

# JOHNSON COUNTY PLANNING AND ZONING COMMISSION

## REGULAR MEETING-TUESDAY JUNE 1, 2021

Chairman Travis Pearson called the meeting of the Johnson County Planning and Zoning Commission to order June 1, 2021 at 7:00PM.

Those present were Commission member Layne Qualm, Manny Rodriguez, Julie Baker, Planner Jim Waller, Barry Crago Deputy County Attorney and Vicki Edelman County Clerk. Commission member Jake Hatch was absent. Public members present were Mark Bedford; Sage & Tammy Hendricks and Richard Frankovic & Shawn Gustafson, with ECS Engineers from Casper, WY.

Julie Baker moved to approve the minutes of the May 4, 2021 meeting. Manny Rodriguez seconded; Motion carried.

Planner Waller presented the following report to the Commission on the Sage & Tammy Hendricks and Rad Rides Realty, LLC Boundary Line Adjustment.

**Case: BLA-2021-003**

**Item: Sage and Tammy Hendricks and Rad Rides Realty, LLC Boundary Line Adjustment**

**Summary: Approval of Proper Use & Implementation**

### **Background information:**

1. Proposed Boundary Line Adjustment located off Rock Creek Road. Address 130 & 132 Rock Creek Rd.
2. Owner of record; Sage and Tammy Hendricks as filed in Book 87A66 page 588-589 (1.86 +/- Ac).
3. Owner of record, Rad Rides Realty, LLC as filed in Book 87A66 page 285-287 (15.49 Ac & 1.72 acres).
4. Deeded history for all three parcel descriptions is complicated. After review, parts of these parcels existed before January 25, 2007. Today, some are different descriptions, two of these appear to be boundary line adjustments or similar with no record of affidavits.
  - a. **1.86** acres created in 1998.
  - b. **15.49** acres created in 2007 and is part of a description from 1994 that was ~3.6 acres.
  - c. **1.72** acres created in 2008.
5. The parcel owned Sage and Tammy Hendricks individually is and has been historically **1.87+/- ac** and is being shown as 1.86+/- acres on the survey map. Ultimately was in Doris and Peter Jones name in 2001.
  - a. The parcel contained a house in the late 90's, which was removed sometime between 2015-2017. The newer house was built in 2018.
    - i. Septic system and well are permitted.
6. The **15.49-acre** parcel was **part** of a piece of land owned by Dale Leischer (Granny's Bloomers) and **part** of land owned by Doris and Peter Jones.
  - a. In 1994 this parcel was approximately 3.6 acres and has a permitted septic system.
  - b. In 2003 the Leischer family deeded the 3.6 acres to Biscuit Investment Co (Jones).

7. In 2007 Biscuit Investment Co & Doris Jones transferred their property to Cochise Feed Yard LLC.
  - a. This was the 3.6 acres, the rest of the ~**11.9 acre** remainder, and the adjacent ~**75 acres** were also transferred to Cochise Feed Yard LLC.
  - b. During this same transaction, a deed was filed for the **15.49 acres** to (Mary Jo Rideout). This deed can be followed forward to Rock Creek LLC to then to Rad Rides Realty LLC.
8. In 2008, the **1.72 acre** & the **1.86+/- acre** parcel were deeded from Chochise Feed Yard LLC to Rock Creek LLC.
  - a. Parcel I is the same description from the 1998 deed.
  - b. Parcel II should have been a boundary line adjustment; however, there is no documentation regarding this parcel.
  - c. Both descriptions on this deed were adjacent to land that Rock Creek LLC already owned (15.49 acres)
  - d. This ownership can be followed forward to Rad Rides Realty LLC
9. 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 adjustment where the parcel subject of the sale or other disposition is adjacent to and merged with other land owned by the grantee.
  - a. The applicants have three parcels and are not owners that crated the parcels owned today, they are the 3<sup>rd</sup> owner.
    - i. One parcel is following the original description from when it was first created (1.86 ac). All others were created in 2007 and should have been subject to the same subdivision definition and the same process as today.
2. There is another boundary line adjustment in the area from 2011. It was approved between Cochise Feed Yard LLC and the Todd property (south of the applicant's parcels). However, the affidavit does not appear to be recorded. Following this deed there are 2 descriptions as Parcel 1 and Parcel 2. In this case the 2<sup>nd</sup> parcel is less than 35 acres and was adjacent to other lands already owned grantee. A boundary line adjustment was the only way to create this parcel.
  - a. The Boundary Line Adjustment exemption requires parcels to be joined with and merged with lands already owned.
3. The intent of the exemption needs to be discussed.
  - a. Part of the area around the shop is part of the Granny's Bloomers, which existed in 1994.
4. W.S. 18-5-302,(a),(x) defines parcel as lawfully created or conveyed as a single piece of property.

### **Recommendations:**

1. Review and hear any open public comments.
2. If the intent is to sell parcels in the future, only 2 legally created parcels exist appear to exist; the 3<sup>rd</sup> parcel appears to have been intended as a boundary line adjustment in 2008. To legally create 3 parcels intended to be sold separately based on the information submitted as the boundary line adjustment; a subdivision permit would be required.

After discussion with the Commission, Layne Qualm moved to approve the Boundary Line Adjustment contingent on recording the affidavit, adding that recording information to the Mylar and the Mylar being signed. Julie Baker seconded; motion carried.

Planner Waller presented the following report to the Commission on the first consideration of the Culp Minor Subdivision located off the Elsom Ranch Rd.

