

JOHNSON COUNTY PLANNING AND ZONING COMMISSION

REGULAR MEETING-TUESDAY, JANUARY 7, 2020

Chairman Travis Pearson called the meeting of the Johnson County Planning and Zoning Commission to order January 7, 2020 at 7:04PM.

Those present were Commission members Layne Qualm, Manny Rodriguez, Julie Baker and Curt Newcomb, Planner Jim Waller, Vicki Edelman County Clerk, Deputy County Attorney Barry Crago and Commission Chairman William J Novotny III.

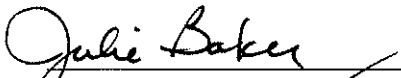
Julie Baker moved to approve the minutes of the December 3, 2019 regular meeting as amended to indicate Layne Qualm being absent from the December meeting. Curt Newcomb seconded, motion carried.

Julie Baker moved to keep the slate of officers the same as last year. Curt Newcomb seconded, motion carried. Travis Pearson will again be Chairman and Julie Baker will be Vice-Chairman.

There being no old business Chairman Pearson asked for the staff report. Planner Waller reported the Allison's, who own property on Trabing Road are inquiring about doing another BLA to change Tract C. After discussion Planner Waller will have them come before the Board and discuss the options as well as the neighbors and stock drive.

There being no public comment, Layne Qualm moved to adjourn the regular meeting at 7:45 pm. Manny Rodriguez seconded, motion carried. The Board continued discussion on the Subdivision Regulations.

Respectfully,

  
\_\_\_\_\_  
Travis Pearson, Chairman *Vice*  
*Julie Baker*

*2/4/20*  
\_\_\_\_\_  
Date

Attest:   
\_\_\_\_\_  
Vicki Edelman, County Clerk

# JOHNSON COUNTY PLANNING AND ZONING COMMISSION

## REGULAR MEETING-TUESDAY, FEBRUARY 4, 2020

Vice-Chair Julie Baker called the meeting of the Johnson County Planning and Zoning Commission to order February 4, 2020 at 7:04PM.

Those present were Commission members Manny Rodriguez, Vice-Chairman Julie Baker, Planner Jim Waller, Vicki Edelman County Clerk, and Deputy County Attorney Barry Crago. Chairman Travis Pearson appeared by Telephone. Commission members Curt Newcomb and Layne Qualm were absent from this meeting.

Manny Rodriguez moved to approve the minutes of the January 7, 2020 regular meeting. Travis Pearson seconded; motion carried.

James Jacob, Surveyor and Casey Friese both BLM employees met with the Commission to discuss easement and road re-alignment thru the subdivisions on Billy Creek. They explained there will be some timber sales on approximately 700 acres for fire mitigation and spruce bud worm control. Before the contracts are awarded, they would like to have the roads/easements taken care of. They are dealing with 47 landowners over 5 subdivisions on the one end. They have had positive feed back on a better road and the fire mitigation. Judy Shippey has proposed a location close to the property line for the road which they may look seriously at. Planner Waller said they need to make sure there is only one easement across each property; and do they need to replat or how do they handle the road easement changes? Chairman Travis Pearson said since there are no lot line changes a road plat along with a notarized recordable document, that all parties sign, should be enough. Deputy County Attorney Barry Crago agreed but asked who would prepare this document. Mr. Friese and Mr. Jacob said after they get the survey done, they will get back on the agenda to discuss the notification of all landowners affected.

Next on the agenda was the BLA for Marcus and Nicole Allison. Planner Waller gave the following report to the Commission:

**Case: BLA-2020-001**

**Item: Marcus and Nicole Allison Boundary Line Adjustment**

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

### **Background information:**

1. Proposed Boundary Line Adjustment located off Trabing Road
2. Owner of record; Marcus and Nicole Allison.
  - a. Tract A, B, C all owned by Allison's as separate individual deeds acquired as legal separate transactions.
3. Each tract has a single-family house originally for the Thompson Family members.
  - a. Property divided as family exemptions (Tract A-D; Tract D owned by Deb Saxton today)
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 common boundary between Tract B-1 & C-1.
  - a. The exemption cannot be used to create separate parcels.

**Recommendations:**

1. Review and hear any open public comments.
2. Approve the Affidavit & Mylar as presented
  - a. Forward the Affidavit to the Board for final approval.

Manny Rodriguez moved to approve the Marcus and Nicole Allison Boundary Line Adjustment as presented to the Commission. Travis Pearson seconded; motion carried.

The Commission discussed with Planner Waller and Attorney Crago the changes to Article 8-1; differences between full vacation and partial vacation and the requirement for each. At the March meeting they will have the Blackbird Minor Subdivision on the agenda and will need to set final dates for the public review of the subdivision regulations after Deputy County Attorney has had time to do a final review.

Planner Waller reported to the Commission on the first committee meeting of the NRMP meeting and the new aerial photography project which will happen in the spring which should be completed by the end of summer.

There being no public comment, Manny Rodriguez moved to adjourn the regular meeting at 8:30 pm. Travis Pearson seconded; motion carried.

Respectfully,

  
\_\_\_\_\_  
Julie Baker, Vice- Chairman

  
\_\_\_\_\_  
Date

Attest:   
\_\_\_\_\_  
Vicki Edelman, County Clerk



JOHNSON COUNTY PLANNING AND ZONING COMMISSION

REGULAR MEETING-TUESDAY, MARCH 3, 2020

Chairman Travis Pearson called the meeting of the Johnson County Planning and Zoning Commission to order March 3, 2020 at 7:00PM.

Those present were Commission members Manny Rodriguez, Vice-Chairman Julie Baker, Layne Qualm, Curt Newcomb, Planner Jim Waller, Vicki Edelman County Clerk, and Deputy County Attorney Barry Crago.

Manny Rodriguez moved to approve the minutes of the February 4, 2020 regular meeting as amended. Julie Baker seconded; motion carried.

Planner Waller reported the Blackbird Minor Subdivision will go before the City of Buffalo, the covenants will be reviewed, the permanent easement for the gas line will be disclosed on the plat and it will ready for P&Z Commission action at their April meeting.

There was no old business. Planner Waller reported the Natural Resource Steering Committee met after the JC Commissioners meeting and updated the Commission on septic permits and subdivision reviews.

Planner Waller discussed duplications and the need for some minor changes in the proposed regulations. The Commission agreed that Planner Waller would make the minor changes with direction from Deputy County Attorney Barry Crago.

Planner Waller reported that at the April meeting they should be able to schedule the hearing dates.


