

JOHNSON COUNTY PLANNING AND ZONING COMMISSION

REGULAR MEETING-TUESDAY SEPTEMBER 7, 2021

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

Those present were Commission member Julie Baker and Jake Hatch; Planner Jim Waller; County Attorney Tucker Ruby; Deputy County Attorney Barry Crago and Vicki Edelman County Clerk. Manny Rodriguez participated by telephone and Layne Qualm was absent from this meeting.

Julie Baker moved to approve the minutes of the July 27, 2021 and July 28, 2021 public hearing on the new subdivision regulations. Jake Hatch seconded; motion carried.

Julie Baker moved to approve the minutes of the August 3, 2021 meeting as amended. Manny Rodriguez seconded; motion carried.

Chairman Travis Pearson called for the continued Sketch Plan review for the proposed High Chaparral Minor Subdivision on Klondike Rd.

Planner Waller told the Commission he had contacted County Attorney Ruby for some guidance for himself and the Commission. He also reported that Commission member Layne Qualm will be recusing himself from any discussion or decision making in the matter because he lives in the Bald Ridge subdivision.

County Attorney Ruby stated the Commission handled the motion and lack of a second correctly; If the civil covenants say a property cannot be subdivided the county can say no until the covenants are revoked and public health and safety issues would be reason not to allow a subdivision. Density issues can only be handled through the zoning processes.

Planner Waller gave the following updated 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 $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21 T50N R82W*

Background information:

1. *See report from August 3, 2021 Planning and Zoning meeting.*

Planning Considerations:

1. *See report from August 3, 2021 Planning and Zoning meeting.*

New Considerations:

1. *A final decision should be made regarding if the sketch is acceptable to the County Minor Subdivision Regulations within 60 days of first presentation.*
2. *Legal questions have been presented to the County Attorney regarding density, covenants, and information on motions.*

Recommendations:

1. *Hear all public comments and generally discuss the comments.*
2. *Discuss county Attorney advice.*
3. *As presented this minor subdivision sketch plan does meet the current subdivision rules. A 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 sizes*
 - b. *Property line setbacks should be identified for well and septic due to the proposed lot sizes*
 - c. *Septic systems should have a max burial depth like the adjacent subdivision*
 - d. *A no build line should be identified on the east side of the proposed subdivision close to the existing east fence line*
4. *To proceed forward as presented, the covenant section 13 will need **legally** released from the subdivision restriction before a final plat is presented to the commission for final consideration.*

Chairman Travis Pearson said maybe they should not approve the sketch plan until they had a recorded document showing the covenants had been revoked. Mark Bedford stated they could approve the sketch plan but not approve the final plat if the stipulations were not met.

After further discussion with County Attorney Ruby, Julie Baker moved to approve the sketch plan as a minor subdivision with the condition that the covenants are legally removed from the property to be subdivided including Planner Waller's recommendation's A – D. Manny Rodriguez seconded; motion carried. The Commission agreed that the 50' setback would be sufficient for build lines.

Chairman Travis Pearson called for the presentation of the Kaleb Morse Minor Subdivision-future annexation into the Town of Kaycee. Planner Waller gave the following report:

Case: Minor 2021-006

Item: Morse Minor Subdivision Sketch Plan & First Consideration

Applicant: Kaleb Morse

Summary: Subdivision of parts of the NE ¼ NE ¼ of Section 12 T43N R84W

Background information:

1. *Owner of record; Kaleb Morse*
2. *Proposed division is located adjacent to the Town of Kaycee, next to the Town Park.*
3. *Property has limited access due to the Original Town Site.*
 - a. *Access is a 28.6-foot-wide Alley as originally platted.*
4. *This is a 2.28-acre parcel proposed to be subdivided into 2 lots of approximately .41 ac & 1.87 ac. The applicant desires to annex part of the property for town services.*

Planning Considerations:

1. *This application was submitted as a minor subdivision. The property is located adjacent to the Town of Kaycee.*
 - a. *The applicant seeks to add Lot 1 to the Town of Kaycee.*
 - b. *Town of Kaycee annexation requirements may be more stringent than minor subdivision rules.*
2. *Application presented to the Town of Kaycee during the August Kaycee Council meeting.*
3. *Subdivision Public Notice: 2 consecutive notices are required to be in the newspaper and all adjacent landowners shall be notified according to the Minor Subdivision Regulations after First Consideration Meeting. (Pending)*
4. *Powder River Conservation District shall provide review of proposed subdivisions as per county regulations and state law. Owner given information on scheduling and that Conservation District may have specific requirements. If the property is being annexed, the conservation district may not be required to review the division. The requirement should be discussed. (Pending)*
5. *The .41 acre proposed lot will be served by town water and sewer. This should apply to both lots for future development. Septic systems should not be allowed.*
6. *The Middle Fork of Powder River has an extensive floodplain map. There are cross sections with Base Flood Elevations identified on the floodplain map.*
 - a. *Measures to reduce flood damage should be discussed.*
7. *The access on this part of town is limited. Most of the adjacent land is the Town Park. The original town site has a 28.6-foot alley way which has been historically used to access the parcel.*
 - a. *Careful attention to the access as there appears to be limited future expansion.*
 - b. *The proposed access to Lot 2 should be no smaller than the existing easement as platted.*
8. *Annexation laws should govern over the subdivision rules. It can be beneficial if the property is "subdivided" and then annexation take place. However, not all subdivision standards can be followed due to the location and layout of the parcel. There is a past subdivision adjacent to Kaycee that began as a subdivision and was later annexed.*

Recommendations:

1. *Hear any public comments.*
2. *Discuss annexation versus subdividing. In this case, proposed Lot 1 will be annexed leaving Lot 2 as the remainder.*
3. *This process of subdividing will require notifications, action by the Town of Kaycee, and final approval. Annexations usually do not involve the County, as such, the division should follow annexation laws and a final plat can identify key items for both annexation and subdividing.*
 - a. *County attorney may have some advice for the board.*
 - b. *The final survey plat should follow the minimum subdivision final plat requirements and identify items needed for the annexation plat. The commission should also keep in mind how this property will be identified in the public records.*

Kaleb Morse addressed the Commission saying he wanted to annex the one lot into the Town of Kaycee and the second lot would be in the county which has his arena on it. The Commission discussed access issues with the lot #2. Deputy County Attorney Barry discussed approving the subdivision; saying Kaleb can annex without the Commission's approval and this is the opportunity to be a part of some land use planning. He also stated the 60' right of way is up to the property and that is what is required in the regulations. He also said there is access clear thru the property which would become lot 2. Manny Rodriguez stated septic restrictions should be placed in the plat warnings on the lot 2. After further discussion Julie Baker moved to approve the Sketch Plan and proceed as a minor subdivision following Planner Waller's

recommendations and making sure there is a 30' right of way on the south end of the lot as well as including Travis's recommendation of naming the lots Block 1 Lot1 and Block 2 lot 1. Jake Hatch seconded; motion carried.

Chairman Travis Pearson called for the Sketch Plan review on the Clear Creek Minor Subdivision-Dave Stewart 148 US Hwy 16 East. Planner Waller gave the following report to the Commission:

Case: Minor 2021-006

Item: David Stewart Minor Subdivision Sketch Review Meeting

Applicant: David and Jackie Stewart

Summary: Subdivision of parts of the SW ¼ SE ¼ of Section 25, T51N R82W

Background information:

1. *Owner of record; David and Jackie Stewart as filed in Book 87A59page 545-546 and 87A47pg253 (~35.5 Acres)*
2. *Proposed division located off US Highway 16 E.*
 - a. *Access to property is an existing access easement to US HWY 16 E.*
 - b. *The City of Buffalo has a sewer lift station near the access point.*
3. *Property has an existing single-family home, a few shops and outbuildings, and storage units. The property also has four large billboards.*
4. *Proposed lot sizes are 23.65, 7.84, and 4.01 acres.*

Planning Considerations:

1. *Application submitted as a minor subdivision. Mr. Stewart has met with the board four times to discuss the potential division of his property. Each meeting has resulted in better understanding of his desires and how the county would regulate the division.*
2. *Existing road and easement running along the west boundary is a 60-foot easement. A new easement would be required along the southern portion of Lot 3 for legal access to existing house. Verification from WYDOT that existing access is adequate for additional lots will need presented.*
 - a. *All other existing recorded easements should be identified on the sketch.*
 - b. *Roadway Maintenance Agreement may be required.*
3. *Public Notice; two consecutive notices appeared in the Buffalo Bulletin on August 12th & 19th advertising the Notice of Intent. (Affidavit of Publication on File)*
 - a. *All adjacent landowners were notified by certified letters. Return receipt and signature cards on file.*
4. *Clear Creek Conservation District shall provide review of the proposed subdivision as per county regulations and state law. Owner given information on scheduling and that Conservation District may have specific requirements. (Received 9/1/2021).*
5. *The property has surface water rights. The water rights will need to be properly accounted for throughout the subdivision. An irrigation distribution plan must have the proper approvals from the Wyoming State Engineer's Office.*
6. *The property does have Clear Creek flowing through it. The flood hazard will need disclosed on a final plat. If a lot is completely within a floodplain, then a flood study should be required, however, if all development is restricted, then a flood study should not be required.*

