

JOHNSON COUNTY PLANNING AND ZONING COMMISSION

REGULAR MEETING-TUESDAY MARCH 1, 2022

Chairman Travis Pearson called the meeting of the Johnson County Planning and Zoning Commission to order March 1, 2022, at 7:02 PM.

Those present were Commission members Julie Baker, Jacob Hatch, Layne Qualm and Manny Rodriguez; Planner Jim Waller, Vicki Edelman County Clerk and Tucker Ruby County Attorney. Commission Chairman William J Novotny, III is to participate by telephone. Members of the public were to sign in.

Julie Baker moved to approve the minutes of the February 1, 2022, meeting. Manny Rodriguez seconded; motion carried.

Chairman Travis Pearson called for the Preliminary Plan/Plat review presentation of the Mather Peak proposed Subdivision. Shawn Gustafson, Engineer was present to answer questions and several members of the community were present to give comments. Planner Waller presented the following report to the Commission:

Case: *Major 2021-01*

Item: *Mather Peak Subdivision*

Summary: *Subdivision Preliminary Plat Review*

Background information:

1. *Proposed subdivision located off N Main Street north of. Property abuts Airport Road and Interstate 90.*
2. *Owner of record; **Mather Peak Holdings, LLC** as filed in Book 87A70 page 651-652 (~87 Ac).*
3. *The applicants desire to subdivide the entire parcel into 102 lots for residential purposes. Proposed lot sizes are .54 acres to 1.64 acres; average size is .714 acres.*
4. *The applicant is proposing connections to the City of Buffalo Water and Sewer System.*

Planning Process:

1. *County Subdivision Regulations apply and outline subdividing requirements.*
 - a. *Subdivision proposals within 1 mile of the City of Buffalo must have City Approval.*
 - i. *City Approval is required prior to final plat consideration with County Planning and Zoning Commission. JC Subdivision Regulations, Article IV, 4.1, E)*
 - b. *County Approval*
 - i. *Sketch Plan Requirements*
 - ii. *Preliminary Plat Requirements*
 - iii. *Final Plat Requirements*
 - c. *Final Approval Board of County Commissioners*

Planning Considerations:

1. *Purpose of the regulations:*

- a. *Promote public health, safety, welfare of current and future citizens.*
 - b. *Reasonable design standards*
 - c. *Provide adequate & convenient transportation, utilities, and other public services.*
 - d. *Proper planning for growth, traffic congestions, pollution, hazards.*
 - e. *Avoid Excessive expenditures of public funds for various public improvements & services*
 - f. *Provide adequate physical and legal access.*
2. *Considerations when reviewing subdivisions:*
 - a. *All applicable requirements*
 - b. *Site Suitability*
 - c. *Hazards*
 - d. *Preservation of natural features*
 - e. *Future areas and protections for good planning*
 - f. *Improvement Chart*
 3. *Proof of ownership submitted with Preliminary Plat.*
 4. *Public Notice appeared in the Buffalo Bulletin on February 3rd and 10th (affidavit of publication on file). Certified letters were sent to all adjacent landowners.*
 5. *Wyoming Department of Environmental Quality, Water Quality Division, Chapter 23 report submitted.*
 - a. *DEQ/WQD provided comments on January 19, 2022. The application is missing key components related to the City of Buffalo Water and Sewer operation and ownership. DEQ/WQD final comments will be submitted by March 14, 2022. (Pending)*
 6. *Wyoming State Engineers Office is required to act on the well. The developer has indicated the wells will be abandoned according to SEO rules. Status is unknown and is related to the DEQ/WQD Chapter 23 Requirements. (Pending)*
 7. *No applicable surface water rights on the property.*
 8. *Conservation District Review received January 12, 2022. Soils are rated as not limited to somewhat limited. Recommendations and comments have been provided regarding **stormwater, water resources, and noxious weeds.***
 - a. *A storm water management plan should be considered to address the drainage system proposed as well as stormwater and runoff. Developer is subject to Large Construction Permitting with DEQ through WYPDES. The applicant has indicted open barrow storm drainage system. This proposed drainage should be carefully considered as related to required improvements.*
 - b. *Water Resources should be carefully considered and discussed. Lots size proposed is much larger than typical city lots; watering limits should be considered.*
 - c. *Noxious Weeds can be controlled and minimized through revegetation of disturbed soil. Revegetation efforts should be part of the development agreement due to the disturbances related to construction. Consideration of public service expenditures as related to construction in general regarding individual site construction. Methods to reduce erosion should be discussed as related to individual site construction. Without zoning this may be difficult.*
 9. *Fire District was provided a copy of the Preliminary Plat and Chapter 23 DEQ/WQD Report at the regular board meeting on January 12, 2022. (Comments Pending)*
 - a. *Fire suppression plans are proposed as part of this development.*
 10. *Covenants proposed by developer.*
 - a. *The minimum requirement is a legally created entity for management, enforcement, and be binding into the future.*
 11. *Municipal Review and Approval is required due to the location of the subdivision. (Pending)*

