

# JOHNSON COUNTY PLANNING AND ZONING COMMISSION

## REGULAR MEETING-TUESDAY, JANUARY 5, 2021

Vice-Chairman Julie Baker called the meeting of the Johnson County Planning and Zoning Commission to order January 5, 2021 at 7:00PM.

Those present were Commission member Layne Qualm and Manny Rodriguez, Planner Jim Waller, Vicki Edelman County Clerk, Deputy County Attorney Barry Crago. Commission members Curt Newcomb and Chairman Travis Pearson participated via “Go to Meeting”; which was made available for public participation as well. Public members present were Mark Bedford and Craig Shavlik.

Manny Rodriguez moved to approve the minutes of the December 1, 2020 minutes as amended prior. Layne Qualm seconded. Motion carried.

Planner Waller presented the following report to the Commission on the Twing/Barlow Boundary Line Adjustment (Near Rock Creek Rd/Canal Rd intersection).

**Case: BLA-2021-001**

**Item: Donald M, Twing Successor Trustee of the Robert E Twing and Margaret E Twing Trust AND Cynthia Barlow Boundary Line Adjustment**

**Summary: Approval of Proper Use & Implementation of Boundary Line Adjustment (BLA)**

### **Background information:**

1. Proposed Boundary Line Adjustment located off Rock Creek Rd.
2. Owner of record; Donald M Twing as Successor Trustee of Robert E. Twing and Margaret E Twing Trust as filed in Book 86A88 page 601-605 (35.13 Ac). This parcel is also described under a boundary line adjustment recorded under book 86A88 page 601-605.
3. Owner of record, Cynthia Barlow as filed in Book 87A63 page 581-582 (3.134 Ac).
4. 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 adjustments where the parcel subject of the sale or other disposition is adjacent to and merged with other land owned by the grantee.
  - a. Merging involves more than a single conveying document. There are a few ways to merge and join the parcels. Johnson County has had cases in the past where 2 separate parcel descriptions have led to parcels being left or forgot during transactions.
2. The intent of the exemption is to modify the Barlow parcel to gain more separation between the west property line and residence.
  - a. The exemption cannot be used to create separate parcels.

### **Recommendations:**

1. Review and hear any open public comments.

2. Approve the Affidavit as presented
  - a. Forward the Affidavit to the Board for final approval.

Layne Qualm moved to approve the Boundary Line Adjustment. Travis Pearson seconded; motion carried.

Vice-Chairman Julie Baker called for the Swenson Family Trust Minor Subdivision Final Plat Review (#87 Crazy Woman Canyon Rd). Planner Waller reported the Mylar is not here; but it can be considered and signed when it is available.

Planner Waller presented the following report to the Commission:

**Case: Minor 2020-003**

**Item: Swenson Family Trust Proposed Minor Subdivision Sketch Review**

**Applicant: Willis Swenson**

**Summary: Subdivision of part of SE¼SW¼ Section 19 T49N R82W**

**Background information:**

1. Owner of record; Willis J Swenson and Janet C Swenson, Trustees of the Swenson Family Trust, dated October 23, 2014 as filed in Book 87A69 page 74-75 (5.1 Ac).
2. Proposed division located off Crazy Woman Canyon Road.
  - a. Access to property is an existing county access. Address issued for proposed lot as 425 Crazy Woman Canyon Rd.
3. Proposed lot size are 5.1 acres.
4. Property was part of a boundary line adjustment process earlier in 2020 between Swenson Family and Klondike Ranch.
  - a. Owner representative stated boundary line adjustment would be a minor subdivision.

**Planning Considerations:**

1. Application submitted as a minor subdivision and classified as minor subdivision at the November 3, 2020 regular Planning and Zoning meeting.
2. Proposed Access to lot is shown as crossing Swenson Family Trust property via easement. Proper process for Lot 1 to have legal access to lot from county road access point.
  - a. New sixty (60) foot easement will be required for access to the subdivision.
  - b. Discuss development and building road prior to selling lot.
3. Public Notice; 2 consecutive notices in the newspaper November 12<sup>th</sup> & 19<sup>th</sup>.
  - a. All adjacent landowners notified according to the Minor Subdivision Regulations.
4. Clear Creek Conservation District provided review of the proposed subdivision on November 19, 2020.
  - a. Soil limitations identified.
    - i. Septic Tank/absorption limits.
5. On lot wells proposed.
  - a. Existing surrounding well information will be required to be disclosed on plat.
  - 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.
6. Onsite septic systems proposed.
  - a. Percolation rates less than 5 mpi and greater than 60 mpi must have special enhancements and do require better treatment than the native soils can provide.

- b. Conservation District Review indicated Very Limited soils associated with Septic Absorption Systems.
  - i. Soil limitations require the need for on-site investigations by experienced engineers to address the limitations.
  - ii. The county should be proactive with treatment zone/material for the septic leach field.
7. Subdivision is **not within 1 mile** of an incorporated city/town.
8. Proposal does not appear to be in an area of any hazards.
  - a. Slope is steep adjacent to county road, minimal impact to the lot as proposed.
9. Public comments/concerns.
10. Other considerations by the Commission.

**Recommendations:**

1. Approve the final plat as presented and present to the county commissioners for final approval.

Layne Qualm moved to approve the Final Plat once the Mylar is received; following Planner Waller's recommendation. Manny Rodriguez seconded; motion carried.

Vice-Chairman Julie Baker called for Old Business. Planner Waller reported Big Horn Surveying has been contacted to do the Plat and it should be presented at the next meeting.

Planner Waller reported he will be giving the 2020 Year in Review report to the Commissioners at their next meeting

Planner Waller reported he has been busy with septic permits (43) for the year; all the 40-acre parcels (Carlat-Bolinger) are nearly created. He also reported the subdivision regulations are pretty much done but has a couple things to discuss with Attorney Crago. He is concerned about the public meeting process and the COVID-19. They may need to push the public meetings out into the spring. He also reported there will be one board vacancy to replace Curt Newcomb and Layne Qualm has agreed to stay on another term.

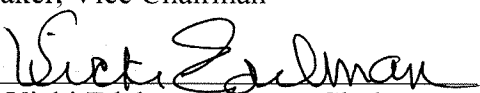
The Board thanked Curt Newcomb for his service.

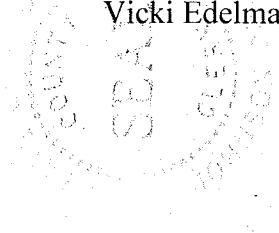
Layne Qualm moved to adjourn the regular meeting at 7:20 pm. Manny Rodriguez seconded; motion carried.

Respectfully,

  
Julie Baker, Vice Chairman

*Feb. 2, 2021*  
Date

Attest:   
Vicki Edelman, County Clerk



# JOHNSON COUNTY PLANNING AND ZONING COMMISSION

## REGULAR MEETING-TUESDAY, FEBRUARY 2, 2021

Vice-Chairman Julie Baker called the meeting of the Johnson County Planning and Zoning Commission to order February 2, 2021 at 7:00PM.

Those present were Commission member Layne Qualm, Jacob Hatch and Manny Rodriguez, Planner Jim Waller, and Vicki Edelman County Clerk. Commission Chairman Travis Pearson participated via "Go to Meeting"; which was made available for public participation as well. Public members present were Ted and Barbara Hamersma. Julie Baker agreed to chair the meeting as Travis is in attendance virtually.

Layne Qualm moved to approve the minutes of the January 5, 2021 meeting as amended. Manny Rodriguez seconded; Motion carried.