There being no public comment, Julie Baker moved to adjourn the regular meeting at 8:05 pm. Layne Qualm seconded; motion carried.

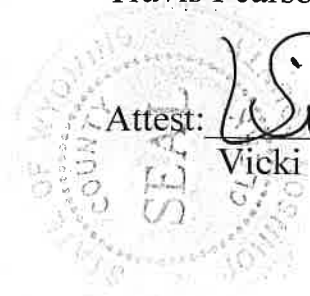
Respectfully,

  
Travis Pearson, Chairman

04-18-20  
Date

Attest:

  
Vicki Edelman, County Clerk



# JOHNSON COUNTY PLANNING AND ZONING COMMISSION

## REGULAR MEETING-TUESDAY, APRIL 7, 2020

Chairman Travis Pearson called the meeting of the Johnson County Planning and Zoning Commission to order April 7, 2020 at 7:00PM. This meeting was held electronically via "Go to Meeting" for public access and participation.

Those present were Commission members Manny Rodriguez, Vice-Chairman Julie Baker, Curt Newcomb, Planner Jim Waller, Vicki Edelman County Clerk, and Deputy County Attorney Barry Crago. Layne Qualm was absent from this meeting.

Curt Newcomb moved to approve the minutes of the March 3, 2020 regular meeting. Julie Baker seconded; motion carried.

Planner Waller gave the following Staff Report:

**Case:           Minor 2019-003**  
**Item:           Blackbird Minor Subdivision**  
**Applicant:    Blackbird 2, LLC**  
**Summary:     Minor Subdivision Final Plat**

### Background information:

1. Owner of record; Blackbird 2, LLC as filed in Book 87A68 page 234 (12.14 Ac).
  - a. Robinson Acres recorded in 1967 in Book 1 Page 57 (Plat Book).
  - b. Tract 10 has not been split from the original layout.
2. Proposed division located off Robinson Ln; which is a county road.
3. Proposed lot sizes are 3.04, 4.53, & 4.57 acres respectively;
4. Existing house located on proposed lot 2.
  - a. Limited information on the septic tank and leachfield; applicants engineer identified the septic tank location and the area where the leachfield is most likely located.
  - b. Water well location identified on sketch plan.
  - c. Existing easements across the property for natural gas & power.

### Planning Considerations:

1. Application submitted as a minor subdivision. Tract is located along County Road Robinson Ln.
  - a. Private road/easement required to access lots from county road.
2. **Notification and Advertisement.**
  - a. Certified letters mailed 9/6/2019
  - b. Public Notice appeared 9/5/19 & 9/12/19
3. **Public comments or concerns.**
  - a. Two phone calls were received from adjacent landowners after the public notice and adjacent landowner notifications.
4. **Clear Creek Conservation District** provided review of the proposed subdivision as per county regulations and state law. Review was submitted on September 16, 2019.
  - a. Clear Creek Conservation District identified 3 soils throughout the property with soil features ranging from not limited to very limited.

- i. Very Limited soil associated with Lot 2 &3 and this is disclosed under soils warning.
  - ii. Site Conditions may prevent the use of conventional septic systems and building techniques.
- 5. **Water wells** are the proposed water source. The state engineer's office indicates the quality and volume. This information is under the **Domestic Water System Warning**. The existing well on the property is over 1000 feet deep.
  - a. If there is a dispute over well interference, the Wyoming State Engineer's Office would be the appropriate office to handle the interference. (Wyoming Statue § 41-3-911)
  - b. All minimum spacing distances can be maintained
- 6. **Covenants submitted.** Article II addresses Subdivision Road Maintenance.
  - a. Recorded covenants on file for Robinson Acres as record Book 86A11 Page 139-142 disclosed on plat.
- 7. **Easements/Access**
  - a. An existing driveway established to Public Road. The driveway is shown under a 30-foot easement with a hammer head style end along the lot line common to Lots 2 & 3. This is the access for all lots.
    - i. This easement size was allowed due to an existing Cistern & Pump location on Lot 2.
  - b. All existing utilities identified, and easements shown.
    - i. MDU commented the easements as shown are adequate according to Field Operations.
    - ii. RMP commented the easements as shown can be used.
- 8. **Subdivision approved** by City of Buffalo and Plat signed by the City of Buffalo.
- 9. Other considerations by the Commission

**Discussion:**

- 1. During the November 2019 regular meeting, the sketch plan was classified as a minor subdivision.
  - a. The minor subdivision rules do not contain provisions for density or lot size controls. Density and lot size are typical zoning controls. However, there is a provision for factors to be considered for Minor Subdivision Approval (Chapter 2, 2.3). these factors are health, safety, general welfare, traffic flow, access, topography, location, interference with wildlife habitat or migration areas, compatibility with adjacent land uses
- 2. Lots size proposed is consistent with other parcels that are within the Robinson Acres boundary.
  - a. Septic systems; leachfields were shown the sketch plan. The information presented indicates site criteria is maintained according to Johnson County Small Wastewater Treatment Facility Regulations and Chapter 25 of the Department of Environmental Quality, Water Quality Division rules/regulations.
    - i. Percolation tests with rates that fall within 5-45 minutes per inch are allowed on slopes up to 20%.
      - 1. Careful site planning will be required for a conventional gravity septic to function properly.
      - 2. If percolation tests are faster than 5 minutes per inch; special design criteria may be required, which could include pretreatment before disposal.
- 2. There are no provisions in the current recorded covenants that restrict subdividing, type of homes or density.

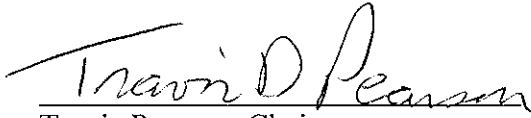
**Recommendations:**

1. Approve the final plat as presented and forward to the County Commissioners for final approval.

After discussion Julie Baker moved to approve the Blackbird Minor Subdivision Plat as presented. Manny Rodriguez seconded; motion carried.

There was no old business and no public comment Curt Newcomb moved to adjourn the regular meeting at 7:21 pm. Julie Baker seconded; motion carried.

Respectfully,

  
Travis Pearson, Chairman

06-11-20  
Date

Attest:

  
Vicki Edelman, County Clerk

# JOHNSON COUNTY PLANNING AND ZONING COMMISSION

## REGULAR MEETING-TUESDAY, MAY 5, 2020

Chairman Travis Pearson called the meeting of the Johnson County Planning and Zoning Commission to order May 5, 2020 at 7:01 PM. This meeting was held electronically via “Go to Meeting” for public access and participation,

Those present were Commission members, Julie Baker, Layne Qualm, and Curt Newcomb, Planner Jim Waller, and Deputy County Attorney Barry Crago. Manny Rodriguez was absent from this meeting. Mark Bedford, Richard Frankovic, and Ben Kirven were also in attendance.