- a. *City Water proposed. City of Buffalo is owner/operator and must approve connection. Careful consideration of water; be aware several plans have identified a target population that can be served by the existing capacity of the water system. (Pending)*
 - b. *City Sewer proposed. City of Buffalo is owner/operator and must approve connection. Careful consideration of sewer as it is feasible sewer may be expanded beyond this proposed subdivision. (Pending)*
12. *The Preliminary Plat shows a useable connection between North Main Street and Airport Road. Proposed as **Aviation Way**. It is likely this street may become a dedicated county road if the County and developer can successfully accomplish this connection. The applicant is working with Johnson County Road and Bridge Department.*
13. *Street Infrastructure. All streets as shown are within a 60-foot ROW and according to the Certificate of Dedication will be dedicated to the Public.*
- a. *25 Foot proposed drainage and utility easement adjacent to the ROW.*
 - i. *Developer proposes open barrow pit type drainage to allow for stormwater percolation on site and be held on site. Storage pond will be required and will control runoff.*
 - ii. *Careful consideration of the drainage system as proposed due to water and infrastructure concerns.*
 - b. *Paved road surface proposed as 30 feet traveled way with tapered edge to a gravel shoulder.*
 - c. *Preliminary Plans received based on preliminary grading.*
 - d. *Appropriate pullouts required for school buses and mailboxes as outlined in county road and bridge standards.*
 - i. *Identification of the mailbox requirements should be approved by the Post Office for proper mail receptacle. (Pending)*
 - e. *Street Names with address mileage distance matching rural addressing.*
 - i. *Summit Drive (~1-24 mileage)—Name is a duplicate and will be proposed as **Florence Drive or Gunboat Drive***
 - ii. *Penrose Circle (1-47 milage)*
 - iii. *Solitude Way (1-46 mileage)*
 - iv. *Aviation Way (1-34 milage)*
 - v. *Loomis Drive (1-18 milage)*
 - f. *Appropriate signage will be required. (Street names, no parking signs, etc.)*
 - i. *Intersections proposed with names should be discussed. Usually street names continue through intersections, how can this be accomplished with a circle or looping street?*
 - ii. *Addressing; numbers in the area are an extension of city addressing. Should the address assignment match city the addressing scheme?*
14. *Easements.*
- a. *A 20-foot easement has been identified between Penrose Circle and Gunderman Drive.*
 - b. *Lot line and perimeter easements are typically required, these do not appear to be identified. Careful consideration of easements for current subdivision and future needs. These types of easements are usually for utility companies.*
15. *Public Sites and Open Space proposed as Tract A & B. The board should discuss if these sites are adequate. With the open drainage system, it maybe necessary for areas within the designated blocks to store runoff water. These areas could be part of the lots and designated as drainage areas subject to maintenance as required in the covenants.*
16. *Other considerations.*
17. *Public Comments.*

Recommendations:

Due to the number of pending items, this subdivision should be tabled until the unresolved issues are addressed. These pending items could result in changes to the subdivision layout. There are other major subdivisions in Johnson County that have had multiple preliminary plat reviews due to the planning process.

