

# JOHNSON COUNTY PLANNING AND ZONING COMMISSION

## REGULAR MEETING-TUESDAY AUGUST 3, 2021

Vice-Chairman Julie Baker called the meeting of the Johnson County Planning and Zoning Commission to order August 3, 2021 at 7:00PM.

Those present were Commission member Layne Qualm, Manny Rodriguez, and Jake Hatch; Planner Jim Waller; and Vicki Edelman County Clerk. Chairman Travis Pearson participated by telephone.

Travis Pearson moved to approve the minutes of the July 6, 2021 meeting. Layne Qualm seconded; motion carried.

Planner Waller presented the Final Plat for the Culp Minor Subdivision along with his Final Plat review report as follows:

**Case:** *Minor 2021-001*

**Item:** *Culp Minor Subdivision*

**Applicant:** *Tim and Tammy Culp on behalf of Seth Mallett*

**Summary:** *Minor Subdivision Final Plat review*

### **Background Information:**

1. *Owner of record is Tim and Tammy Culp by record book 87A69 page 506-507.*
2. *Proposed subdivision is located south of Buffalo off Elsom Ranch Road.*
3. *Property is part of the Elsom Family large acreage parcels shown on Certificate of Survey filed in County Clerk's Record Book 2, page 151 ½ on 7/11/97.*
4. *The petitioner desires to split 68 acres into 1 residential lot and an exempt remainder. Lot size is 13.92 acres.*

### **Planning Considerations:**

1. ***Application Submittal***
  - a. *Application submitted as a minor subdivision and is located along 60-foot easement (Elsom Ranch Road). Future minor subdivisions may be limited due to 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 access easements serve this subdivided lot and the adjacent properties to the east.*

i. Existing easements are shown on the plat.

**5. Lot Size**

- a. The size of the lot is adequate for proper separation between wells and septic system.
- b. Plat Warning discloses the 50 foot no build buffer around the exterior lot lines.
- c. Slopes which exceed 20 % may be require enhanced components for septic treatment.

**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

**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.

After discussion by the Commission on the road access from WYDOT, Layne Qualm moved to approve the Final Plat as presented per the recommendation of Planner Waller. Manny Rodriguez seconded; motion carried.

Vice-Chairman Julie Baker called for the Proposed High Chaparral Minor Subdivision (Klondike Rd) Sketch Plan review. Planner Waller presented the following report to the Commission.

**Case:** *Minor 2021-003*

**Item:** *High Chaparral Minor Subdivision Sketch Review*

**Applicant:** *Kim Bollinger*

**Summary:** *Subdivision of pats of the NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> and NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> of Section 21 T50N R82W*

**Background information:**

1. Owner of record; Kim Bolinger as filed in Books 87A60 page 48-50.
2. 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"
3. Proposal is to subdivide 7 acres into 3 lots.
4. Proposed lot size are 2.34 acres each.

**Planning Considerations:**

1. Sketch Plan submitted as a minor subdivision.
  - a. Nothing in regulations that would restrict this parcel from being divided using the minor subdivision regulations.

2. *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.*
  - c. *Information submitted to applicant's representative regarding covenants.*
3. *Smaller lots than the adjacent major subdivision to the west of the property.*
4. *Copies of Road and Bridge approved access permits have been provided; access approaches are constructed with approved culverts (9/29/2014).*
5. *Public Notice;*
  - a. *Two (2) consecutive notices Published in Buffalo Bulletin (**Pending Affidavit of Publication**).*
  - b. *Adjacent landowners notified (**Receipt Cards on file**).*
6. *Clear Creek Conservation District provided comments on the proposed subdivision as per county regulations and state law (July 7, 2021).*
7. *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.*
8. *Onsite septic system proposed.*
  - a. *Note # 2 on sketch.*
9. *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.*
10. *Subdivision is **not within 1 mile** of the City of Buffalo.*
11. *Public comments/concerns*
  - a. *Received a letter from neighbor west of proposed division.*
12. *Other considerations by the Commission.*

**Recommendations:**

1. *Hear all public comments and generally discuss the comments.*
2. *Final Plat should include the following items in addition to the Chapter 3 requirements.*
  - a. *Buildable areas should be identified due to the proposed lot size*
  - b. *Property line setbacks should be identified for well and septic due to the proposed lot size*
  - c. *Septic systems should have a max burial depth like the adjacent subdivision (Bald Ridge Estates) to maximize effluent treatment zone*
  - d. *A no build line should be identified on the east side of the proposed subdivision close to the existing east fence line*
3. *To proceed forward as presented, the covenants need **legally** released from the subdivision restriction (Section 13).*

Several neighbors were present to give public comment. Cindy Townsend stated they were concerned about the density issues, the building areas, wells, and setbacks. She also expressed concern over the driveways to the properties stating there are 2 culverts and 2 accesses. Timm Gilkison stated there is too much of the property in the back that is not useable, which will make the lots less than 2.4 acres. Luis Elizondo said he has a profit at the expense of the neighbors is not acceptable; saying this is a bad precedent to set allowing Kim to modify what was a lot.

