owners involved and signed notarized statements.
  - b. Currently Valley View Estates is **3 lots** and the Hampe Subdivision which is **2 lots**.

- i. All subject to covenants.
4. Proposal is 5 lots total with lot size 2.52-2.87 acres.

**Planning Considerations:**

1. Sketch Plan submitted as a minor subdivision. Minor Subdivision Regulations, Chapter 2, 2.1, C), restrict minor subdivision from being allowed in Platted Subdivisions. Discuss if this situation is a minor subdivision.
  - a. Look at past processes in comparison to the circumstances.
  - b. Subdividing Lot 4 Valley View Estates into 2 new lots will increase the number of lots that are within the Valley View Estates boundary to 6 total.
2. Small buildable on the portion of Tract 9.
3. ROW has been identified as 60-foot ROW to Airport Road. **Verification from Road and Bridge that existing access is adequate for additional single-family homes.**
  - a. Existing recorded easement on lot line between Lot 3 & 4 Valley View Estates.
  - b. Road Construction will be partially required.
    - i. Development Agreement
  - c. Roadway Maintenance Agreement in the form of covenants as a common item.
4. Public Notice.
  - a. Two (2) consecutive notices will be required to be Published in Buffalo Bulletin.
  - b. All adjacent landowners will be required to be notified according to the Minor Subdivision Regulations.
5. Clear Creek Conservation District shall provide comments on the proposed subdivision as per county regulations and state law.
6. On lot wells proposed.
  - a. Note #3 on sketch.
  - b. Existing surrounding well information will need disclosed.
  - c. Well spacing requirements are in the Wyoming State Engineer's Office, Regulations and Instructions, Part III, Water Well minimum Construction Standards, Revised June 2011.
7. Onsite septic system proposed.
  - a. Note # 2 on sketch.
8. Subdivision **is within 1 mile** of the City of Buffalo and will be required to be approved by the City.
9. Proposal is with the Airport runway zone; according to Sheet 10 of 12 on the Airport Layout Plans.
10. Adjacent parcels within the Robinson Acres have been subdivided.
  - a. Areas divided are larger and include more area at the building sites.
11. Public comments/concerns.
12. Other considerations by the Commission.

**Recommendations:**

1. To proceed forward as presented, this proposal should follow the major subdivision process.
  - a. The board will need to discuss the Chapter 23 requirement for Major Subdivisions. There are a few areas where minor subdivisions were not allowed, and the board used logic and proper site requirements for the specific proposal. (Generally waived the Chapter 23 requirements except percolation test holes and site soil profile pits)
2. The proposal is 2 parcels by separate deeds. Looking at the lots and topography, it might be best for the proposal to maximize adequate building areas rather than attempting to get 5 lots total. This may need to be thought of as the platting part of a Platted Subdivision.
  - a. The lot sizes should be consistent to match existing topography for adequate buildable areas.
    - i. Site specifics for septic and well placement should be required.
      1. Percolation testing and proper soils profile on each lot.

During discussion Jake Hatch said he would be concerned about the roads and who maintains them; and the topography is a big concern as well. Travis Pearson stated this will need to follow the major subdivision process with Chapt 23 water, DEQ requirements, engineering, and hydrology studies due to the limited soils in the area and density. As presented, it needs to be the major subdivision process but if Mr. Bolinger would reconfigure and bring more information to the next meeting the Commission may reconsider. After further discussion Layne Qualm moved to follow Chairman Pearson's recommendation to follow the major subdivision process unless Mr. Bolinger reconfigures his sketch plan and provides more information at a later meeting. Jake Hatch seconded; motion carried.

Planner Waller presented the following report to the Commission on the First Consideration of the High Chaparral Minor Subdivision Minor Subdivision Sketch Plan on Klondike Rd:

**Case: Minor 2021-003**

**Item: High Chaparral Minor Subdivision 1<sup>st</sup> Consideration**

**Applicant: Kim Bollinger**

**Summary: Subdivision of pats of the NE $\frac{1}{4}$ SW $\frac{1}{4}$  and NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 21 T50N R82W**

**Background information:**

5. Owner of record; Kim Bolinger as filed in Books 87A60 page 48-50.
6. Proposed division located off Klondike Rd.
  - a. Access to property is an existing access.
  - b. Covenants filed restrict future subdividing (Clerk's Record Book 86A43 page 97-106).
    - i. Amendments & Revocation requirement for the mutual written consent of the undersigned and the party owning the lands described in Exhibit "A"
7. Proposal is to subdivide 7 acres into 3 lots.
8. Proposed lot size are 2.34 acres each.