Layne Qualm moved to re-appoint Travis Pearson as Chairman of the Planning Commission. Manny Rodriguez seconded; motion carried.

Travis Pearson moved to re-appoint Julie Baker as Vice-Chairman of the Planning Commission. Jacob Hatch seconded; motion carried.

Planner Waller presented the following report to the Commission on the Hamersma Minor Subdivision Final Plat Review (678 TW Road).

**Case:** MS-2020-001

**Item:** *Hamersma Minor Subdivision (1 lot ~4 acres)*

**Applicant:** Ted and Barbara Hamersma

**Summary:** Subdivision in part of the E½NW ¼ of Section 12 T50N R81W

### **Background Information:**

1. Owner of record; Ted and Barbara Hamersma as filed in Book 87A65 page 316-317 (42.17 Ac).
  - a. Deed contains restrictions from the Grantor.
  - b. Deed restrictions released in affidavit as filed in Book 86A91 page 449-451.
2. Proposed division located off TW Rd.
  - a. Access for existing residence established in 2017.
3. Proposed lot size is 4 acres and remainder as 37 + acres exempt.
4. Existing house located on exempt parcel.
  - a. Septic Permitted in 2017 as **Permit # 17-030** for a conventional gravity septic serving a 4-bedroom house.
  - b. Well Permitted as **P207409.0W** for a single-family dwelling & two stock water tanks.

### **Planning Considerations:**

1. Application submitted as a minor subdivision and classified as a minor subdivision application at the June 2020 regular meeting.
  - a. Public Notice.

- i. Two consecutive notice in the newspaper August 13<sup>th</sup> & 20<sup>th</sup>, 2020.
  - ii. All adjacent landowners notified according to the Minor Subdivision Regulations.
2. Formal Sketch Review meeting was held during the regular meeting in September 2020.
  - a. Comments were received from adjacent owner, Steven Riley Family Trust.
    - i. Concerns about the deed restriction (shall not be subdivided smaller than 40 acres).
      1. Misrepresentation on the intent of the subdivision when property was purchased.
      2. Letter submitted stating that covenants are implied to all landowners and that approval of all landowners is required. Mr. Riley is objecting as they have not approved and had the understanding that the properties were protected from further subdividing.
  - b. Mr. Steven Riley attended sketch review meeting via phone conference expressing objections.
    - i. Deputy County attorney advised that county cannot enforce covenants and that as a concerned neighbor it is a civil issue.
    - ii. Deputy County Attorney advised Hamersma's any action taken could still potentially subject them to a civil lawsuit on covenant enforcement.
      1. Any release from covenants should be solicited from all applicable parcel owners.
3. Separate phone conference with Deputy Attorney and Mr. Riley on September 11, 2020.
  - a. Discussed covenants as related to Wyoming law and that final approval rests with the Board of County Commissioners.
    - i. Mr. Riley is concerned that restrictions are implied to all landowners who have acquired property from Loren Carlat.
4. Proposed Access to lot is shown from county road. County Road and Bridge Department has preliminary approved the access.
5. Clear Creek Conservation District provided review of the proposed subdivision as per county regulations and state law. **Review received 8/10/2020.** Subdivision regulations rely on soils report.
  - a. Soils with very limited features are disclosed under the appropriate plat warning.
  - b. The warning includes a statement about site conditions affecting septic designs and construction techniques.
6. On Lot well proposed
  - a. Existing well permit indicates well is 400 feet deep and yields approximately 15 gallons per minute.
    - i. Surrounding well information is disclosed on the plat with record depths and static water levels.
  - 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. Onsite septic systems proposed.
  - a. Conservation District Review indicated Very Limited soils associated with Septic Absorption Systems.
  - b. Site specific percolation test and backhoe cut information is required as part of the septic permitting process.
    - i. Soils warning includes disclosure about site conditions affecting septic designs.
8. Subdivision is **not within 1 mile** of an incorporated city/town.
9. Public comments/concerns.

10. Other considerations by the Commission.

**Recommendations:**

1. Review and discuss Planning considerations above.
2. Hear public comments/concerns.
3. Approve the final plat as presented and forward to the County Commissioners for final approval and consideration.

Vice-Chair Baker asked for comments from the Board. Chairman Pearson stated his 11x17 copy is missing the parent parcel, contains no basis of bearing, and that easements are stated in certificate of dedication and they are not shown.

General discussion on basis of bearing between 2 section monuments so the entire parcel can be recreated/retraced in the future. The parent parcel not being shown makes it difficult to understand where the parcel is located within the section as the nearest section corner is not referenced. Chapter 3.2b of the Minor Subdivision rules reference the plat and tie to section monument(s). Chapter 3.2f indicates the parent parcel should be shown and identified as not included in this subdivision.

Chairman Pearson stated the surveyor could reference the basis of bearing in a note section, show it in the description or indicate it on the tie to the section corner. The easements are required to be shown and it will benefit the future owner. Without these items the plat is unacceptable.

Vice-Chair Baker asked for public comments, Ted Hamersma addressed board and said that he would get the missing items corrected.

Julie called for point of order and direction on action required. Jim Waller stated, the board would need to move to deny the plat as presented based on the items identified (Lack of Parent Parcel, Basis of Bearing, and lack of identification of easements) Travis Pearson moved to deny the plat based on missing items as required, Layne Qualm seconded; motion carried.

Travis mentioned he is willing to discuss the missing items with the surveyor so the items can be corrected.

Jacob Hatch was introduced as the new board member.

Vice-Chairman Julie Baker called for Old Business. Planner Waller reported the Snobel/Irigaray draft plat will be coming. He also reported he has taken over the rural addressing from Road & Bridge and this will tie in with the septic permitting process. He has also had questions on gravel pits in Johnson County; saying he believes the regulations in Sheridan County are more restrictive. Planner Waller also reported on inquiries on a proposed RV Park on upper clear creek road. John Lueders is looking in possibly 10 spots on 7 acres; further saying at least they would have to figure out the septic system of some kind. Planner Waller said they would need a site plan to start the discussion. Planner Waller also said John Lueders was asking about building 2 cabins to use as Air B&B's on his mountain property. He also reported homeowners in the Shores at Lake DeSmet Subdivision are contacting him complaining about covenant

enforcement. He has also had inquiries about creating a historic trail system (Ft Kearney Bozeman Trail National Historic Trail System).

Planner Waller discussed the following Summary of Commission Activities and reported this is the report he reviewed with the Commissioners:

## **2020**

### **JOHNSON COUNTY PLANNING DEPARTMENT AND PLANNING AND ZONING COMMISSION ACTIVITIES**

#### **Summary**

##### **Subdivision and Related**

- Subdivision Regulation Revision; final draft review by Planning and Zoning pending;
- 5 approved Boundary Line Adjustments
  - 2 adjustments pending
- 2 Minor Subdivisions approved (7 lots)
  - 2 Minor Subdivisions pending
- Numerous inquiries about subdivision potential or exempt land divisions
- 2 Possible minor subdivisions in near future
- Large Acreage Development off TW Rd & Tipperary Rd

##### **Septic Permitting**

- 41 Septic Permits Issued (includes 17 within Platted Subdivisions)
  - 36 New systems
  - 5 Replacement/Modification systems
- 46 Installs (includes 8 permits from previous years)
- Weekly Record Requests (General Public, Lending Institutions, Realtor's, & Engineering Firms)
- Update to the Johnson County Small Wastewater Treatment Facilities Regulations
  - Pending DEQ.
- Two septic complaints.

