

# JOHNSON COUNTY PLANNING AND ZONING COMMISSION

## REGULAR MEETING-TUESDAY APRIL 5, 2022

Vice-Chairman Julie Baker called the meeting of the Johnson County Planning and Zoning Commission to order April 5, 2022, at 7:02 PM.

Those present were Commission members Jacob Hatch and Manny Rodriguez; Planner Jim Waller, Vicki Edelman County Clerk, Tucker Ruby County Attorney and William J Novotny, III JC Commission Chairman. Travis Pearson and Robert Allen participated by telephone.

Travis Pearson moved to approve the minutes of the March 1, 2022, meeting. Jacob Hatch seconded; motion carried.

Vice-Chairman Julie Baker called for the sketch review for the Kolb Minor Subdivision located on Rock Creek Rd/Kolb Dr. Jim & Sherry Kolb were present to answer questions. Planner Waller presented the following report to the Commission:

**Case:** *Minor 2022-001*

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

**Applicant:** *Sherry Kolb*

**Summary:** *Subdivision of part of the SW¼ of Section 9 T51N R82W*

### **Background information:**

1. *Owner of record; James W. Kolb and Sherry A. Kolb as filed in Books 87A31 page 177-179.*
2. *Proposed division located off Kolb Drive.*
  - a. *Existing house assigned 3 Kolb Drive*
    - i. *Septic Permit # 924 on file.*
    - ii. *Well permit # 214628—statement of completion on file.*
  - b. *Access to property via an existing access.*
3. *Proposal is to subdivide a single lot from approximately 40 acres.*
  - a. *Originally the lot was proposed as a family exemption.*
4. *Proposed lot size are 2.00 acres.*

### **Planning Considerations:**

1. *Sketch Plan submitted as a minor subdivision.*
  - a. *No minor subdivisions have split out of the original unit of land.*
2. *Similar sized parcels exist within the Kolb property that have been family exemptions.*
3. *Road and Bridge Department, County Attorney, and Planning Department discussed the easement and the restriction. As written the easement is exclusive and the County Commissioners must legally assign for adequate legal access.*
  - a. *Applicant's representative has discussed the easement with the Deputy County Attorney and will pursue the appropriate actions with the County Commissioners for legal access. Evidence of legal access being provided to the subdivided lot is required as part of **final plat.***
  - b. *The road is used by multiple landowners.*
4. *Public Notice;*

- a. Two (2) consecutive notices will be required to be Published in Buffalo Bulletin prior to a preliminary plat review (**Pending Action on Sketch Plan**).
- b. All adjacent landowners will be required to be notified according to the Minor Subdivision Regulations prior to a preliminary plat review (**Pending Action on Sketch Plan**).
5. Clear Creek Conservation District shall provide comments on the proposed subdivision as per county regulations and state law (**Pending**).
6. On lot well is connected to the existing house.
  - a. Appropriate warnings will be required as related to the on-site well. Discuss if existing surrounding well information be disclosed OR if existing flow and depth be shown for the onsite well only.
  - b. 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. Existing onsite septic system permitted in 2007.
  - a. Appropriate warnings will be required as related to septic systems in general.
8. Subdivision is more than 1 mile from the City of Buffalo.
9. Johnson County Fire District review is not applicable.
10. Public comments/concerns.
11. Other considerations by the Commission.

**Recommendations:**

1. Approve the sketch plan as presented.
2. Allow the applicant to proceed with legal advertisement in newspaper and County Planner to notify all adjacent landowners as required.
3. Schedule the preliminary plat review for the regular May Planning and Zoning Commission meeting.

Planner Waller also reported the Kolb's need to have discussion with the Commissioners since there are questions on the road easements and possible access issues. They are to meet with the Commissioners on April 19<sup>th</sup>. Travis Pearson stated there will need to be clearly defined access to the subdivided lot before it moves to final plat. Manny Rodriguez moved to implement the three recommendations as stated in Planner Waller's report. Jacob Hatch seconded; motion carried.