**Planning Considerations:**

13. Sketch Plan submitted as a minor subdivision.
  - a. Nothing in regulations that would restrict this parcel from being divided using the minor subdivision regulations.
14. Existing covenants prohibit subdividing the property.
  - a. The county has dealt with this in the past with the Klondike Acres Subdivision.
  - b. The County Attorney should provide feedback on the proper process with covenants field against a single piece of property.
15. Smaller lots that the adjacent major subdivision to the west of the property.
16. Verification from Road and Bridge that existing access is adequate for additional single-family homes.
  - a. Internal easements from the access point will most likely be required.
  - b. Road Construction
    - i. Development Agreement
  - c. Roadway Maintenance Agreement as covenants or similar.
17. Public Notice;
  - a. Two (2) consecutive notices will be required to be Published in Buffalo Bulletin.
  - b. All adjacent landowners will be required to be notified according to the Minor Subdivision Regulations.

18. Clear Creek Conservation District shall provide comments on the proposed subdivision as per county regulations and state law (**Pending**).
19. On lot wells proposed.
  - a. Note #3 on sketch.
  - b. Existing surrounding well information will need disclosed.
  - c. Well spacing requirements are in the Wyoming State Engineer's Office, Regulations and Instructions, Part III, Water Well minimum Construction Standards, Revised June 2011.
20. Onsite septic system proposed.
  - a. Note # 2 on sketch.
21. Well and septic restrictions need discussed as the proposed lot sizes are smaller than Bald Ridge Subdivision and the adjacent existing minor subdivisions south of the property.
22. Subdivision is **not within 1 mile** of the City of Buffalo.
23. Public comments/concerns.
24. Other considerations by the Commission.

**Recommendations:**

3. To proceed forward as presented, the covenants will need be legally released from the subdivision restriction (Section 13). If the covenants can be modified the applicant should be allowed to advertise the notifications and proceed with a formal sketch review and possible draft plat.
4. Buildable areas should be identified due to the known circumstances on the adjacent parcels by being proactive with septic and well placement.

Layne Qualm moved to approve the High Chaparral Minor Subdivision Sketch Plan move to final once the covenants have been released along with the other recommendations by Planner Waller. Julie Baker seconded; motion carried.

The regular meeting recessed and was back in session at 8:10pm. Chairman Pearson called for discussion on the Mather Peak Major Subdivision Sketch Plan Review between N Main St and Airport Rd. Planner Waller gave the following report to the Commission:

**Case:** Major 2021-01  
**Item:** Mather Peak Subdivision  
**Summary:** Subdivision Sketch Plan

**Background information:**

9. Proposed subdivision located off N Main St just outside of Buffalo.
10. Owner of record; **Mather Peak Holdings, LLC** as filed in Book 87A70 page 651-652 (~86 Ac).
11. The applicants desire to subdivide the entire parcel into 100 lots for residential purposes. Proposed lot sizes are .55 acres to ~1.5 acres; average size is .73 acres.
12. The water and sewer solution are proposed as connecting to the City of Buffalo Water and sewer system.

**Planning Considerations for Sketch Plan:** *Some of the items listed under Planning Considerations for discussion as this proposal is within 1 mile of the City of Buffalo and some items may be required.*

1. As presented the sketch plan and accompanying documents are consistent with the Major Subdivision Regulations.
2. Fire District Review. Applicants' representatives given contact information for the Fire District to begin the Fire Risk Assessment process (**Pending Review**).