##### **General Happenings**

- Zoning requests for State of Wyoming Permit applications (DEQ, WYDOT, etc)
- General Zoning & Development Questions
- Update Data and GIS information for Mapserver
- Deliver data and GIS information for various entities throughout county
  - Maps for Search & Rescue
  - Maps for Emergency Management
  - Maps for Sheriff's Office
  - Maps for Election Office
  - Maps for City and other entities

- GIS Data for Census
  - GIS data for 811
- Participate in LEPC
- Update e911 GIS data for dispatch & phone records and other services.
- Other duties (Research, Investigate, & Coordinate with other agencies)
  - Update address information as addresses are assigned
  - Floodplain Development Permits
  - Coordinate data and information for various projects throughout Johnson County
- Updated COID-19 Web site as needed for Emergency Management.

Planner Waller also reported the subdivision regulation are ready to go to public review except a few areas he will double check with Attorney Crago. By next month they should be able to discuss the time frame for public comment and set meeting dates in Buffalo and Kaycee.

Vice-Chairman Julie Baker called for public comment and there being none; the regular meeting adjourned at 8:15 pm.

Respectfully,

Julie Baker  
Julie Baker, Vice Chairman

*March 2, 2021*  
3/2/2021  
Date

Attest: Vicki Edelman  
Vicki Edelman, County Clerk





# JOHNSON COUNTY PLANNING AND ZONING COMMISSION

## REGULAR MEETING-TUESDAY, MARCH 2, 2021

Chairman Travis Pearson called the meeting of the Johnson County Planning and Zoning Commission to order March 2, 2021 at 7:00PM.

Those present were Commission member Julie Baker, Layne Qualm, and Manny Rodriguez and Planner Jim Waller. Member Jake Hatch was absent. Public present were Ted and Barbara Hamersma and Mark Bedford.

Julie Baker moved to approve the minutes of the February 2, 2021 meeting as amended. Layne Qualm seconded; Motion carried.

Chairman Pearson asked Planner Waller to report to the Commission on the Hamersma Minor Subdivision Final Plat Review (678 TW Road).

**Case:** MS-2020-001

**Item:** *Hamersma Minor Subdivision (1 lot ~4 acres)*

**Applicant:** Ted and Barbara Hamersma

**Summary:** Subdivision in part of the E½NW ¼ of Section 12 T50N R81W

### **Background Information:**

1. Owner of record; Ted and Barbara Hamersma as filed in Book 87A65 page 316-317 (42.17 Ac).
  - a. Deed contains restrictions from the Grantor.
  - b. Deed restrictions released in affidavit as filed in Book 86A91 page 449-451.
2. Proposed division located off TW Rd.
  - a. Access for existing residence established in 2017.
3. Proposed lot size is 4 acres and remainder as 37 + acres exempt.
4. Existing house located on exempt parcel.
  - a. Septic Permitted in 2017 as **Permit # 17-030** for a conventional gravity septic serving a 4-bedroom house.
  - b. Well Permitted as **P207409.0W** for a single-family dwelling & two stock water tanks.

### **Planning Considerations:**

1. Final Plat and staff report were presented at the February 2, 2021 meeting. During board discussion it was brought up that the plat was missing three items.
2. Missing items are:
  - a. Parent Parcel marked as “Not Included in this subdivision”
  - b. Basis of Bearing
  - c. Easements on plat.
3. All items shown in the staff report in February are true and correct.
4. A new draft plat was submitted for review; mylar pending at the time of this report.
5. Public comments/concerns.
6. Other considerations by the Commission.

**Recommendations:**

1. Review and discuss considerations.
2. Hear public comments/concerns.
3. Approve the final plat as presented and forward to the County Commissioners for final approval and consideration.

Chairman asked if there was any discussion or questions.

Manny Rodriguez moved to approve the minor subdivision; Julie Baker seconded; motion carried.

Next agenda item was presentation of the final draft of the Irigaray Minor Subdivision Plat. The draft was presented without signatures. Landowners are in Mexico and will be returning later in March. Planner Waller gave the following report to the Commission.

**Case:               Minor 2020-004**

**Item:               Irigaray Proposed Minor Subdivision Final Plat Review**

**Applicant:       Charles Irigaray and Carol Snobel**

**Summary:        Subdivision of part of Lot 3 & 4 Section 7 T51N R82W**

**Background information:**

1. Owner of record; Charles Irigaray and Carol Snobel as filed in Book 87A53page 90-91 (~14.1 Acres)
2. Proposed division located off Johnson Creek Rd.
  - a. Access to property is an existing county access.
  - b. Currently serves 3 houses of which one is assigned Rock Creek Rd number.
  - c. Multiple easements for access across applicant's property.
3. Proposed lot sizes are 1.5 & 12.6 acres.

**Planning Considerations:**

1. Application submitted as a minor subdivision and classified as minor subdivision at the November 3, 2020 regular meeting.
  - a. Public Notice.
    - i. Two consecutive notices in the newspaper November 12<sup>th</sup> & 19<sup>th</sup>
    - ii. All adjacent landowners notified according to the Minor Subdivision Regulations.
2. Sketch Review meeting was held during the regular meeting in December 2020.
  - a. No comments received
  - b. A neighbor did make appointment to review the sketch plan and ask questions, though no comments were provided.
3. Proposed Access to lot is shown from county road as an existing access. Received email confirmation from the Road and Bridge Department that the existing access is adequate.
4. New sixty (60) foot ROW required for access to all lots.
  - a. Existing access easement as 86A47pg 509-512 identified and terminates at the NW corner of Latham Acres Subdivision.

- b. Discuss Road and if it should be named and addresses modified for road name?
5. Clear Creek Conservation District submitted a review of the proposed subdivision November 19, 2020.
  - a. Soil limitations identified under Clear Creek Conservation District plat warning.
6. On lot well proposed for vacant lot.
  - a. Existing residence on Lot 2 has two water wells permitted as 161194.0W & 161195.0W
  - b. Existing surrounding well information disclosed under water source plat warning.
  - 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.
7. Onsite septic system proposed for vacant lot when needed.
  - a. Existing residence permitted as Septic Permit # 287 in 1996. Information indicates this is east/southeast along property line common to Welsh's vacant 14-acre parcel.
    - i. This location is outside of the mapped Soil 879 and more than likely within Soil 904 as mapped.
  - b. Percolation rates less than 5 mpi and greater than 60 mpi must have special enhancements and do require better treatment than the native soils can provide.
  - c. Soil limitations require the need for on-site investigations by experienced engineers to address the limitations.
8. Subdivision **is not within 1 mile** of the City of Buffalo.
9. Subdivision contains a soil type that has a Flood Frequency Rating as Rare. This is according to Clear Creek Conservation District Review.
10. Public comments/concerns.
11. Other considerations by the Commission.

**Recommendations:**

1. Review and discuss considerations.
2. Hear public comments/concerns.
3. Conditionally approve the final plat based on notarized signatures.

The Planner explained the initial draft presented electronically did not have a 60-foot easement to all lots from the public road, contained an error along the north boundary line, and a ditch crosses the property which was not identified.

General discussion about the ditch easement and ditch crossing the property. There is a ditch across the property, and an easement is shown on the plat covering the actual location.

Mark Bedford questioned the 60-foot easement asking would the board ever consider an easement less than 60 foot in situations where the road serves a limited number of residences. Chairman explained issues arise when the easements are less than 60 foot.

The Planner stated the draft before the board has all corrections except it is a paper copy without signatures. It is recommended to conditionally approve the plat pending signatures and that the Final Plat will not be presented until the chairman has signed the plat.

Julie Baker moved to conditionally approve the Irigaray Minor Subdivision Plat based on receiving the required signatures. Manny Rodriguez seconded. Chairman Pearson called for questions and discussion, there being none, motion carried.