Planner Waller explained this proposal is at step 2 of the subdivision process.

Engineer Gustafson reported and explained the pending items. They are working with the City of Buffalo. They do need a letter from the city for the Chapter 23 report. Discussion on drainage and the land. Would like to keep things open, that is the idea with ½ acre lots. Discussion on Aviation Way. The DEQ response will be submitted no later than March 14th, have not received comments from the school district yet and now have preliminary approval from WYDOT. Shawn reported they are beginning the process with the City of Buffalo regarding potential zoning changes and the requirements with the city. The plans for drainage must be coordinated with the city as they begin working with the city. They have done 2 traffic studies and have a striping plan in place. Generally, discuss the connection with Gunderman Drive. The board listened to discussion on re-vegetation, alignment of sewer lines which the city wants the sewer line to go down airport road. This has been briefly discussed with Road & Bridge and if that happened the City would probably be required to take over the airport road maintain as a local road.

Planner Waller explained there are gaps between the city process and county process. Curb & Gutter, road width, sidewalks, etc. are the big differences. Planner Waller stressed the need for best practices in management of the storm water. There have been past Storm events that have resulted in flash flooding along the city streets which have curb and gutter. We don't want to create flooding issues. Discuss storm water flowing and using vegetation to assist with storm water on site.

Chairman Travis Pearson called for public comments on the proposed subdivision.

Ray Mader asked for clarification on the "retention pond system" and does not want annexed into the city. Ray also asked about the double-tap fees for connecting to city water.

Herbert & Gerri Miller expressed concern on the drainage issues and wondered if it would drain on them. Also inquired if they will get a new culvert?

Ms. Shell voiced concerns over the height of the houses, with a basement and 2 stories her view will be impacted.

Scott Pehringer Road & Bridge Supervisor said it would take \$3,000,000. or more to replace the bridge on airport road.

Luke Todd expressed concern over the water and where it is going to come from. He stated the City has 4cfs direct flow and there are 4 cfs of additional junior rights. Adding this additional use to Clear Creek in August would totally dry up the creek; there would be no water running through town. Clear Creek is a big attraction to Buffalo. This development will impact tourism and recreation in the community.

Dusty Hill has concerns about the impacts on the creek and what that means for recreation, tourism, and economics.

Planner Waller stated the water issues must be a priority as this moves forward. Jim also said this is between the City of Buffalo and the Developer.

Layne Qualm moved to table this until the unresolved issues are addressed as recommended by Planner Waller. Julie Baker seconded; motion carried.

There being no old business Chairman Travis Pearson called for Other Business:

Planner Waller handed out information on the proposed Kolb Minor Subdivision Sketch Plan; saying this is a 1 lot subdivision and gave a time frame to completion.

4/5/22 Sketch Plan review

5/13/22 Preliminary review

6/7/22 Final Plat

Scott Pehringer told the Commission that road did not have a public right of way. It was only for county use to the gravel pit and it is not adequate to be used unless the county addresses. The County Attorney and Road and Bridge have reviewed the easement. Chairman Travis Pearson said the right of way would need to be defined before approval before the Commission.

Planner Waller passed out the Sketch Plan for Lot 54 & 55 of the Shores at Lake DeSmet Subdivision; which would be combining the 2 lots into one. The HOA needs to approve the combination of the lots and contact DEQ to check on their requirements. This would come back on the agenda for the April meeting.

Planner Waller reported there is no updates on the Morse Minor Subdivision adjacent to Kaycee.

Planner Waller reported he has been contacted by Dave Loden asking about creating 5 lots on property that he owns, adding the problem is there is only a 40' easement. Chairman Travis stated there must be a 60' easement or the answer will be no.

There being no further business to come before the Commission the regular meeting was adjourned at 8:40pm.

Respectfully,

Travis D. Pearson

Chairman Travis Pearson

05-03-22

Date

Attest:

Vicki Edelman

Vicki Edelman, County Clerk