- a. Fire mitigation /prevention should be discussed, the development requires urban fire protection.
3. Size of lots proposed consistent with the subdivision improvements required (Johnson County Subdivision Regulations, Part IV, Subdivision Design Standards). Improvements are typically a preliminary plat requirement. Some of the improvements are based location of the development and if it is contiguous to the city or town. In this case the City of Buffalo is ~1600 feet south.
  - a. All improvements should be discussed, and which apply as some are based on recommendations to the County Commissioners. (**i.e., Curb/Gutter, Sidewalks, Pedestrian Walkways, Street lighting, Fire Safety Standards-Preliminary Requirement**).
4. Connection of the subdivision to the Airport Road and Gunderman Drive should be discussed (Johnson County Subdivision Regulations, Part IV, D). The sketch plan identifies a 60' emergency access easement between Lot 11 & 12 Blk 6. Information was discussed about an easement to Gunderman Drive in the general location where the water connection may be located. Provisions should be made for efficient street system. This property is proposed in the county but may be annexed in the future.
5. Notification and Advertisements (**Pending**)
  - a. Adjacent landowner list submitted.
  - b. Two consecutive notices required in the Buffalo Bulletin.
6. **Soils and Flooding.** The applicants indicated the sketch plan was submitted to the Conservation District (**Pending review**).
7. **Surface drainage plans** should be discussed. Sketch plan identified a detention area. The drainage plan should incorporate BMP as there are limited areas for storm water to go.
  - a. Previous reports from landowners/parcels down gradient from the project area experience run-off drainage problems.
8. Central Water and Sewer Systems are proposed. These systems should be discussed as applicant will need to have reports, plans, and/or applications for both water and sewer requirements. Timing and design criteria dependent on Chapter 23 review as far as a Wyoming Department of Environmental Quality/Water Quality Review. (**Pending**)
  - a. Chapter 23 DEQ/WQD rules have process for reviewing individual on lot systems and central solutions.
  - b. The proposal is based on the city system being capable of serving and if City of Buffalo is willing to serve.
  - c. Permitting required through DEQ/WQD.
9. State Engineer's Office (SEO) requirements need to be discussed regarding the water well.
  - a. Sketch Plat note # 7 indicates the water well will be abandoned. Abandonment will need completed according to the SEO rules.
10. Access and utility easements will need to be shown according to the easement standards. General Notes #4 as 15-foot easement adjacent to street rights-of-way. Lot line easements should be discussed (**Preliminary Requirement**).
11. Development is within one (1) mile of the City of Buffalo and will require city approval in addition to city approval of the water and sewer connections.
12. Other considerations?

**Major Preliminary Plat Requirements:** *Not a complete list, Johnson County Subdivision Regulations, Part III outlines the complete requirements for the Preliminary Plat Review. This information is to indicate the major requirements needed.*

1. Application, supporting materials, and Preliminary Plat.
2. Soils Review will be available.
3. Fire District Review will be available.
4. Notification required via certified mailing to adjacent owners and newspaper notice immediately after sketch review meeting.
  - a. County send letters; Developer published 2 notices.
  - b. Public Hearing
5. Sewer and Water Plans will be required to have final review and approval at the final plat, which will be presented to the County Planning and Zoning.
  - a. DEQ Chapter 23 required but also DEQ Public Water and Sewer Permitting is also required.
6. Road and Drainage Plans
  - a. Plans submitted to appropriate entity as required by the Subdivision Road and Bridge Standards.
  - b. Road Naming etc.
  - c. WYDOT permits are submitted during a Final Plat Requirement. Applicants should be working with WYDOT before final plat.
7. Distribution of copies of Preliminary Plat:
  - a. School District
  - b. City of Buffalo
  - c. To all utility companies etc.
  - d. State Engineer's Office
8. Covenants or similar and an associated legal entity (i.e. HOA) to address responsibilities and long-term maintenance of common items.
9. Subdivision Improvement Agreement for the construction will be required at a final plat review.
  - a. County Expectations for the construction.

**Recommendations:**

5. Review and hear any open public comments.
6. Instruct the applicants to work with the City of Buffalo. The Final Plat must be approved by the City and their review process may be different than Johnson County.
7. Allow the applicant to begin work on the Preliminary Plat and all supporting documents based on an agreed upon submittal schedule. Notifications are required within 30 days of the information required for a Preliminary Plat Review.
8. Access to property is currently one (1) access. This subdivision proposal is proposing a second access to WYDOT's highway. This will meet second access requirement if WYDOT approves the access/approach for the use. Formal applications and designs should be initiated with WYDOT for approval.