No old business.

The Planner reported the following:

The property located on North Main Street between the highway and Airport Road is likely selling. There has been interest in subdividing in this area in the past.

An inquiry was received about a possible quarry in Tuff's Acres Subdivision. A letter stating no zoning was submitted to attorney representing the quarry operator. The property has covenants which state changes made to the covenants shall be consented by the Board of County Commissioners. If the quarry becomes an issue with the covenants the County Commissioners may need to act.

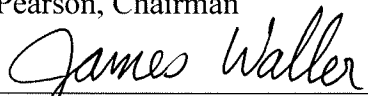
Planner Waller also reported grammatical errors have been submitted on the draft subdivision regulation that was delivered in February. The changes are about half added to the draft. Brief discussion on administrative review and approval of exemption use on page 8 in the draft. Also, changes were made to page 25 the digital submittal of the subdivision. By next month they should be able to discuss the time frame for public comment and set meeting dates in Buffalo and Kaycee.

Layne Qualm moved to adjourn the meeting; Manny Rodriguez seconded. Motion Carried; the regular meeting adjourned at 7:34 pm.

Respectfully,

  
Travis Pearson, Chairman

05-10-21  
Date

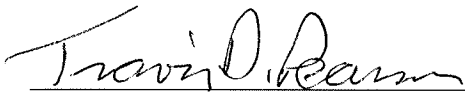
Attest:   
James Waller, County Planner

JOHNSON COUNTY PLANNING AND ZONING COMMISSION

REGULAR MEETING-TUESDAY, APRIL 6, 2021

**Meeting Canceled due to lack of Agenda Items**

Respectfully,



Travis Pearson, Chairman

05-10-21

Date

Attest: 

James Waller, County Planner

# JOHNSON COUNTY PLANNING AND ZONING COMMISSION

## REGULAR MEETING-TUESDAY, MAY 4, 2021

Vice-Chairman Julie Baker called the meeting of the Johnson County Planning and Zoning Commission to order May 4, 2021 at 7:02PM.

Those present were Commission member Layne Qualm, Manny Rodriguez, Planner Jim Waller, Barry Crago Deputy County Attorney and Vicki Edelman County Clerk. Commission Chairman Travis Pearson participated by telephone and Jake Hatch was absent. Public members present were Mark Bedford and Dave Stewart.

Layne Qualm moved to approve the minutes of the March 2, 2021 meeting as amended. Manny Rodriguez seconded; Motion carried.

Layne Qualm moved to approve the documentation regarding the cancellation of the April 6, 2021 because of lack of agenda items. Manny Rodriguez seconded; Motion carried.

Planner Waller presented the following report to the Commission on the Bilderback Bungalows, LLC and Kathleen Miller Living Trust Boundary Line Adjustment.

**Case: BLA-2021-002**

**Item: Kathleen Miller and Bilderback Bungalows LLC Boundary Line Adjustment**

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

### **Background information:**

1. Proposed Boundary Line Adjustment located off Turkey Ln and Highway 16 W.
2. Owner of record; Bilderback Bungalows, LLC as filed in Book 87A68 page 311 (.54 Ac).
3. Owner of record, Kathleen Miller Living Trust dated 12/21/2015 as filed in Book 87A63 page 639-640 (1.17 Ac).
4. 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 adjustments where the parcel subject of the sale or other disposition is adjacent to and merged with other land owned by the grantee.
  - a. Merging involves more than a single conveying document.
2. Kathleen Miller is owner of the LLC.
3. The intent of the exemption is to modify the Kathleen Miller Living Trust Parcel by increasing and adding all the creek bottom area to the larger parcel.
  - a. The exemption cannot be used to create separate parcels.
  - b. The attached Exhibit A shows the well and the septic tank manhole.
  - c. The small parcel owned by Bilderback Bungalows would need to work with neighboring parcels for a septic solution if the existing system fails or creates a problem.
    - i. Septic Tanks and wells minimum separation distance-50 feet
    - ii. Leachfields and wells minimum separation distance-100 feet.
    - iii. Leachfields and open water minimum separation distance-50 feet.

### **Recommendations:**

1. Review and hear any open public comments.
2. Approve as presented. Advise owner that a septic solution should be discussed for the future.
  - a. Forward the Affidavit to the Board for final approval.

Layne Qualm moved to approve the Boundary Line Adjustment per Planner Waller's recommendations with the caveat septic solutions be addressed in future planning. Manny Rodriguez seconded; motion carried.

Dave Stewart met with the Commission to discuss his plan to split his property into 3 parcels. He presented a map showing what this would look like; stating he would like guidance on going forward with a sketch plan. One lot is in the flood plain and would require building restrictions. Chairman Pearson stated step #1 would be a flood plain study for the Commission to review. Mr. Stewart reported he would not have a problem with the lot in question being designated a "non-buildable" lot; it is an income producing lot right now since it has several billboards on it. Mr. Stewart said his well is 140' deep and he has an 1883 territorial water right which he would designate to be attached to the lot his house is on (the 20-acre lot- Lot 1). The Commission agreed he would need to start the formal minor subdivision process, presenting the application and sketch plan to them for review.

Planner Waller reported the subdivision regulations are nearly complete. The checklists as appendix H are pending. Planner Waller requested Attorney Crago to discuss the specifics of the advertisement's, public notifications, and the number of days of advertisement and how the specifics will work. General specifics were discussed and the Planner will attempt to wrap up the final changes. All final details can be determined during a final review which occur at the meeting June 1, 2021. Under this scenario the advertisement could be appear on June 3, 2021 newspaper. This would allow for public hearings in Buffalo and Kaycee the middle of July. Attorney Crago mentioned all advertisements must follow the Wyoming Administrative Procedures Act.

There being no old business, Vice-Chairman Baker called for the staff report.

Planner Waller reported construction is starting in Loren Carlat's large acreage subdivision. There have been questions about family exemptions and if some parcels can be split. Each parcel has deed restrictions. There are about 6 new water wells within that division.

Planner Waller reported septic permitting for both new systems and replacement systems has increased. There are several replacements in Richardson Park.

Other issues reported and discussed were some of the other large acreage divisions, accesses, addressing, and road naming.

A road surface issue was reported in the Shores @ Lake DeSmet Subdivision regarding the chip seal to Shoreline Drive.

A few questions have been received regarding the use of family exemptions as related to family trusts. The Planner stated landowners must own property for 10 years before parcels can be split using the family exemption. This applies to all parcels that were created after February 2019.

Planner Waller also reported the county gave him the added responsibility of the rural addressing effective February 1, 2021. There are several cases for new road names and there might be some changes needed to addressing numbers. It is anticipated that Planning and Zoning will have more input on road naming as subdivisions are reviewed.

John Jenkins has also been in contact with Planner Waller regarding potential sales in his PUD and some building development. There are a few items that might still be pending installation that may be under the development agreement/escrow agreement. Items are road signs and fire apparatus items.

Planner Waller also reported he has turned his budget into the Commissioners, and it is the same as last year.

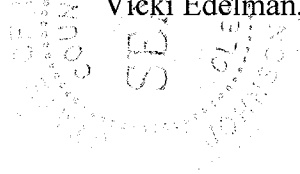
Vice-Chairman Julie Baker called for public comment and there being none; the regular meeting adjourned at 8:15 pm.