Julie Baker moved to approve the minutes of the April 7, 2020 regular meeting. Curt Newcomb seconded; motion carried.

Chairman Pearson opened discussion on the Affidavit of Boundary Line Adjustment for Klondike Ranch LLC and the Swenson Family Trust.

Planner Waller discussed the affidavit and signatures. A document indicating intent between all parties was signed and received by the office. Mr. Swenson’s signature is pending.

The planner discussed the following report submitted to the Commission regarding the affidavit and reviewed photos of the property along the county road.

**Case:** BLA-2020-002

**Item:** Klondike Ranch LLC & Swenson Family Trust Boundary Line Adjustment

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

### **Background information:**

1. Proposed Boundary Line Adjustment located off Crazy Woman Canyon Road (~4 miles East of Old Highway 87.
2. Owner of record, Klondike Ranch LLC (Book 87A-40 page 660-662);
  - a. Propose 5.1 acres to be transferred to the Swenson Family Trust dated October 23, 2014 (Book 87A-62 page 105-106), as depicted in the Affidavit of Minor Boundary Adjustment.
3. 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.



2. The intent of the exemption is to modify the common boundary between landowners.
  - a. This exemption cannot be used to create separate parcels.
  - b. 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.

**Recommendations:**

1. Review and hear any open public comments.
2. Approve the Affidavit & Mylar as presented
  - a. Forward the Affidavit to the Board for final approval.

Others \_\_\_\_\_

Chairman Pearson called for questions from the board.

Richard Frankovic commented on the Swenson Family Trust parcel surrounding the 5 acres and access is limited and this split makes better use of the land.

Ben Kirven commented he represents the Swenson Family Trust. Mr. Kirven discussed Swenson's Family Trust long term plan for these 5 acres. He initially thought the acreage was a legal parcel and could be transferred as such. Mr. Kirven discussed his client will pursue the minor subdivision process to create a new parcel that will be transferred to a non-immediate family member. The family member does not qualify under the family exemption.

Chairman Pearson asked for additional comments from public.

Julie Baker moved to approve the boundary line adjustment as presented and recommended, seconded by Curt Newcomb; motion carried.

No other business discussed.

Planner Waller reported subdivision regulation review is still pending in person meetings.


The next meeting will be on June 2, 2020 at 7:00 pm.

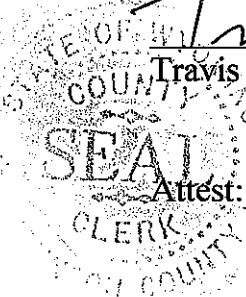
There being no further business Curt Newcomb moved to adjourn the meeting at 7:16 P.M. Julie Baker seconded; motion carried.

Respectfully,

  
Travis Pearson, Chairman

06-11-20  
Date

Attest:   
Vicki Edelman, County Clerk



# JOHNSON COUNTY PLANNING AND ZONING COMMISSION

## REGULAR MEETING-TUESDAY, JUNE 2, 2020

Chairman Travis Pearson called the meeting of the Johnson County Planning and Zoning Commission to order June 2, 2020 at 7:02PM. This meeting was an open meeting but held electronically via “Go to Meeting” as well for public access and participation. Chairman Travis Pearson and Commission member Curt Newcomb both participated via “Go to Meeting”.

Those present were Commission members Manny Rodriguez, Vice-Chairman Julie Baker, Layne Qualm, Planner Jim Waller, Vicki Edelman County Clerk, and Deputy County Attorney Barry Crago.

Julie Baker moved to approve the amended minutes of the May 5, 2020 regular meeting. Manny Rodriguez seconded; motion carried.

Planner Waller gave the following Staff Report:

**Case:** Minor 2020-001  
**Item:** Hamersma Minor subdivision  
**Applicant:** Ted and Barbara Hamersma  
**Summary:** Subdivision of part of Section 12 T50 R81

### 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.
2. Proposed division located off TW Rd.
  - a. Access for existing residence established in 2017.
3. Proposed lot size is 3 acres and remainder as 39 + 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. Property located along county road Tw Rd.
  - a. Includes overall aerial covering existing development and proposed lot layout with proposed development shown.
2. Deed Restrictions filed as Exhibit A on Hamersma’s deed.
  - a. Shall not be subdivided smaller than 40 acres.
  - b. Require attorney advice on deed restrictions filed individually against all 35+ acres parcels Loren Carlat has created. Discuss and decide if restrictions are implied against all

- 35+ acre parcels and if all owners should be involved or if all owners should acknowledge that a release is being requested for a subdivision of 1 lot.
- c. Deed restrictions can create issues where neighbor's may not agree with subdividing.
    - i. Three landowners have acquired parcels with same language about restrictions.
  3. Proposed Access to lot is shown from county road. Requires approval by County Road and Bridge Department. County is controlling the number of direct approaches to all county roads; preliminary discussion with Road & Bridge on May 20, 2020.
    - a. Subdivision road access requirements state no more than 2 accesses as direct access. Informed owner that possible existing access may be required to be consolidated with proposed lot. Several future 35 acres may be created adjacent to this property.
  4. Public Notice; 2 consecutive notices in the newspaper and adjacent landowners shall be notified according to the Minor Subdivision Regulations. **Pending proper release of deed restrictions and determination of other parcels with similar restrictions.**
  5. 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. **Pending.**
  6. On lot well proposed.
    - a. Existing well permit indicates well is 400 feet deep and yields between 15 gallons per minute.
    - 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 system proposed.
    - a. Existing septic permit on owner's property serving a 3-bedroom residence. Consists of a 1200-gallon tank and a conventional trench leachfield. Percolation test 10 minutes per inch (mpi).
      - i. Percolation rates less than 5 mpi and greater than 60 mpi must have special enhancements.
      - ii. Sketch Plan indicates there are areas where septic leachfields can be installed within existing site restrictions. The county should be proactive in septic placement and require larger setback from property lines.
  8. Subdivision is **not within 1 mile** of the City of Buffalo.
  9. Proposal does not appear to be in an area of any hazards.
    - a. Slope is an issue generally on part of the 42 acres, however, the proposed lot is within an area that slope is not an issue.
  10. Public comments/concerns.
  11. Other considerations by the Commission.