Shawn Gustafson reported to the Commission on streets, right of way off N Main St; storm water maintenance; covenants; utilities; curb and gutters, pavement, walking paths, bike paths, streetlights; fire safety and school bus turnouts.

Layne Qualm moved to follow Planner Waller's recommendations and move ahead with the major subdivision process to preliminary plat contingent on what the City of Buffalo will require. Manny Rodriguez seconded; motion carried.

Planner Waller gave the following report to the Commission on the First Consideration of the Free Hold Minor Subdivision Sketch Plan off South Bypass Rd as follows:

**Case:** Minor 2021-004  
**Item:** Free Hold Minor Subdivision 1<sup>st</sup> Consideration  
**Applicant:** Freehold LLC  
**Summary:** Subdivision of part of the NE¼ of Section 35 T51N R82W

**Background information:**

13. Owner of record; Freehold LLC as filed in Book 87A67page 391-392 (~8.06 Acres)
14. Proposed division located off South Bypass Rd.
  - a. Access to property is directly from the county road.
15. Property was part Smtih Family Trust ranch.
16. Proposal is 2 lots; each shown as 5.06 and 3 acres.

**Planning Considerations:**

25. Sketch Plan submitted as a minor subdivision.
  - a. Nothing appears in the regulations that would restrict this parcel from being divided using the minor subdivision regulations.
26. Verification from Road and Bridge about the access points.
  - a. Discuss if this application should share consolidated access points. As more access points are allowed to a road, the speed will eventually be reduced.
27. Public Notice;
  - a. Two (2) consecutive notices Published in Buffalo Bulletin
  - b. All adjacent landowners will be required to be notified according to the Minor Subdivision Regulations.
28. Clear Creek Conservation District shall review the proposed subdivision as per county regulations and state law (**Pending**).
29. Application indicates central wager (**Pending City Approval**).
  - a. City Water should be reviewed; it might be feasible to connect to the service.
    - i. DEQ permitting would probably be required.
  - b. Existing surrounding well information will be required to be disclosed on Final Plat.
  - c. Well spacing requirements are in the Wyoming State Engineer's Office, Regulations and Instructions, Part III, Water Well minimum Construction Standards, Revised June 2011.
30. Application indicates central sewer (**Pending City Approval**).
  - a. City Sewer easement crosses the property. It should be discussed, if there is potential to connect, the applicant should be required to connect as this would eliminate any septic systems concerns.
    - i. DEQ permitting would probably be required.
  - b. If on lot septic is proposed; Percolation rates less than 5 mpi and greater than 60 mpi must have special enhancements.
  - c. If this commercial; DEQ may be required to be involved for permitting of a proposed septic system.
31. Subdivision is **within 1 mile** of the City of Buffalo and will require approval by the City.
32. High hazard pipeline adjacent to the property.
  - a. It is a High Consequence Area (HCA) according to WBI Energy.
33. Public comments/concerns.
34. Other considerations by the Commission.

**Recommendations:**

9. Classify the application as a minor subdivision.
10. Allow applicant to place a legal notice in the paper for 2 consecutive weeks for a formal sketch plan review. This should be determined from the Workload for the upcoming couple of months.
11. Determine if it is feasible to connect to the City Sewer at a minimum. Require discussions with City.
  - a. If it is feasible, the county should require sewer connections, eliminating a leachfield area from the lot.
12. Provide information to Road and Bridge about the access point(s).
  - a. Any final plat is required to have the access location shown.

After discussion Julie Baker moved to approve the application as a minor subdivision and proceed per Planner Waller's recommendations. Jake Hatch seconded; motion carried.

Planner Waller reported copies of the proposed subdivision regulations are out in the communities and he will advertise 2 more weeks. The Public Hearings have been set for July 27, 2021, beginning at 6:00 pm in Kaycee at the Red Wall Community Center and July 28, 2021 in Buffalo beginning at 6:00 pm at the Bomber Mtn Center in the music room.

Planner Waller reported he had been contacted by Zoe Lloyd regarding a possible minor subdivision.

Chairman Travis Pearson called for public comment and there being none; the regular meeting adjourned at 9:24 pm.

Respectfully,

  
Travis Pearson Chairman

08-03-21  
Date

Attest:   
Vicki Edelman, County Clerk