Mark Bedford stated they could probably designate buildable areas on the Plat with the set-back information and open to septic setbacks as well. Travis Pearson stated the 50' setback would be

- b. *The County Attorney should provide feedback on the proper process with covenants field against a single piece of property.*
  - c. *Information submitted to applicant's representative regarding covenants.*
3. *Smaller lots than the adjacent major subdivision to the west of the property.*
4. *Copies of Road and Bridge approved access permits have been provided; access approaches are constructed with approved culverts (9/29/2014).*
5. *Public Notice;*
  - a. *Two (2) consecutive notices Published in Buffalo Bulletin (**Pending Affidavit of Publication**).*
  - b. *Adjacent landowners notified (**Receipt Cards on file**).*
6. *Clear Creek Conservation District provided comments on the proposed subdivision as per county regulations and state law (**July 7, 2021**).*
7. *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.*
8. *Onsite septic system proposed.*
  - a. *Note # 2 on sketch.*
9. *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.*
10. *Subdivision is **not within 1 mile** of the City of Buffalo.*
11. *Public comments/concerns*
  - a. *Received a letter from neighbor west of proposed division.*
12. *Other considerations by the Commission.*

**Recommendations:**

1. *Hear all public comments and generally discuss the comments.*
2. *Final Plat should include the following items in addition to the Chapter 3 requirements.*
  - a. *Buildable areas should be identified due to the proposed lot size*
  - b. *Property line setbacks should be identified for well and septic due to the proposed lot size*
  - c. *Septic systems should have a max burial depth like the adjacent subdivision (Bald Ridge Estates) to maximize effluent treatment zone*
  - d. *A no build line should be identified on the east side of the proposed subdivision close to the existing east fence line*
3. *To proceed forward as presented, the covenants need **legally** released from the subdivision restriction (Section 13).*

Several neighbors were present to give public comment. Timm Gilkison stated there is too much of the property in the back that is not useable, which will make the lots less than 2.4 acres. Luis Elizondo said he has concerns about profiting at the expense of the neighbors; saying this is a bad precedent. Allowing Kim to modify what was a lot will negatively impact all the property in the area. Cindy Townsend agrees with what has been stated at this point. She also expressed concern over the driveways to the properties. Planner Waller responded there are 2 culverts and 2 accesses which were permitted in 2013. There are concerns about the density issues, the building areas, wells, and setbacks.

Mark Bedford stated they could probably designate buildable areas on the Plat with the set-back information and open to septic setbacks as well. Travis Pearson stated the 50' setback would be

good. Planner Waller still expressed concerns on the density issues and again stated there are no deed restrictions but there are covenants. Julie Baker stated the covenants covering the property need to be released before moving to Final Plat. Kim Bolinger said Bridgette Geis is working on the release of the covenants. General discussion on backhoe cuts and the soil profile. Jake Hatch stated the Commission has no authority to limit lot size without zoning.

Travis Pearson moved to approve the Sketch Plan with the caveats previously discussed. Vice-Chairman Julie Baker called for a second and there being none declared the Motion died for lack of a second.

Josh Johnson stated the Commission could not legally table their decision until they either approved or denied it. Travis Pearson stated the Commission would be within their legal right to seek advice from their attorney.

Jake Hatch moved to seek legal advice prior to making any decision on the Sketch Plan review. Manny Rodriguez seconded; motion carried.

Josh Johnson stated what Kim proposes to do can be done under the minor subdivision regulations.

Next on the Agenda was the Ponderosa Minor Subdivision presentation of additional information. Planner Waller presented the following report to the Commission:

**Case:** *Minor 2021-002*

**Item:** *Ponderosa Minor Subdivision Consideration Meeting*

**Applicant:** *Kim Bolinger and Ronda Bolinger*

**Summary:** *Subdivision of the 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).*
2. *Proposed division located off Airport Rd.*
  - a. *Access to property is an existing access to Airport Road.*
3. *Proposal is part of Tract 9 Robinson Acres plat/record of survey from 1967.*
  - a. *3 lots total ranging from 2.55-2.81 acres.*

**Planning Considerations:**

1. *Sketch Plan revised and re-submitted as a minor subdivision.*
2. *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. Proposal generally was discussed with the Road and Bridge Department.*
  - 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.*