Respectfully,

Julie Baker  
Julie Baker, Vice Chairman

6/1/2021  
Date

Attest: Vicki Edelman  
Vicki Edelman, County Clerk





# 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 pats 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.

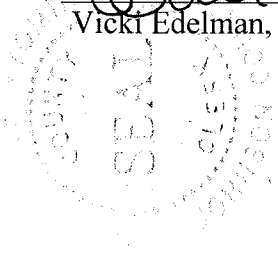
Chairman Travis Pearson called for public comment and there being none; the regular meeting adjourned at 8:24 pm.

Respectfully,

Travis D. Pearson  
Travis Pearson Chairman

07-06-21  
Date

Attest: Vicki Edelman  
Vicki Edelman, County Clerk



# JOHNSON COUNTY PLANNING AND ZONING COMMISSION

## REGULAR MEETING-TUESDAY JULY 6, 2021

Chairman Travis Pearson called the meeting of the Johnson County Planning and Zoning Commission to order July 6, 2021 at 7:00PM.

Those present were Commission member Layne Qualm, Manny Rodriguez, Julie Baker and Jake Hatch; Planner Jim Waller; Deputy County Attorney Barry Crago and Vicki Edelman County Clerk. Public members present were Mark Bedford; Sage & Tammy Hendricks; Scott Madsen; Kim Bolinger and Richard Frankovic & Shawn Gustafson, an Engineer from Casper, Wy.

Julie Baker moved to approve the minutes of the June 1, 2021 meeting. Layne Qualm seconded; motion carried.

Planner Waller presented the Final Survey Plat and Affidavit to the Commission on the Sage & Tammy Hendricks and Rad Rides Realty, LLC Boundary Line Adjustment and after discussion Julie Baker moved to approve the Boundary Line Adjustment Plat and Affidavit as presented. Manny Rodriguez seconded; motion carried.

Planner Waller presented the Sketch Plan Review for the Culp Minor Subdivision on Elsom Ranch Rd to the Commission stating the publication affidavit has been received; the existing access from WYDOT needs clarification that it is adequate and needs to be on the final plat; along with warnings about limited soils and 50' setbacks. After discussion on some road issues Manny Rodriguez moved to approve the Sketch Plan and moved to Final Plat per Planner Waller's recommendations. Layne Qualm seconded; motion carried.

Planner Waller presented the following report to the Commission on the first consideration of the Ponderosa Minor Subdivision Sketch Plan off Airport Rd:

**Case: Minor 2021-002**

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

**Applicant: Kim Bolinger and Ronda Bolinger**

**Summary: Subdivision of Lot 4 Valley View Subdivision and 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) and 87A66 page 239 (Lot 4 Valley View Estates).
2. Proposed division located off Airport Rd.
  - a. Access to property is an existing access to Airport Road.
3. Proposal shown are Lot 4 Valley View Estates Subdivision **and** part of Tract 9 Robinson Acres plat/record of survey from 1967.
  - a. Valley View Estates originally platted as 4 lots and then Lot 2 was re-subdivided in 2009 into 2A & 2B.
    - i. All adjacent lot owners involved and signed notarized statements.
  - b. Currently Valley View Estates is **3 lots** and the Hampe Subdivision which is **2 lots**.

- i. All subject to covenants.
- 4. Proposal is 5 lots total with lot size 2.52-2.87 acres.

#### **Planning Considerations:**

1. Sketch Plan submitted as a minor subdivision. Minor Subdivision Regulations, Chapter 2, 2.1, C), restrict minor subdivision from being allowed in Platted Subdivisions. Discuss if this situation is a minor subdivision.
  - a. Look at past processes in comparison to the circumstances.
  - b. Subdividing Lot 4 Valley View Estates into 2 new lots will increase the number of lots that are within the Valley View Estates boundary to 6 total.
2. Small buildable on the portion of Tract 9.
3. 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.**
  - 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.
4. Public Notice.
  - a. Two (2) consecutive notices will be required to be Published in Buffalo Bulletin.
  - b. All adjacent landowners will be required to be notified according to the Minor Subdivision Regulations.
5. Clear Creek Conservation District shall provide comments on the proposed subdivision as per county regulations and state law.
6. 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.
7. Onsite septic system proposed.
  - a. Note # 2 on sketch.
8. Subdivision **is within 1 mile** of the City of Buffalo and will be required to be approved by the City.
9. Proposal is with the Airport runway zone; according to Sheet 10 of 12 on the Airport Layout Plans.
10. Adjacent parcels within the Robinson Acres have been subdivided.
  - a. Areas divided are larger and include more area at the building sites.
11. Public comments/concerns.
12. Other considerations by the Commission.

#### **Recommendations:**

1. To proceed forward as presented, this proposal should follow the major subdivision process.
  - a. The board will need to discuss the Chapter 23 requirement for Major Subdivisions. There are a few areas where minor subdivisions were not allowed, and the board used logic and proper site requirements for the specific proposal. (Generally waived the Chapter 23 requirements except percolation test holes and site soil profile pits)
2. The proposal is 2 parcels by separate deeds. Looking at the lots and topography, it might be best for the proposal to maximize adequate building areas rather than attempting to get 5 lots total. This may need to be thought of as the platting part of a Platted Subdivision.
  - a. The lot sizes should be consistent to match existing topography for adequate buildable areas.
    - i. Site specifics for septic and well placement should be required.
      1. Percolation testing and proper soils profile on each lot.

During discussion Jake Hatch said he would be concerned about the roads and who maintains them; and the topography is a big concern as well. Travis Pearson stated this will need to follow the major subdivision process with Chapt 23 water, DEQ requirements, engineering, and hydrology studies due to the limited soils in the area and density. As presented, it needs to be the major subdivision process but if Mr. Bolinger would reconfigure and bring more information to the next meeting the Commission may reconsider. After further discussion Layne Qualm moved to follow Chairman Pearson's recommendation to follow the major subdivision process unless Mr. Bolinger reconfigures his sketch plan and provides more information at a later meeting. Jake Hatch seconded; motion carried.

Planner Waller presented the following report to the Commission on the First Consideration of the High Chaparral Minor Subdivision Minor Subdivision Sketch Plan on Klondike Rd:

**Case: Minor 2021-003**

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

**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.
3. Smaller lots that the adjacent major subdivision to the west of the property.
4. Verification from Road and Bridge that existing access is adequate for additional single-family homes.
  - a. Internal easements from the access point will most likely be required.
  - b. Road Construction
    - i. Development Agreement
  - c. Roadway Maintenance Agreement as covenants or similar.
5. Public Notice;
  - a. Two (2) consecutive notices will be required to be Published in Buffalo Bulletin.
  - b. All adjacent landowners will be required to be notified according to the Minor Subdivision Regulations.



6. Clear Creek Conservation District shall provide comments on the proposed subdivision as per county regulations and state law (**Pending**).
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.
12. Other considerations by the Commission.

**Recommendations:**

1. To proceed forward as presented, the covenants will need be legally released from the subdivision restriction (Section 13). If the covenants can be modified the applicant should be allowed to advertise the notifications and proceed with a formal sketch review and possible draft plat.
2. Buildable areas should be identified due to the known circumstances on the adjacent parcels by being proactive with septic and well placement.

Layne Qualm moved to approve the High Chaparral Minor Subdivision Sketch Plan move to final once the covenants have been released along with the other recommendations by Planner Waller. Julie Baker seconded; motion carried.

The regular meeting recessed and was back in session at 8:10pm. Chairman Pearson called for discussion on the Mather Peak Major Subdivision Sketch Plan Review between N Main St and Airport Rd. Planner Waller gave the following report to the Commission:

**Case: Major 2021-01**

**Item: Mather Peak Subdivision**

**Summary: Subdivision Sketch Plan**

**Background information:**

1. Proposed subdivision located off N Main St just outside of Buffalo.
2. Owner of record; **Mather Peak Holdings, LLC** as filed in Book 87A70 page 651-652 (~86 Ac).
3. The applicants desire to subdivide the entire parcel into 100 lots for residential purposes. Proposed lot sizes are .55 acres to ~1.5 acres; average size is .73 acres.
4. The water and sewer solution are proposed as connecting to the City of Buffalo Water and sewer system.