### **Recommendations:**

1. Classify the submitted sketch plan as a minor subdivision.
2. Require an executed release to allow parcels less than 40 acres prior to subdivision application being advertised and adjacent owners being notified.
  - a. Ask for County Attorney advice on deed restrictions as related to property.
  - b. Include 35+ acre parcel owners in written notice of acceptance of subdividing **OR** that landowners a part of the release restriction prohibiting subdividing.
3. Access may need consolidated between the proposed lot and the existing access as related to the County Road and Bridge Department; subject to Road and Bridge approval.

Comments from the Board:

Deputy County Attorney Barry Crago stated they need to get a release from Loren Carlat for sure and give the neighboring lot owners plenty of notice of the meeting. The deed restrictions would be a civil matter that needs cleaned up before the subdivision review. Chairman Pearson stated the Board should require certified mail notification to all in the implied covenants; get a release from the deed restrictions from Loren Carlat; this being a recordable document; approval by road and bridge of the road accesses and if any construction is required it be done prior to a sale.

After public comment and discussion with Ted Hamersma; Manny Rodriguez moved to approve pending the recorded release of the deed restrictions and road and bridge approval on the driveway access. Julie Baker seconded; motion carried.

Planner Waller reported to the Commission on the Shores of Lake DeSmet Subdivision and the creation of roads that are not shown on the official plat. They also discussed erosion issues as a result of these new roads. The Board agreed that Barry could contact the owners and have them record an amended plat with all the roads shown.

Julie Baker moved to have Attorney Crago contact Piney Creek Land and require an Amended Plat showing all the affected areas that would be recorded. Manny Rodriguez seconded; motion carried.

Planner Waller reported he is still working on the latest draft of the regulations and once the COVID crisis is over they can decide about the public hearings.

There was no old business and no public comment Layne Qualm moved to adjourn the regular meeting at 7:50 pm. Julie Baker seconded; motion carried.

Respectfully,

*Travis D. Pearson*

Travis Pearson- Chairman

07-07-20

Date

Attest:

*Vicki Edelman*

Vicki Edelman, County Clerk



## JOHNSON COUNTY PLANNING AND ZONING COMMISSION

### REGULAR MEETING-TUESDAY, JULY 7, 2020

Chairman Travis Pearson called the meeting of the Johnson County Planning and Zoning Commission to order July 7, 2020 at 7:02PM. This meeting was an open meeting but held electronically via “Go to Meeting” as well for public access and participation. Chairman Travis Pearson and Commission member Curt Newcomb both participated via “Go to Meeting”.

Those present were Commission members Manny Rodriguez, Vice-Chairman Julie Baker, Planner Jim Waller, Vicki Edelman County Clerk, and Deputy County Attorney Barry Crago. Layne Qualm was absent from this meeting.

Julie Baker moved to approve the minutes of the June 2, 2020 regular meeting. Manny Rodriguez seconded; motion carried.

Planner Waller gave the following report along with Dennis Lawrence, Owner.

Dennis Lawrence owns 30 acres at 1545 N Main St of which 26-27 acres can be developed. He is interested in breaking this up into smaller parcels and at this meeting to answer questions. Planner Waller reported this area was mined for gravel and has been reclaimed. Planner Waller also advised this could be done under the minor subdivision rules and it need consideration by the City of Buffalo since it is within the mile of the City. After discussion with Deputy County Attorney Barry Crago and members of the Commission Julie Baker made a motion to allow the minor subdivision process under the old rules which was withdrawn. It is a consensus of the Commission that Mr. Lawrence will be allowed to follow the minor subdivision process, having 4 lots and draft a road construction agreement.

Planner Waller reported the Hamersma Sketch Plan are pending the recorded release of deed restrictions and the notification to adjacent property owners.

Planner Waller reported on potential inquiries for subdivisions, septic permits and inspections and updates on the road situations at Shores of Lake DeSmet. Planner Waller also reported on progress with the subdivision regulations saying Barry has reviewed. Planner Waller will be incorporating those changes in to simplify the document, making it as user friendly as possible. Hopefully it be ready for the August meeting for review with hearings and public comment periods to follow.

There was no old business and no public comment Curt Newcomb moved to adjourn the regular meeting at 8:20 pm. Manny Rodriguez seconded; motion carried.

Respectfully,

Travis D. Pearson  
Travis Pearson- Chairman

09-01-20  
Date

Attest: Vicki Edelman  
Vicki Edelman, County Clerk

# JOHNSON COUNTY PLANNING AND ZONING COMMISSION

## REGULAR MEETING-TUESDAY, AUGUST 4, 2020

Vice Chairman Julie Baker called the meeting of the Johnson County Planning and Zoning Commission to order August 4, 2020 at 7:02PM. Chairman Travis Pearson called in for this meeting.

Those present were Commission members Manny Rodriguez, Curt Newcomb, Layne Qualm, Planner Jim Waller, Vicki Edelman County Clerk, and Deputy County Attorney Barry Crago.

Vice Chairman Julie Baker the minutes for the July 7<sup>th</sup> meeting will be acted on at the September meeting.

Planner Waller presented the following report to the Commission on the Chris George and Chad & Christi Danielson Boundary Line Adjustment:

Case: BLA-2018-003

Item: Chris George and Chad and Christi Danielson

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

Background information:

1. This property was subject to a boundary line adjustment in 2018 with the adjacent landowner to the south.
  - a. 2018 Boundary line adjustment was between Chris George and Nadine & James George.
  2. Proposed adjustment is with the neighbor to the west (Chad and Christi Danielson)
  3. Both parcels are adjacent to each other.
  4. Chris George property started out as 35+ acres and was split two (2) separate times.
    - a. Divorce Decree
    - b. Family Exemption
  - 5.

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 parcel boundary to include the house on Chris George's property and clean up the questionable part north of the 2.62 acres as shown on the affidavit survey.
  - a. The exemption cannot be used to create separate parcels.
  - b. As proposed; the adjustment will modify the property lines and include a vacant parcel and a parcel with a single-family residence and commercial shop.

Recommendations:

1. Review and hear any open public comments.
2. Approve the Affidavit contingent upon Stamped Certificate of Survey
  - a. Notify the owners they are required to join and merge the parcel.
  - b. Grantee should clean up remainder parcel and file new description.
  - c. Forward the Affidavit to the Board for final approval.

The Board discussed the need to make sure all the parcels were merged according to the adjustments so there were no separate lots hanging out there. After

consultation with Deputy County Attorney Barry Crago, Travis Pearson moved to require Chris George to correct and complete the requirements of the last commitment, having deeds recorded and then work on the requirements of the new boundary line adjustment. Layne Qualm seconded; motion carried. The Commission also discussed the need for the Danielson's to provide copies showing their 2 parcels have been combined as part of the contingency.