3. *Public Notice, applicant's consultant plead to have the proposal advertised as an intention to disclose the owners desire to subdivide. Advertisement was in Buffalo Bulletin according to the Minor Subdivision Rules.*
  - a. *Adjacent landowners were notified by certified mail at the same time disclosing the applicants desire to subdivide.*
4. *Clear Creek Conservation District provided comments on the proposed subdivision as per county regulations and state law (July 7, 2021).*
  - a. *Soil Type 853 has all features very limited due to the slope.*
5. *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.*
6. *Onsite septic system proposed.*
  - a. *Note # 2 on sketch.*
7. *Subdivision is **within 1 mile** of the City of Buffalo and will be required to be approved by the City.*
8. *Proposal is within the Airport runway zone; according to Sheet 10 of 12 on the Airport Layout Plans.*
9. *Adjacent parcels within the Robinson Acres have been subdivided.*
  - a. *Areas divided are larger and include more area at the building sites.*
10. *Topographic concerns. Information provided indicating percolation test hole on each lot and a soil profile pit.*
  - a. *A 15 foot horizontal setback is required from the break in slope (where the slope is generally greater than the maximum and is based on percolation). In this proposal 20% which would correlate to the following elevations as provided on the topographic contour information.*
    - i. *Lot 1 is ~4740'*
    - ii. *Lot 2 is ~4740'*
    - iii. *Lot 3 is ~4750'*
  - b. *Soil report indicates soils have features that are not favorable for the specified use and that the limitation generally cannot be overcome without major soil reclamation.*
11. *Public comments/concerns.*
12. *Other considerations by the Commission.*

**Recommendations:**

1. *The board should carefully evaluate and discuss what specific items should be shown on a final plat and what measures should be taken during construction which can be disclosed on the plat.*
  - a. *Specific locations for leachfields*
  - b. *Well areas identified*
  - c. *Specifics for potential geotechnical evaluation*
  - d. *Identification of topographic limits as related to septic treatment areas*
2. *A final plat shall conform at minimum to the Minor Subdivision Rules*
  - a. *Additional requirements should be stated for each lot due to the slope.*

Jake Hatch moved to approve the Sketch Plan as revised including recommendations 4 a-d, 5 a, and go through the city approval process. Layne Qualm seconded; motion carried.

Next on the Agenda is the Free Hold Minor Subdivision (South Bypass Rd). Planner Waller presented the following report to the Commission:

**Case:** *Minor 2021-004*

**Item:** *Free Hold Minor Subdivision Sketch Review*

**Applicant:** *Freehold LLC*

**Summary:** *Subdivision of part of the NE¼ of Section 35 T51N R82W*

**Background information:**

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

**Planning Considerations:**

1. *Sketch Plan submitted as a minor subdivision.*
2. *Verification from Road and Bridge about the access points.*
  - a. *Verbally discussed with Road and Bridge.*
3. *Public Notice;*
  - a. *Two (2) consecutive notices Published in Buffalo Bulletin*
  - b. *All adjacent landowners notified according to the Minor Subdivision Regulations.*
4. *Clear Creek Conservation District provided review of the proposed subdivision as per county regulations and state law (July 12, 2021).*
  - a. *Proposal has 2 soil types (740 & 881) which have features that range from somewhat limited to very limited.*
    - i. *Shrink/Swell properties*
    - ii. *Slow water movement*
5. *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.*
6. *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.*
7. *Subdivision is within 1 mile of the City of Buffalo and will require approval by the City.*
  - a. *Applicants have submitted information to the City of Buffalo.*
8. *High hazard pipeline adjacent to the property.*

- a. *It is a High Consequence Area (HCA) according to WBI Energy.*
9. *Public comments/concerns.*
10. *Other considerations by the Commission.*

**Recommendations:**

1. *Allow the applicant to Draft Final Plat according to Minor Subdivision Regulations 3.2*
  - a. *Conservation District soils review needs incorporated into the Plat Warnings.*
  - b. *Disclosure statement (Minor Subdivision Regulations 2.5.6,G) needs incorporated into the Plat Warnings where appropriate.*
  - c. *A no water right warning should be added under the plat warning section.*
  - d. *Existing well information should be disclosed on the plat under a water warning.*
  - e. *Appropriate utility easements for each lot. Sewer and water easements shall be provided to each lot.*
2. *Permitted accesses will need shown on a final plat and will be required to be constructed.*
3. *Present a Final Plat to Planning and Zoning Commission for final recommendations within 1 year or sooner of this Sketch Review.*

Layne Qualm moved to approve the Sketch Plan including recommendations 6a-e, 7, and 8. Manny Rodriguez seconded; motion carried.


Planner Waller reported on the public hearings on the new regulations and will be drafting an executive summary letter with attachments for the Commission review and the on to the County Commissioners for action. He reported a new fee schedule will be submitted to the Commissioners in a separate document for their approval.


Planner Waller reported on several new minor subdivision inquiries from Wade Roebing and Cale Morse. He also reported Dave Stewart's application and sketch plan will be on the next agenda. After discussion Travis Pearson moved to have the Dave Stewart Sketch Plan Hearing at the September 7, 2021 meeting. Layne Qualm seconded; motion carried.

Planner Waller reported to the Commission the Mather Peak Major Subdivision has one year to go through the process.

Vice-Chairman Julie Baker called for public comment and there being none; the regular meeting adjourned at 8:40 pm.

Respectfully,

  
Travis Pearson Chairman                      09-07-21  
Date

Attest:   
Vicki Edelman, County Clerk