**Planning Considerations for Sketch Plan:** *Some of the items listed under Planning Considerations for discussion as this proposal is within 1 mile of the City of Buffalo and some items may be required.*

1. As presented the sketch plan and accompanying documents are consistent with the Major Subdivision Regulations.
2. Fire District Review. Applicants' representatives given contact information for the Fire District to begin the Fire Risk Assessment process (**Pending Review**).

- a. Fire mitigation /prevention should be discussed, the development requires urban fire protection.
3. Size of lots proposed consistent with the subdivision improvements required (Johnson County Subdivision Regulations, Part IV, Subdivision Design Standards). Improvements are typically a preliminary plat requirement. Some of the improvements are based location of the development and if it is contiguous to the city or town. In this case the City of Buffalo is ~1600 feet south.
  - a. All improvements should be discussed, and which apply as some are based on recommendations to the County Commissioners. **(i.e., Curb/Gutter, Sidewalks, Pedestrian Walkways, Street lighting, Fire Safety Standards-Preliminary Requirement).**
4. Connection of the subdivision to the Airport Road and Gunderman Drive should be discussed (Johnson County Subdivision Regulations, Part IV, D). The sketch plan identifies a 60' emergency access easement between Lot 11 & 12 Blk 6. Information was discussed about an easement to Gunderman Drive in the general location where the water connection may be located. Provisions should be made for efficient street system. This property is proposed in the county but may be annexed in the future.
5. Notification and Advertisements **(Pending)**
  - a. Adjacent landowner list submitted.
  - b. Two consecutive notices required in the Buffalo Bulletin.
6. **Soils and Flooding.** The applicants indicated the sketch plan was submitted to the Conservation District **(Pending review)**.
7. **Surface drainage plans** should be discussed. Sketch plan identified a detention area. The drainage plan should incorporate BMP as there are limited areas for storm water to go.
  - a. Previous reports from landowners/parcels down gradient from the project area experience run-off drainage problems.
8. Central Water and Sewer Systems are proposed. These systems should be discussed as applicant will need to have reports, plans, and/or applications for both water and sewer requirements. Timing and design criteria dependent on Chapter 23 review as far as a Wyoming Department of Environmental Quality/Water Quality Review. **(Pending)**
  - a. Chapter 23 DEQ/WQD rules have process for reviewing individual on lot systems and central solutions.
  - b. The proposal is based on the city system being capable of serving and if City of Buffalo is willing to serve.
  - c. Permitting required through DEQ/WQD.
9. State Engineer's Office (SEO) requirements need to be discussed regarding the water well.
  - a. Sketch Plat note # 7 indicates the water well will be abandoned. Abandonment will need completed according to the SEO rules.
10. Access and utility easements will need to be shown according to the easement standards. General Notes #4 as 15-foot easement adjacent to street rights-of-way. Lot line easements should be discussed **(Preliminary Requirement)**.
11. Development is within one (1) mile of the City of Buffalo and will require city approval in addition to city approval of the water and sewer connections.
12. Other considerations?

**Major Preliminary Plat Requirements:** *Not a complete list, Johnson County Subdivision Regulations, Part III outlines the complete requirements for the Preliminary Plat Review. This information is to indicate the major requirements needed.*

1. Application, supporting materials, and Preliminary Plat.
2. Soils Review will be available.
3. Fire District Review will be available.
4. Notification required via certified mailing to adjacent owners and newspaper notice immediately after sketch review meeting.
  - a. County send letters; Developer published 2 notices.
  - b. Public Hearing
5. Sewer and Water Plans will be required to have final review and approval at the final plat, which will be presented to the County Planning and Zoning.
  - a. DEQ Chapter 23 required but also DEQ Public Water and Sewer Permitting is also required.
6. Road and Drainage Plans
  - a. Plans submitted to appropriate entity as required by the Subdivision Road and Bridge Standards.
  - b. Road Naming etc.
  - c. WYDOT permits are submitted during a Final Plat Requirement. Applicants should be working with WYDOT before final plat.
7. Distribution of copies of Preliminary Plat:
  - a. School District
  - b. City of Buffalo
  - c. To all utility companies etc.
  - d. State Engineer's Office
8. Covenants or similar and an associated legal entity (i.e. HOA) to address responsibilities and long-term maintenance of common items.
9. Subdivision Improvement Agreement for the construction will be required at a final plat review.
  - a. County Expectations for the construction.

**Recommendations:**

1. Review and hear any open public comments.
2. Instruct the applicants to work with the City of Buffalo. The Final Plat must be approved by the City and their review process may be different than Johnson County.
3. Allow the applicant to begin work on the Preliminary Plat and all supporting documents based on an agreed upon submittal schedule. Notifications are required within 30 days of the information required for a Preliminary Plat Review.
4. Access to property is currently one (1) access. This subdivision proposal is proposing a second access to WYDOT's highway. This will meet second access requirement if WYDOT approves the access/approach for the use. Formal applications and designs should be initiated with WYDOT for approval.

Shawn Gustafson reported to the Commission on streets, right of way off N Main St; storm water maintenance; covenants; utilities; curb and gutters, pavement, walking paths, bike paths, streetlights; fire safety and school bus turnouts.

Layne Qualm moved to follow Planner Waller's recommendations and move ahead with the major subdivision process to preliminary plat contingent on what the City of Buffalo will require. Manny Rodriguez seconded; motion carried.

Planner Waller gave the following report to the Commission on the First Consideration of the Free Hold Minor Subdivision Sketch Plan off South Bypass Rd as follows:

**Case:** Minor 2021-004

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

**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.
  - a. Nothing appears in the regulations that would restrict this parcel from being divided using the minor subdivision regulations.
2. Verification from Road and Bridge about the access points.
  - a. Discuss if this application should share consolidated access points. As more access points are allowed to a road, the speed will eventually be reduced.
3. Public Notice;
  - a. Two (2) consecutive notices Published in Buffalo Bulletin
  - b. All adjacent landowners will be required to be notified according to the Minor Subdivision Regulations.
4. Clear Creek Conservation District shall review the proposed subdivision as per county regulations and state law (**Pending**).
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.
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:**

9. Classify the application as a minor subdivision.
10. Allow applicant to place a legal notice in the paper for 2 consecutive weeks for a formal sketch plan review. This should be determined from the Workload for the upcoming couple of months.
11. Determine if it is feasible to connect to the City Sewer at a minimum. Require discussions with City.
  - a. If it is feasible, the county should require sewer connections, eliminating a leachfield area from the lot.
12. Provide information to Road and Bridge about the access point(s).
  - a. Any final plat is required to have the access location shown.

After discussion Julie Baker moved to approve the application as a minor subdivision and proceed per Planner Waller's recommendations. Jake Hatch seconded; motion carried.

Planner Waller reported copies of the proposed subdivision regulations are out in the communities and he will advertise 2 more weeks. The Public Hearings have been set for July 27, 2021, beginning at 6:00 pm in Kaycee at the Red Wall Community Center and July 28, 2021 in Buffalo beginning at 6:00 pm at the Bomber Mtn Center in the music room.

Planner Waller reported he had been contacted by Zoe Lloyd regarding a possible minor subdivision.

Chairman Travis Pearson called for public comment and there being none; the regular meeting adjourned at 9:24 pm.