Vice-Chairman Julie Baker called for the proposed amendment to Lot 54 & 55 of the Shores at Lake DeSmet Subdivision.

**Case:** *Major Subdivision Amendment 2022-002*

**Item:** *Shores at Lake DeSmet Minor Subdivision 1<sup>st</sup> Consideration*

**Applicant:** *Robert Allen*

**Summary:** *Merge Lot 54 & 55, Shores at Lake DeSmet Subdivision, into a single lot*

**Background information:**

1. Owner of record; Robert Allen as filed in Books 87A71 page 152.
2. Proposed division located off Shoreline Drive.
  - a. Property described as Lot 54 & 55 Shores at Lake DeSmet Subdivision.
    - i. Subdivision Water Supply permitted through DEQ and operated by developer.
    - ii. Individual on lot Septic System proposed.
  - b. Access to property is an existing Platted ROW from Monument Rd.

3. *Proposal is to merge and replat lots into a single lot.*
4. *Subject to major Plat Amendment.*
  - a. *Amended plat process is applicable when the number of lots do not increase, and roads will not be changed or realigned from original plat.*

**Planning Considerations:**

1. *An amended plat can be submitted in accordance with the Final Plat Requirements.*
2. *Covenants filed against the property in Johnson County Clerk Record Book 86A64 page 345-379 contain Section 3.11 which allow re-platting of lots to accomplish adjustments between adjacent lot owners.*
  - a. *Approval of Homeowner's Association or similar required. A notarized letter from Jason Spielman, HOA representative was received.*
3. *Public Notice requirement is applicable.*
  - a. *Two (2) consecutive notices will be required in Buffalo Bulletin.*
  - b. *All adjacent landowners will be required to be notified via certified mail.*
4. *Decreasing the number of lots should be positive with Clear Creek Conservation District. (Original soil report on file).*
5. *Merging the lot will result in the loss of potential a building site and reduce the total lots within the Shores at Lake DeSmet Subdivision.*
6. *The water system was permitted by DEQ/WQD.*
  - a. *Merging the lots should have positive impact on the water system as far as less use.*
  - b. *Existing recommendations will remain applicable*
7. *The sewage system proposed is an individual on lot septic system.*
  - a. *Consolidating the lots will result in less houses which will have a positive impact on the site.*
  - b. *Existing recommendations will remain applicable.*
8. *Subdivision is more than 1 mile from the City of Buffalo.*
9. *Public comments/concerns.*
10. *Other considerations by the Commission.*

**Recommendations:**

1. *Approve the proposal presented.*
2. *Allow the applicant to notify the public and notify all adjacent landowners.*
3. *Allow the applicant to draft a final plat to be considered at the May regular meeting.*

Craig Shavlik reported to the Commission the owners need the two lots as one parcel to place their home because of the topography. After discussion Jacob Hatch moved to approve the proposal as presented following Planner Waller's recommendations as listed in his report. Travis Pearson seconded; motion carried.

Vice-Chairman Julie Baker called for old business which will be further discussion and updates on the Mathers Peak Subdivision. Planner Waller gave the following updated report to the Commission:

**Case:** *Major 2021-01*

**Item:** *Mather Peak Subdivision*

**Summary:** *Subdivision Preliminary Plat Review*

**Background information:**

1. See report dated March 1, 2022.

**Planning Process:**

1. Preliminary Plat review held during the regular meeting on March 1, 2022. A decision was tabled.
2. Sketch Plan approval granted on July 6, 2021. The current regulations allow the applicant one (1) year after sketch approval to submit a completed preliminary plat including supplemental information for review.
  - a. Allowable actions are outlined in Johnson County Subdivision Regulations, Article IV, 4.1, D, (i)