Next on the Agenda Planner Waller presented the following report to the Commission on the North Plains Investments Minor Subdivision:

Case: Minor 2020-002

Item: Northern Plains Investments Minor subdivision

Applicant: Dennis Lawrence

Summary: Subdivision of part of SW ¼ Section 23 & NW ¼ Section 26 T51N R82W

Background information:

1. Owner of record; Northern Plains Investments LLC as filed in Book 87A48page 590-591 (42.17 Ac).
2. Proposed division located off North Main Street.
  - a. Access to property is an existing highway access.
  - b. Barstad Way may also be an access point but may need negotiated for use and maintenance. That was the intent when Barstad Way was platted.
3. Proposed lot sizes are 5-11 acres.
4. Existing land was mined for the gravel and has been reclaimed.

Planning Considerations:

1. Application submitted as a minor subdivision.
  - a. Includes topographic contours with proposed lot layout with proposed access roads shown.
2. Proposed Access to lot is shown from state highway as an existing access. Proof from WYDOT that access is adequate for access proposed as a Subdivision Access.
  - a. Proposed Subdivision is adjacent to Barstad Way as Platted. Applicant should be required to negotiate use and maintenance so both subdivisions can utilize the road as a through way for ingress and egress looped access.
3. New sixty (60) foot ROW and road required for access to all lots. Covenants will be required for the road responsibility and maintenance.
  - a. Development should be required to build road prior to selling lots and be subject to agreement specifying construction.
4. Public Notice; 2 consecutive notices in the newspaper and adjacent landowners shall be notified according to the Minor Subdivision Regulations.
  - a. Adjacent landowners are shown on the plat; do owners west of "N Main St" qualify to be notified as adjacent.
5. 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.
6. 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.
7. Onsite septic systems proposed.
  - a. Percolation rates less than 5 mpi and greater than 60 mpi must have special enhancements.
  - b. The county should be proactive in septic placement and require larger setback from break in slope on Lots 3 & 4.



8. Subdivision is within 1 mile of the City of Buffalo and requires approval with appropriate signatures.
9. Proposal does not appear to be in an area of any hazards.
  - a. Slope is an issue generally on part of Lot 3 & 4. However, both lots have areas where slope is not an issue.
  - b. May be necessary for a building setback from the break in slope along the lots. Leach fields would be required to setback from break in slope.
10. Public comments/concerns would be addressed in September 2020 after notifications.
11. Other considerations by the Commission.

Recommendations:

1. Classify the submitted sketch plan as a minor subdivision.
2. Allow applicant to advertise for 2 consecutive weeks in the Buffalo Bulletin according to Minor subdivision Regulations 2.5.3. for the September 1, 2020 meeting.
  - a. Once newspaper notice established, county shall notify all adjacent landowners according to Minor Subdivision Regulations 2.5.4
3. Allow applicant to draft covenants as related to road use and maintenance.
4. Allow the applicant to work on a draft plat and documentation related to the proposed improvements.

The Commission discussed requiring the setbacks on the lots with the slopes, notifying all adjacent property owners including those across the highway on the west side. Also required will be a road use agreement for Barstad Way as well as the construction of the new road. Layne Qualm moved to allow them to use the minor subdivision process and incorporate the rest of the recommendations as presented by Planner Waller. Curt Newcomb seconded; motion carried.

Planner Waller reported that Ted Hamersma has recorded the Release of Deed Restrictions and they will now be sending out notices of intent to subdivide.

Planner Waller reported on septic permitting activities saying he will be six ahead of last year. He also reported to the board on a septic system failure in Richardson Park, saying this is going to be very expensive to replace because they have no room to put in a new system. The Commission discussed the need to get at least city sewer in Richardson Park. Planner Waller reported the Subdivision Regulations are pretty much done; still a few changes from Barry's recommendations. They will need to have 2 hearings, one in Kaycee and one in Buffalo.

There were no public comment and Curt Newcomb moved to adjourn the regular meeting at 8:03 pm. Manny Rodriguez seconded; motion carried.

Respectfully,

  
\_\_\_\_\_  
Julie Baker Vice-Chairman

*Sept 1, 2020*  
\_\_\_\_\_  
Date

Attest:

  
\_\_\_\_\_  
Vicki Edelman, County Clerk

# JOHNSON COUNTY PLANNING AND ZONING COMMISSION

## REGULAR MEETING-TUESDAY, SEPTEMBER 1, 2020

Chairman Travis Pearson called the meeting of the Johnson County Planning and Zoning Commission to order September 1, 2020 at 7:04PM.

Those present were Commission members Manny Rodriguez, Curt Newcomb, Julie Baker, Planner Jim Waller, Vicki Edelman County Clerk, Deputy County Attorney Barry Crago and JC Commission Chairman Bill Novotny. Commission member Layne Qualm was absent from this meeting. Public members present were Dennis Lawrence, Ted & Barbara Hamersma and Loren Carlat.

Julie Baker moved to approve the minutes of the July 7, 2020 minutes. Manny Rodriguez seconded. Motion carried.

Curt Newcomb moved to approve the minutes of the August 4, 2020 meeting. Julie Baker seconded; motion carried.

Planner Waller presented the following report to the Commission on the Northern Plains Investments, LLC 4-Lot Minor Subdivision:

**Case:** Minor 2020-002

**Item:** Northern Plains Investments Minor subdivision

**Applicant:** Dennis Lawrence representing Northern Plains Investments LLC

**Summary:** Subdivision of part of SW ¼ Section 23 & NW ¼ Section 26 T51N R82W

### **Background information:**

1. Owner of record; Northern Plains Investments LLC as filed in Book 87A48page 590-591 (30.18 Ac).
2. Proposed division located off North Main Street.
  - a. Access to property is an existing highway access.
  - b. Barstad Way may also be an access point but may need negotiated for use and maintenance. That was the intent when Barstad Way was platted.
3. Proposed lot sizes are 5-11 acres.
4. Existing land was mined for the gravel and has been reclaimed.

### **Planning Considerations:**

1. Application submitted as a minor subdivision.
  - a. Includes topographic contours with proposed lot layout with proposed access roads shown.
2. Proposed Access to lot is shown from state highway as an existing access. Proof from WYDOT that access is adequate for access proposed as a Subdivision Access.

