

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 13th & 20th, 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 March 2, 2021
3/3/2021
Julie Baker, Vice Chairman Date

Attest: Vicki Edelman
Vicki Edelman, County Clerk