Respectfully,

  
Travis Pearson Chairman

08-03-21  
Date

Attest:   
Vicki Edelman, County Clerk

JOHNSON COUNTY PLANNING AND ZONING COMMISSION  
PUBLIC HEARING ON PROPOSED SUBDIVISION REGULATIONS

KAYCEE, MEETING @ 6:00PM JULY 27, 2021

Chairman Travis Pearson called for the commencement of the public hearing at 6:00pm on July 27, 2021 at the Red Wall Building, Kaycee Wyoming.

Those present were Commission member Layne Qualm, Manny Rodriguez, Julie Baker. Planner Jim Waller; Deputy County Attorney Barry Crago and Vicki Edelman County Clerk. Commission member Jake Hatch was absent from this meeting. There were no members of the public present.

Planner Waller told the Commission he had been in contact with the Board of Realtors, the media and papers and no comments or concerns were submitted. The new regulations were straight forward and not more stringent as requested by the County Commissioners.

Chairman Travis Pearson called for public comment and there being no questions or comments from the Commission; Julie Baker moved to adjourn the meeting at 6:15pm. Layne Qualm seconded; motion carried.

Respectfully,

  
Travis Pearson Chairman

09-07-21  
Date

Attest:   
Vicki Edelman, County Clerk

JOHNSON COUNTY PLANNING AND ZONING COMMISSION  
PUBLIC HEARING ON PROPOSED SUBDIVISION REGULATIONS

BUFFALO, MEETING @ 6:00PM JULY 28, 2021

Chairman Travis Pearson called for the commencement of the public hearing at 6:00pm on July 28, 2021 at the Bomber Mtn Center Buffalo, Wyoming.

Those present were Commission member Layne Qualm, Manny Rodriguez, Julie Baker. Planner Jim Waller; Deputy County Attorney Barry Crago, Johnson County Commission Chairman Bill Novotny, and Vicki Edelman County Clerk.

Commission member Jake Hatch was absent from this meeting. Shane & Linda Wilson, members of the public were present.

Chairman Travis Pearson stated the reason for the public hearings was to hear public input, take comments and answer questions; further saying the document which was 95 pages has been consolidated to 40ish pages resulting in removing of the redundancies in the document. He then asked for public comments.

Planner Waller stated prior there were major rules, minor rules and they were amended 4 times. He stated these new regulations are not more stringent; only in the case of the requirement that the improvements be completed before a lot can be sold. Planner Waller also said now all subdivisions will go thru the sketch plan, preliminary review, and final process and if they are adjacent to the City it may take longer because of the city review.

Members of the public, Shane & Linda Wilson asked about where the covenant information would be found and if they bought a lot in an old subdivision which sets of rules would apply; they also asked about permitting for well & septic systems. There being no more further questions or comments the public hearing was adjourned at 6:30pm

Respectfully,

  
Travis Pearson Chairman

09-02-21  
Date

Attest:

  
Vicki Edelman, County Clerk



# 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

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.

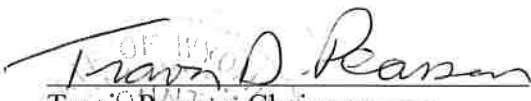

Planner Waller reported on the public hearings on the new regulations and will be drafting an executive summary letter with attachments for the Commission review and the on to the County Commissioners for action. He reported a new fee schedule will be submitted to the Commissioners in a separate document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

Planner Waller reported on several new minor subdivision inquiries from Wade Roebling 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  
CLERK  
JOHN P. COLE COUNTY

# 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 12<sup>th</sup> & 19<sup>th</sup> 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 Trabing 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:

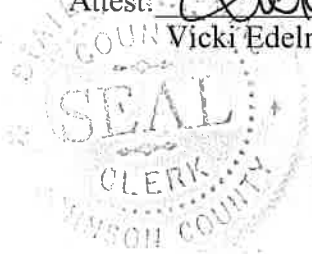
Lucas Todd discussed his concerns regarding water, where is the water going to come from and why do the problems always fall back on the citizens of the Town and County. Lucas stated he does not know where the discussions need to happen; but they need to be addressed and maybe the developers of these 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 Trabing Road. The regular meeting was adjourned at 9:15pm.

Respectfully,

  
Travis Pearson Chairman

10-15-21  
Date

Attest:   
Vicki Edelman, County Clerk



## **JOHNSON COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING-TUESDAY OCTOBER 5, 2021**

Vice Chairman Julie Baker called the meeting of the Johnson County Planning and Zoning Commission to order October 5, 2021 at 7:00PM.

Those present were Commission member Manny Rodriguez; Planner Jim Waller; County Deputy County Attorney Barry Crago; Travis Pearson by telephone; Layne Qualm and Jake Hatch were absent from this meeting.

Manny Rodriguez moved to approve the minutes of the September 7, 2021 meeting as amended. Travis Pearson seconded; motion carried.

Vice Chairman Julie Baker called for a modification to the agenda as Kaleb Morse will be late.

The next item will be updated status of the current subdivisions moving through the process.

Planner Waller informed the Commission High Chaparral is pending a final plat and the recorded release of the covenants. A draft final plat was reviewed during September.

Planner Waller discussed the Ponderosa Minor was presented to the City of Buffalo Planning and Zoning and approved by the City Planning and Zoning. Planner Waller explained the mylar plat was brought into the office and does not have any signatures. After discussion with the City Planner, the final plat will be presented to the City Council for final approval in mid October.

Josh Johnson representing the Ponderosa Minor Subdivision applicants stated they have approval of City of Buffalo. Planner Waller explained the Final Plat is in accordance with the minor subdivision regulations. Josh Johnson stated the county commissioners are final approval and believes that it can be approved by the County Planning and Zoning Commission. Travis Pearson stated historically Planning and Zoning does not approve unless city has finalized the approval. General questions and discussion on the approval process. Travis inquired about the signature blocks on plat and said as soon as city signed bring for review, signatures first then final presentation. Planner Waller stated everything is in order with exception of final signatures.

Attorney Crago questioned if it had been approved, then it is simply a matter of acquiring the final signatures and holding this chairs signature. The city signs the mylar then the County Planning and Zoning Chairman could sign the plat.

Vice-Chair Baker called for a motion. Travis Pearson moved, once city has signed and finalized, they can submit to the County Planning and Zoning for final approval. General discussion on the motion; Manny Rodriguez asked about the City Planning and Zoning signing plat at their final approval meeting similar to county. Josh Johnson said typically they sign after approval and the County commissioners have last say. Planner Waller explained there have a few times with conditional approval based on the city signatures lacking. Attorney Crago said conditional approval would be adequate if the subdivision has been approved and plat is pending signature vs if the plat is not approved by city. If it is a matter of a signature, then the applicants should be able to get the signature and then this chair could sign, and the plat moves up the process. If city says no to signing, then obviously it is not final approval, that would be the issue. The Commission could make a motion if city has signed and approved and once those signatures are on the mylar, then the County Planning and Zoning Chairman could sign before the next meeting. After discussion the motion dies for lack of second. Vice-Chair Baker asked if there were any other motions.

Manny Rodriguez moved to approve Ponderosa—Conditionally approve; on the condition that the plat have the signature by chairperson of the City of Buffalo Planning and Zoning prior to County Planning and Zoning Chairman signing mylar. Travis Pearson asked to repeat the motion. Manny Rodriguez moved to Approve Ponderosa properties subdivision on the condition that county gets the signature from the City of Buffalo Planning and Zoning chairperson prior to the next Johnson County Planning and Zoning meeting—Attorney Crago corrected Johnson County Commissioner meeting. Travis Pearson, I can second that; Vice-Chair Baker stated it is moved and seconded; motion passed.