- a. Proposed Subdivision is adjacent to Barstad Way as Platted. Applicant should be required to negotiate use and maintenance so both subdivisions can utilize the road as a through way for ingress and egress looped access.
3. New sixty (60) foot ROW and road required for access to all lots. Covenants will be required for the road responsibility and maintenance.
  - a. Development should be required to build road prior to selling lots and be subject to agreement specifying construction.
4. Public Notice completed August 13<sup>th</sup> & 20<sup>th</sup>.
5. Adjacent landowners notified by certified mail.
  - a. Adjacent landowner provided information about sewer line installed along Cowboy Trail.
6. Clear Creek Conservation District provided a soils review of the proposed subdivision as per county regulations and state law on **8/14/2020**. Subdivision regulations rely on soils report.
  - a. Soils with very limited features must be disclosed under the appropriate plat warning.
7. On lot wells proposed.
  - a. 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.
8. Onsite septic systems proposed.
  - a. Percolation rates less than 5 mpi and greater than 60 mpi must have special enhancements.
  - b. The county should be proactive in septic placement.
  - c. Require future easements for access and utilities based on information provided regarding sewer service.
9. Subdivision is **within 1 mile** of the City of Buffalo and requires approval with appropriate signatures.
10. Proposal does not appear to be in an area of any hazards.
  - a. Slope is an issue generally on part of Lot 3 & 4. However, both lots have areas where slope is not an issue.
  - b. May be necessary for a building setback from the break in slope along the lots. Leachfields would be required to setback from break in slope.
11. Public comments/concerns.
  - a. See Item 5 above. Mike Markovsky provided information on the location of the existing sewer line installed in 2009
12. Other considerations by the Commission.

**Recommendations:**

1. Allow applicant to present a draft final plat according to the Minor Subdivision Regulations for final consideration.
  - a. Plat shall conform to Chapter 3 requirements.
  - b. Disclosure statement shall be incorporated into the appropriate plat warnings.
2. Final Plat shall be accompanied by Final Covenants pertaining the maintenance and management of the road(s).
3. A development agreement for the construction of the road will be required.
4. Advise to investigate the sewer connection for future service and place appropriate easements for future connection.

After discussion Julie Baker moved to approve the sketch plan as presented and move to submission of the draft final plat following the Chapter 3 requirements in the Minor Subdivision Regulations; disclosure statement incorporated into the plat

warnings; final covenants pertaining to road maintenance and management of the roads; a recordable development agreement for construction of the road and advice on investigating sewer connection to the city main for future service and placement of appropriate easements for connection to the city main. Manny Rodriguez seconded; motion carried.

Chairman Travis Pearson called for the Hamersma sketch plan review at 678 TW Rd. Steven Reilly owner of the adjacent property appeared by telephone; thanking the Commission for allowing him to appear by phone since he is in Tennessee. He stated he is objecting to this minor subdivision as all the deeds have deed restrictions which do not allow for subdividing. He further stated they bought their property relying on the fact there would be no development. Planner Waller gave the following report to the Commission:

**Case:** MS-2020-001

**Item:** *Hamersma Minor Subdivision (1 lot ~3 acres)*

**Applicant:** Ted and Barbara Hamersma

**Summary:** Consideration of Minor Subdivision Sketch Plan Review

**Background Information:**

5. 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.
6. Proposed division located off TW Rd.
  - a. Access for existing residence established in 2017.
7. Proposed lot size is 3 acres and remainder as 39 + acres exempt.
8. 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. Factors to be considered for approval are listed in Minor Subdivision Regulation, Chapter 2, 2.3.
  - a. Includes but not limited; health, safety, general welfare, traffic flow, access, topography, location, wildlife habitat or migration, compatibility with adjacent land uses, soil conditions, or preservation of natural topographical features and aesthetic values.
2. Application submitted as a minor subdivision. Property located along county road TW Rd.
  - a. Includes overall aerial covering existing development and proposed lot layout with proposed development shown.
3. Deed Restrictions filed as Exhibit A on Hamersma's deed.
  - a. Shall not be subdivided smaller than 40 acres.
  - b. Deed restrictions can create issues where neighbor's may not agree with subdividing.
    - i. Four other landowners have acquired parcels with same language concerning restrictions.

- ii. Loren Carlat and Ted & Barb Hamersma's agreed by record book 86A91 page 449-451, to release the restriction related to further subdividing the property.
  - iii. Discussion from June 2020 about restrictions being implied to all landowners that have acquired property from Loren Carlat.
- 4. Proposed Access to lot is shown from county road. County Road and Bridge Department will require the existing access to 678 TW Road the subdivision to be shared. County is controlling the number of direct approaches to all county roads.
  - a. Appropriate Easements will be required for the access to the Lot.
  - b. Should the maintenance be covered in a recorded document?
- 5. **Public Notice requirements.** A newspaper notice appeared August 13 & 20<sup>th</sup> in the Buffalo Bulletin. All adjacent landowners and 35+ acre parcel owners were notified according to the Minor Subdivision Regulations.
- 6. 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 must be disclosed under the appropriate plat warning.
  - b. The property has somewhat limited and very limited features.
- 7. 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 will be required to be disclosed on the 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.
- 8. Onsite septic system proposed.
  - a. Existing septic permit on owner's property serving a 3-bedroom residence. Consists of a 1200-gallon tank and a conventional trench leachfield. Percolation test 10 minutes per inch (mpi).
    - i. Percolation rates less than 5 mpi and greater than 60 mpi must have special enhancements.
    - ii. Sketch Plan indicates there are areas where septic leachfields can be installed within existing site restrictions. The county should be proactive in septic placement and require larger setback from property lines.
- 9. Public Comments/Concerns.
  - a. Received emailed objection from Steve Riley (Adjacent Landowner east of property). **Email comments are attached.**
    - i. Letter indicates 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.
    - ii. If it is implied as an agreement between landowners, whom are involved? Would all property owners need to be involved or only the grantor/grantee? What happens when a grantor is no longer in the picture? **Exhibit A** from the deed is attached.
- 10. Other considerations by the Commission.

### **Recommendations:**

1. Review and discuss Planning considerations above.

2. Comments from adjacent landowners should be discussed and considered for applicability to requirements and/or the Wyoming Real Estate Subdivision Statutes.
3. Seek legal advice from the County Attorney regarding the objection as related to the deed restrictions, before next step in minor subdivision.
4. Based on advice from the County Attorney proceed as instructed. The county does not enforce civil covenants or restrictions.