**Planning Considerations:**

**Considerations in addition to those identified on March 1, 2022 at the preliminary plat review meeting.**

1. City Approval is required at the final plat as part of the county final plat approval process. It is common for major subdivision development to have multiple plat reviews including multiple preliminary plat reviews. Developer has indicated they are working on a timeline and will coordinate with the county as the proposal moves to the City of Buffalo.
2. Water and Sewage requirements are applicable at both preliminary plat and final plat stages according to the county subdivision regulations. City water and sewer are proposed by the developer and would be provided by the City of Buffalo. These services require action by the city and require permitting by the DEQ in coordination and with the approval of the owner/operator.
  - a. The water/sewer requirements are in addition to action on subdivision application by the City. This is due to the property being within one (1) mile of the incorporated town limits as required by state law.
  - b. Wyoming Department of Environmental Quality did respond with an Adverse Recommendation. Additional information was required and was not submitted within the departments allowed time frame.
3. Public Comments made at March 1, 2022, meeting

**Recommendations:**

1. Carefully consider comments, the requirements, and keep in mind this development is within 1 mile of the City of Buffalo and does require City approval.
2. The applicant has until the regular July 2022 meeting to complete the preliminary plat requirements. To initiate the DEQ/WQD Chapter 23 requirement, the applicants will need certification letters at minimum from the City of Buffalo.
3. If the certification letters are received, the applicants have additional engineer modeling requirements for the water/sewer analysis. This step is complicated and a 2-fold step, as the Chapter 23 looks at feasibility, which is required for subdivision planning. DEQ would be allowed another 60-day review when a completed Chapter 23 Application is submitted to their offices. Currently, the DEQ review is an adverse recommendation.
4. Another DEQ step is required due to the water/sewer solution, permitting. This would be a final plat requirement and would be subject to City Certifications and City Approval. The water/sewer requirements are complicated as they involve both final subdivision approvals with both the City of Buffalo and Johnson County. These water/sewer requirements are in addition to subdivision review approval. Currently no progress has been made with the City of Buffalo as far as subdivision approval.

5. *Given the amount of work needed to proceed forward; the board could require another preliminary plat submittal in conjunction with the city processing. This would be the 102-lot subdivision as represented to the Planning and Zoning Commission at the March 1, 2022, meeting. This would allow the developer to continue working on the project. However, if development does not continue to progress through the regulations by the July regular meeting, the preliminary plat would not meet the regulations to proceed to the next step.*
6. *If the application as presented, does not proceed forward with the "Planning Processes" by the July 2022 regular meeting, the developer would need to resubmit another application.*

The board needs to consider the "facts", the comments, and items 1-5 above. Due to the proposal's location, there are several differences in development components between the city and the county. A few of the major differences are curb/gutter, asphalt width, public open space, drainage, walk paths, and lighting (not exact list). Many major developments have required multiple review steps.

Planner Waller handed out copies of the public comments taken at the March meeting asking the Commission to review carefully; also going over his concerns with the storm water issues and overall strain on the water and sewer system of the City. He added the developer has until the July 2022 meeting to get through the preliminary plat process according to the county regulations.

Engineer Shawn Gustafson for the project reported to the Commission the Attorneys for the two are now in negotiations. He also stated there is discussion about using airport road for the sewer line. He said he is confident they can meet the July deadline.

Planner Waller reported there is nothing new on the Morse Minor Subdivision adjacent to Kaycee, Wyoming.

Planner Waller reported to the Commission an inquiry regarding purchasing a subdivided lot and doing a BLA. Craig Shavlik reported concerns on soils, ground water and the to confirm the house site would be viable. Discussion was had on the possibility of re-platting and then the BLA an allowable exemption.

Planner Waller reported by the month of April being the busiest ever; saying by April 5<sup>th</sup> he had septic permit #10. He reported to the Commission the northeast part of Wyoming is where the construction and growth was happening.

There being no further business to come before the Commission the regular meeting was adjourned at 8:24pm.

Respectfully,

Julie Baker  
Vice-Chairman Julie Baker

5/3/22  
Date

Attest: Vicki Edelman  
Vicki Edelman, County Clerk

CLERK  
COUNTY