Vice-Chair Baker called for the Sketch Plan review on the Morse Minor Subdivision. Planner Waller explained the following report to the Commission:

**Case:** *Minor 2021-006*

**Item:** *Morse Minor Subdivision Sketch Plan Review*

**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.*
  - a. *First consideration and classification discussion held during the September 2021 regular meeting.*
2. *Subdivision Public Notice: 2 consecutive notices appeared in the Buffalo Bulletin and all adjacent landowners were notified.*
3. *Powder River Conservation District shall provide review of proposed subdivisions as per county regulations and state law. Comments are required within 60 days of notice. Owner given information on scheduling and that Conservation District may have specific requirements. The Conservation District Manager said if the property is being annexed into the Town of Kaycee, the review would not be required as the property would be in an urban setting.*
4. *The .41 acre proposed lot will be served by town water and sewer. Septic systems should not be allowed.*
5. *The Middle Fork of Powder River has an extensive floodplain map.*
  - a. *Base Flood Elevations should be identified on the Final Plat.*
6. *The original town site has a 28.6-foot alley way which has been historically used to access the parcel.*
  - a. *The proposed access and utility easement into Lot 2 should at least 30 feet wide.*

**Recommendations:**

1. *Hear any public comments.*
2. *Allow applicant to prepare the Final Plat in accordance with minor subdivision regulations.*
  - a. *Require appropriate warnings regarding sewer & water for each lot.*
  - b. *Require hazard warning for the floodplain. Disclose the Base Flood Elevation from the official flood hazard map for the Town of Kaycee.*
  - c. *Identify the proper unique block numbers for each lot i.e. Block 1 Lot 1/Block 2 Lot 1.*

General discussion on Lot & Block reference.

Vice-Chair Baker asked for public comment. Zoe Loyd provided comments unrelated to the Morse Sketch Plan.

Attorney Crago explained that the Town of Kaycee agreed to allow the subdivision first and then process the annexation. Vice-Chair Baker called for a motion, Manny Rodriguez moved to approve the Morse Minor Sketch Plan based on the recommendations from the planner, Travis Pearson seconded. Motion Carried.

Planner Waller continued to update Commission on status on the current subdivisions moving through the county subdivision regulations.

Freehold Minor was denied by the City of Buffalo due to the proximity of both water and sewer. No further information has been provided on this proposal.

The consultants for Mather Peak inquired about the approval process. There is some confusion on the approval process as the City of Buffalo has indicated the developer must follow the city review process. At the present time, the County Subdivision Regulations require municipal approval on all subdivisions that are within 1 mile of any incorporated limits. Deputy Attorney Crago has reviewed the subdivision regulations as related to subdivisions that fall within 1 mile of the city. W.S. 34-12-103 requires approval. Barry will work with the city attorney for a formal legal opinion.

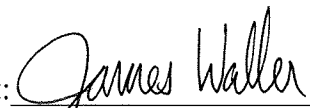
Zoe Lloyd discussed her lot in Robbers Roost Subdivision. There have been some previous discussions about the property. She hopes to build a mother-in-law house or guest house and her son is purchasing all the property. Past discussions have been on subdividing and family exemptions. The covenants restrict further dividing, though they have a process to amend the covenants. A family exemption is not allowed due to the property being a platted lot. General discussion on number of structures as related to the covenants. At this time no action required by the Commission. The planner will reach out to Zoe to discuss building.

The regular meeting was adjourned at 7:35 pm.

Respectfully,

  
Travis Pearson Chairman

12-07-21  
Date

Attest:   
James Waller, County Planner


JOHNSON COUNTY PLANNING AND ZONING COMMISSION  
REGULAR MEETING-TUESDAY, NOVEMBER 2, 2021

**Meeting Canceled due to lack of Agenda Items**

Respectfully,

  
\_\_\_\_\_  
Travis Pearson, Chairman

12-07-21  
\_\_\_\_\_  
Date

Attest:   
\_\_\_\_\_  
James Waller, County Planner



# JOHNSON COUNTY PLANNING AND ZONING COMMISSION

## REGULAR MEETING-TUESDAY DECEMBER 7, 2021

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

Those present were Commission members Julie Baker, Layne Qualm and Manny Rodriguez; Planner Jim Waller and Vicki Edelman County Clerk. Jake Hatch was absent from this meeting.

Julie Baker moved to approve the minutes of the October 5, 2021 meeting as corrected. Manny Rodriguez seconded; motion carried. Layne Qualm moved to acknowledge the November 2<sup>nd</sup> meeting was cancelled because of lack of agenda items. Julie Baker seconded; motion carried.

Chairman Travis Pearson called for the Final Plat Review for the Clear Creek Minor Subdivision owned by David & Jackie Stewart. Planner Jim Waller presented the following report to the Commission:

**Case: Minor 2021-005**

**Item: David Stewart Minor Subdivision Final Plat 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. Lot sizes are 24.23, 7.00, and 3.41 acres.

### **Planning Considerations:**

1. Application submitted as a minor subdivision in July 2021.
2. Public Notice & Adjacent Landowner notification; two consecutive notices appeared in the Buffalo Bulletin on August 12<sup>th</sup> & 19<sup>th</sup>. (Affidavit of Publication on File)
  - a. Adjacent landowners notified by certified letter. Return receipt and signature cards on file.
3. Clear Creek Conservation District shall provide review of the proposed subdivision as per county regulations and state law. **(Received 9/1/2021).**
4. The property has surface water rights. The water right records and maps are on file with Wyoming State Engineer's Office granting a 20-acre water right delivered via the Stewart Pump Station. (Proof No. 4841 Water Right disclosed on the plat was Plat Warning # 13).
5. The property does have Clear Creek flowing through it. The creek is located entirely on Lot 2. The flood hazard is disclosed as a warning and Lot 3 is restricted from building development.
6. An existing on lot well serves the house.

- a. Plat contains appropriate plat warning for wells.
7. An existing onsite septic system serving the house.
  - a. Building Development restricted on Lot 3.
8. Subdivision is **within 1 mile** of the City of Buffalo.
  - a. Copy of the City Resolution approving the subdivision by the City of Buffalo.
9. WYDOT letter on file from October 13, 2021 documenting the access classification from residential to commercial.
10. Public comments/concerns.
11. Other considerations by the Commission.

**Recommendations:**

Approve the minor subdivision plat as presented. Forward the approved plat to the Board of County Commissioners for final approval.

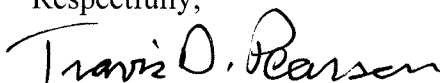
After discussion Julie Baker moved to approve the Final Plat as presented and forward the approved plat to the Board of County Commissioners for final approval. Layne Qualm seconded; motion carried.

There being no public comment, Planner Waller reported to the Commission on business in the office:

- (1) 61 septic permits have been issued for the year
- (2) Planner Waller met with the Commissioners to discuss covenant issues.
- (3) The Caleb Morse minor subdivision will possibly be on hold until spring.
- (4) Mather Peak still has not submitted to the city which their approval is required; WYDOT has preliminarily approved 2 approaches off the state highway. The developer has a preliminary application to DEQ for water and sewer. Planner Waller discussed drainage issues.
- (5) Johnson County is still pursuing the airport road through the proposed Mather Peak subdivision which would connect from the state highway to the airport road.

There being no further business to come before the Commission the regular meeting was adjourned at 7:29pm.

Respectfully,



Travis Pearson Chairman

01-14-22

Date

Attest:



Vicki Edelman, County Clerk