Chairman Pearson and Attorney Crago both advised that the requirements of the minor subdivision regulations have been met however the Hamersma's may well be involved in a civil lawsuit if they proceed. Chairman Pearson went through the minor subdivision check list item by item and all requirements were met. After comments from Ted and Barbara Hamersma, Loren Carlat and Steven Reilly; Curt Newcomb moved to allow the Ted and Barbara Hamersma to move forward with the Minor Subdivision process. Manny Rodriguez seconded; motion carried. Steven Reilly addressed the Commission one more time to state his formal objection to this matter moving forward.

Chairman Pearson asked for the presentation of the Boundary Line Adjustment between George/Danielson Parcels off Dally Ln.

Planner Waller presented the following report stating Mr. George did record the new deed cleaning up the property descriptions.

**Case:** BLA-2020-003

**Item:** Chris George and Chad and Christi Danielson

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

**Background information:**

9. This property was subject to a boundary line adjustment in 2018 with the adjacent landowner to the south.
  - a. 2018 Boundary line adjustment was between Chris George and Nadine & James George.
  - b. All parcel descriptions follow intent and descriptions filed in the boundary line adjustment.
10. Owner of record; **Chris George** (Book 87A69 page 316-317) as 11.31 acres and **Chad & Christi Danielson** (Book 87A68 page 141) as 9.82 acres.
11. Both parcels are adjacent to each other.
12. Chris George property started out as 35+ acres and was split two (2) separate times.
  - a. Divorce Decree
  - b. Family Exemption

**Planning Considerations:**

13. 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.
- 14. The intent of the exemption is to modify parcel boundary to include the house on Chris George's property and clean up the questionable part north of the 2.62 acres as shown on the affidavit survey.
  - a. The exemption cannot be used to create separate parcels.
  - b. As proposed; the adjustment will modify the property lines and include a vacant parcel and a parcel with a single-family residence and commercial shop.

**Recommendations:**

- 5. Review and hear any open public comments.
  - a. Approve the Affidavit and forward the Affidavit to the Board for final approval.
  - b. Notify the owners they are required to join and merge the parcel.
  - c. Grantee shall clean up remainder parcel and file new description based on exhibit.

Julie Baker moved to allow the parties to moved forward with the Boundary Line Adjustment process; forward the Affidavit on the Commissioners for final approval; notify the owners they are required to join and merge the parcel and new deeds are to be recorded based on the new descriptions. Curt Newcomb seconded; motion carried.

Planner Waller reported there are problems with incorrect legal descriptions on the Carlat large acre parcels on TW Road. Planner Waller also discussed the shoreline issues at Lake DeSmet. He also reported on septic permits and inspections; also saying the new regulations are pretty much ready for public review and go through the hearing process. They will need to have 2 hearings, one in Kaycee and one in Buffalo.

There were no public comments; Curt Newcomb moved to adjourn the regular meeting at 8:30 pm. Manny Rodriguez seconded; motion carried.

Respectfully,

Travis Pearson  
Travis Pearson Chairman

11-03-20  
Date

Attest:

Vicki Edelman  
Vicki Edelman, County Clerk



# JOHNSON COUNTY PLANNING AND ZONING COMMISSION

## REGULAR MEETING-TUESDAY, OCTOBER 6, 2020

Vice-Chairman Julie Baker called the meeting of the Johnson County Planning and Zoning Commission to order October 6, 2020 at 7:00 PM.

Those present were Commission members Manny Rodriguez, Curt Newcomb, Planner Jim Waller, Deputy County Attorney Barry Crago and Johnson County Commission Chairman Bill Novotny. Commission members Travis Pearson and Layne Qualm were absent from this meeting.

The September 1, 2020 minutes are not available.

First item of business is the Geoffrey and Kathleen Spiering proposed boundary line adjustment.

Planner Waller discussed the boundary line adjustment and reviewed the staff report with the Commission. The purpose of the exemption is to increase the separation distance between the existing residence located at 58 Burger Lane and the east property line. Julie Baker inquired about the ownership around the adjustment and if they were separated. Each parcel is a separate deed; there is a deed for 1 acre and a house and 20 acres and a shop/farm utility building.

Manny Rodriguez asked about the easement into the property.

Planner Waller discussed the intent of the division.

Julie Baker called for a motion to approve the Boundary Line Adjustment for Geoffrey and Kathleen Spiering as recommended. Curt Newcomb moved to approve the boundary line adjustment, Manny Rodriguez seconded; motion carried, no opposition.

Second item of business is the Mike and Linda Greenough and Aaron and Laura Rousey Boundary Line Adjustment.

Planner Waller discussed the proposed boundary line adjustment and reviewed the staff report with the Commission. The purpose of the exemption is to match the deeded records to the fenced area. There was brief discussion on the fence lines, the shop building, and corral/cattle load ramp. This adjustment will also place the driveway connection at Rock Creek Rd within Greenough's property.

Manny Rodriguez moved to approve the Mike and Linda Greenough and Aaron and Laura Rousey proposed Boundary Line Adjustment. Curt Newcomb seconded; motion carried, no opposition.

### **Old Business**

Northern Plains Investments is under contract with Loren Carlat to purchase the property at 1545 N Main St. Mr. Carlat will still pursue the 4-lot division and was notified that a Development Agreement will be required for the road construction. The City of Buffalo has provided



comments on the proposal. The comments on water and sewer connection will be placed under the water warning on the plat. The final plat will be presented in the next couple of months.

Ted and Barbara Hamersma were notified that a final plat must be presented for consideration no later than the September 2021 Planning and Zoning meeting. Deputy Attorney Crago updated the board about the conversation with Steven Riley. There was brief discussion about the deed restrictions and other items associated with this proposal.

Planner Waller reported there are problems with incorrect legal descriptions on the Carlat large acre parcels on TW Road. Owners are referencing lots and tracts even though no survey plat has been recorded.

### **Staff report**

Christy Kinghorn called and inquired about a possible minor subdivision at 105 Lake DeSmet Rd. The discussion focused on the idea of subdividing; no sketch plan has been received.

An Upper French Creek Rd parcel is for sale. A potential buyer has inquired about subdividing and access. The property is adjacent to Big Horn Estates Subdivision. Initially the buyer discussed a minor subdivision and large parcels greater than 35 acres. Discussion has been the access roads in Big Horn Estates and if they are public and can be used by adjacent property owners. It was recommended to work with all neighbors.

Planner Waller also discussed inquires over the last month. Inquires have been about establishing commercial businesses, residential construction, and potential subdivision development.

An update was provided on The Shores at Lake DeSmet. The developer has inquired about the road improvements recently completed and a release from the agreement. Deputy Attorney Crago is working with the developer's attorney on the items related to the subdivision.

There were no public comments; Curt Newcomb moved to adjourn the regular meeting at 8:05 pm. Manny Rodriguez seconded; motion carried.