- a. *Previous discussions with Mr. Stewart about limiting or restricting development on Lot 1. If development is restricted, then proper floodplain disclosure and restriction will be needed.*
7. *Existing On lot well serves the house.*
 - a. *Previous discussions with Mr. Stewart water and limiting to city services.*
 - b. *Existing surrounding well information will be required to be 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. *An existing onsite septic system serving the house.*
 - a. *Permit # 466 on file. This system was designed in 1999, today the percolation rate would require advanced components to enhance the septic wastewater treatment.*
 - b. *The sketch indicates there will be no septic or sewer systems on other lots.*
 - i. *A city sewer main is adjacent to the west boundary. Any new development should be required to connect to the city sewer.*
9. *Subdivision is **within 1 mile** of the City of Buffalo.*
 - a. *City of Buffalo will have to approve the division.*
10. *Public comments/concerns.*
 - a. *Received two phone calls about the division*
11. *Other considerations by the Commission.*

Recommendations:

1. *Classify the proposal as a minor subdivision.*
2. *Instruct the applicant to submit with the City of Buffalo, the city process may be different.*
3. *Provide proof from WYDOT that the existing access is adequate for the proposed division.*
4. *Instruct the applicant to get the necessary approvals with the State Engineers Office regarding surface water rights. This may require special permitting with the State Engineers Office.*
5. *Discuss with the applicant the proper decision for Lot 1 as related to the floodplain.*
6. *Allow the applicant to work on a draft plat and additional documentation.*
 - a. *Disclosure statement (Minor Sub. Regs. Chap. 2) shall be incorporated into the Plat Warnings.*
 - b. *All existing Covenants and easements shall be disclosed on plat.*
 - i. *Utilities or agreements.*
 - c. *All necessary lot easements shall be placed on the plat.*
 - d. *Restrict all building development on Lot 1*

Dave Stewart discussed building restrictions, easements, WYDOT access, meeting all requirements of the City of Buffalo and water right clarifications with the Commission. After discussion Jake Hatch moved to classify as a minor subdivision contingent on complying with Planner Waller's recommendation 3, 4 and 5 as well as what the City of Buffalo will require. Julie Baker seconded; motion carried. Planner Waller reported the final plat won't come before the Commission until after Mr. Stewart has met all the city requirements.

Planner Waller reported to the Commission on the letter and certification of the draft subdivision regulations, reviewing his letter and explaining all the attachments. He also reported there will be two resolutions which the Board of County Commissioners will sign, one being a resolution for the subdivision regulations and the other being for the change in fees. Planner Waller stated the County Commissioners will then follow the Rules of Administrative Procedures for the adoption process. The Commission discussed the increase in fees and as well as new fees for reinspection for non-compliance. The Commission agreed the letter and attachments would be

fine to send on to the County Commissioners. Julie Baker moved to formally approve the Certification letter with attachments and the draft subdivision regulations and the proposed fee changes be forwarded onto the Johnson County Board of Commissioners. Manny Rodriguez seconded; motion carried.

Planner Waller updated the Commission on a meeting with Shaun Gustafson on WYDOT accesses, realignment of airport road and traffic issues. He also stated there is an inquiry about a large development off Trabling Rd, property once owned by Carl McLellan. Planner Waller also reported he has done 40 septic permits so far this year.

Chairman Travis Pearson called for public comment:

Lucas Todd discussed his concerns regarding water, where is the water going to come from and why do the problems always fall back on the citizens of the Town and County. Lucas stated he does not know where the discussions need to happen; but they need to be addressed and maybe the developers of these large subdivisions to be the ones to assure the availability of water. Ron Yellen also addressed his concerns on water issues being next to a large subdivision and irrigation use of water. Deputy County Attorney Barry Crago discussed water statutes with Lucas. Planner Waller expressed concerns over curb and gutter, sidewalks and pavement and potential water run-off in the event of a large rain event. Lucas Todd also brought up road issues, having to make these roads wider at the expense of the local people when these large developments happen in the county such as French Creek Road and Trabling Road. The regular meeting was adjourned at 9:15pm.

Respectfully,



Travis Pearson Chairman

10-15-21
Date

Attest: 

Vicki Edelman, County Clerk