**Case: Minor 2021-001**

**Item: Culp Minor Subdivision**

**Applicant: Tim and Tammy Culp (Seth and Cheyenne Mallett representing)**

**Summary: Subdivision of parts of the NW¼SW¼ and SW¼SW¼ of Section 11 T49N R82W**

**Background information:**

1. Owner of record; Tim M Culp and Tammy J Culp as filed in Book 87A69page 506-507 (~68 Acres)
2. Proposed division located off Elsom Ranch Rd.
  - a. Access to property is an existing access easement to Old Highway 87. Previous owner
  - b. Currently serves 5 houses.
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.
  - a. Existing covenants on file with the County Clerk's Office.
4. Proposed lot size are 13.92 acres.

**Planning Considerations:**

1. Application submitted as a minor subdivision.
2. Existing road is a 60-foot ROW to Old HWY 87. **Verification from WYDOT that existing access is adequate for additional single-family home based on existing Access Permit.**
  - a. Existing recorded easements filed in book RW13 pages 611-613, Book 14 page 45 and Book 20 page 182, disclosed on the sketch. Reviewing the tract index books reveals several easements over the years. Copies Available.
  - b. All Roadway Maintenance Agreements filed in the Clerk's Office should be disclosed.
3. Public Notice; 2 consecutive notices in the newspaper and adjacent landowners shall be notified according to the Minor Subdivision Regulations after First Consideration Meeting.
  - a. Adjacent landowners are shown on the sketch plan. Kolnik Irrevocable Trust owns 2 parcels adjacent and south of proposed lot.
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. Sketch plan forwarded to District.
5. On lot well proposed for vacant lot.
  - a. At least six existing wells in the area. All are 165-550 feet deep; Static Water levels are 13-110 feet. Total flow as reported on Wyoming State Engineer's Office is 0-25 gpm.
    - i. Neighbors well is about 50-60 from property line.
  - 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.
6. Onsite septic system proposed for vacant lot.
  - a. Five existing residences in area all septic permits on file. Information indicates percolation tests are within the conventional treatment limits of 5-60 minutes per inch.
  - b. Percolation rates less than 5 mpi and greater than 60 mpi must have special enhancements.

- c. The county can be proactive in septic placement. Sandstone may also be present.
7. Subdivision is **not within 1 mile** of the City of Buffalo.
8. Proposal does not appear to be in an area of any hazards.
  - a. Blakeman propane is ~1 mile NW of site.
  - b. There are three cell towers and/or radio towers on the adjacent property to west.
9. Public comments/concerns would be addressed in July 2021 after notifications.
10. Other considerations by the Commission.

**Recommendations:**

1. Classify the submitted sketch plan as a minor subdivision and set a formal sketch review in accordance with Minor Subdivision Regulations 2.5.9
2. Allow applicant to advertise for 2 consecutive weeks in the Buffalo Bulletin according to Minor subdivision Regulations 2.5.3. for the July 2021 meeting.
  - a. Once newspaper notice established, county shall notify all adjacent landowners according to Minor Subdivision Regulations 2.5.4
3. Provide proof from WYDOT that the existing access is adequate for the proposed 1 lot division.
4. 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. Existing Covenants and easements shall be disclosed on plat.

After discussion with the Commission, Julie Baker moved to classify the sketch plan submitted as a minor subdivision and require the sketch plan review after the advertising is completed. Manny Rodriguez seconded; motion carried.

Richard Frankovic and Shawn Gustafson, an Engineer with ECS in Casper met with the Commission to give a preliminary overview of the proposed subdivision north of Buffalo adjacent to the Robinson Acres subdivision. They reported there will be 100 lots ranging from ½ acre to 1 ½ acre lots. They are in the process of the water and sewer permitting and design work that will be required by DEQ and they are working on agreement with the City of Buffalo to tap into the city water and sewer. Access is being proposed from N Main St and the engineer has been working on a traffic analysis for WYDOT permitting. John Alt with Tri-Mountain Homes will be the contract/builder. After discussion with the Commission, they will bring a sketch plan to the July meeting.

The next item was to discuss the draft subdivision regulations. After discussion on the public hearings on the new proposed subdivision regulations; Julie Baker moved to approve the advertising dates of June 10<sup>th</sup>, June 17<sup>th</sup> with hearing dates to be July 27, 2021, in Kaycee from 6pm thru 8pm and in Buffalo July 28, 2021 at Bomber Mtn Center from 6pm thru 8pm. Layne Qualm seconded; motion carried.

There being no old business, Chairman Pearson called for the staff report. Planner Waller reported Kim Bolinger had contacted him regarding a minor subdivision application in Valley View Subdivision with wells & septic on 3 parcels; Dave Stewart is meeting with the City of Buffalo; Christy Kinghorn has 35+ acres and would like to split using the Minor Subdivision process; an engineering firm called about Cindy Ross's minor subdivision on Billy Creek Access Road, and a possible vacation/amended plat. A landowner off Lake Ridge Road called about a boundary line adjustment/reconfiguration of 2 35+ acre parcels. A phone call was received from

NAPA auto parts. The owners of NAPA also own the property where Big Horn Tire is located. They might possibly move NAPA to the same property where Big Horn Tire is located. Also concerns have been received about the gravel pit at the foot of the mountains.

Chairman Travis Pearson called for public comment and there being none; the regular meeting adjourned at 8:24 pm.

Respectfully,

Travis D. Pearson  
Travis Pearson Chairman

07-06-21  
Date

Attest: Vicki Edelman  
Vicki Edelman, County Clerk