Respectfully,

Julie Baker  
Vice- Chairman

11/3/20  
Date

Attest: James Waller  
James Waller, County Planner

# JOHNSON COUNTY PLANNING AND ZONING COMMISSION

## REGULAR MEETING-TUESDAY, NOVEMBER 3, 2020

Chairman Travis Pearson called the meeting of the Johnson County Planning and Zoning Commission to order November 3, 2020 at 7:00 PM.

Those present were Commission members Julie Baker, Manny Rodriguez, Layne Qualm, Planner Jim Waller. Commission member Curt Newcomb was absent from this meeting. Charles Irigaray and Carol Snobel were also in attendance.

Julie Baker moved to approve the minutes of the September 1, 2020 minutes. Layne Qualm seconded. Motion carried.

Julie Baker moved to approve the minutes of the October 6, 2020 meeting as amended correcting a misspelling. Manny Rodriguez seconded; motion carried.

Chairman Pearson said in order to keep things moving Charles Irigaray and Carol Snobel Minor Subdivision will be the first new business item as the landowners are present.

Planner Waller explained a sketch plan was received for this proposed minor subdivision. Below is the report reviewed during the meeting.

**Case: Minor 2020-004**

**Item: Irigaray Proposed Minor Subdivision**

**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.
3. Proposed lot sizes are 1.4 & 12.7 acres.

### **Planning Considerations:**

1. Application submitted as a minor subdivision.
2. Proposed Access to lot is shown from county road as an existing access. Proof from Road and Bridge that access is adequate for existing access.
3. New sixty (60) foot ROW and road required for access to all lots; Latham Acres Subdivision identified access.
  - a. Existing recorded easement filed in book RW14 pages 383-384.
  - b. Roadway Maintenance Agreement filed in book 86A47 pages 509-512.
    - i. Agreement will need expanded between all parties for the road maintenance to include the current owners (**Welsh, Jarvis, & as appears by use Miller family**)
  - c. Discuss Road and if should be named and addresses modified for road name?

4. Public Notice; 2 consecutive notices in the newspaper and adjacent landowners shall be notified according to the Minor Subdivision Regulations.
  - a. Adjacent landowners are shown on the sketch plan and a list was provided.
5. 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.
6. On lot well proposed for vacant lot.
  - a. Existing residence shown as Lot 2 has two water wells permitted as 161194.0W & 161195.0W
  - b. Existing surrounding well information will be required to be disclosed on 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.
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.
  - b. Percolation rates less than 5 mpi and greater than 60 mpi must have special enhancements.
  - c. The county should be proactive in septic placement for the proposed vacant lot.
8. Subdivision **is not within 1 mile** of the City of Buffalo.
9. Proposal does not appear to be in an area of any hazards. However, groundwater is anticipated.
10. Public comments/concerns would be addressed in December 2020 after notifications.
11. 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 December 3, 2020 meeting.
  - a. Once newspaper notice established, county shall notify all adjacent landowners according to Minor Subdivision Regulations 2.5.4
3. Allow the applicant to work on a draft plat and documentation related to the road.

Chairman Pearson expressed the road will be brought to attention of neighbors after the notification. Brief discussion on the road and how the neighbors get access. Carol and Charles explained they own the property where the access road is located and will work with all the neighbors regarding the road.

Chairman Pearson asked Planner Waller to explain the existing well and septic for the existing residence. A map was passed around indicating the well locations, existing septic location and the current setbacks from creek, irrigation ditch, and well.

Manny Rodriguez questioned lot line setbacks mainly looking at the north property line. The minimum septic/leachfield property line setback by regulation is 10 feet. There is potential to increase this to 50 feet. Septic and leachfields are required to be at least 50 feet from all open water. There is potential to control the setback to the creek due a potential flood hazard.

Discussion on the property lines and utility easements.

Chairman Pearson called for a motion based on the recommendations provided.

Julie Baker asked about granting an easement and how that process works. Chairman Pearson responded typically the easement is reserved and created when the land is sold and the surveyors with Big Horn Surveying and Engineering should understand the process. The Plat will identify the easements.

Julie Baker moved to allow the applicants to proceed with the minor subdivision process as indicated recommendations in the staff report. Layne Qualm seconded, motion carried, no opposition.

The second new item of business is the Swenson Family Trust proposed 1 lot minor subdivision.

Planner Waller explained a sketch plan was received for this proposed minor subdivision. Below is the report reviewed during the meeting.

**Case: Minor 2020-003**

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

**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.
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 is required.
  - b. Discuss development and building road prior to selling lot.
3. Public Notice; 2 consecutive notices in the newspaper and adjacent landowners shall be notified according to the Minor Subdivision Regulations.
  - a. Adjacent landowners are shown on the plat and a list was provided;
4. Clear Creek Conservation District shall provide review of the proposed subdivision as per county regulations and state law. Engineering/Surveying representative mentioned sketch was submitted to Conservation District for comments.
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.
  - b. The county can be proactive in septic placement.
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 would be addressed in December 2020 after notifications.
10. Other considerations by the Commission.

### **Recommendations:**

1. Classify the submitted sketch plan as a minor subdivision.
2. Allow applicant to advertise for 2 consecutive weeks in the Buffalo Bulletin according to Minor subdivision Regulations 2.5.3. for the December 3, 2020 meeting.
  - a. Once newspaper notice established, county shall notify all adjacent landowners according to Minor Subdivision Regulations 2.5.4
3. Allow the applicant to work on a draft plat and documentation related to the proposed improvement(s).

Planner Waller explained this is the same proposal that was the 5.1 acres transferred from Klondike Ranch LLC to the Swenson Family Trust earlier in the year.

Chairman Pearson responded that easement would need to be 60 feet and would be officially created when the property is created.

Discussion on building the road as related to the 1 lot division. A new address has been issued for the property based on access.

Chairman Pearson asked for a motion based on the recommendations provided.

Layne Qualm moved to allow the applicants to proceed with the minor subdivision process as indicated recommendations in the staff report, Manny Rodriguez seconded, motion carried, no opposition.

### **Old Business**

Northern Plains Investments Minor Subdivision update. Loren Carlat did acquire the property and a mylar will be scheduled for the December meeting. The road is under construction, brief discussion on the construction activities within a proposed division that has not been approved.

Ted and Barbara Hamersma Minor Subdivision update. No progress new information to provide since last meeting.

### **Other Business**

Planner Waller explained there might be an issue with Lot 4 of Hilton Minor Subdivision and the adjacent 35 acres. If lot 4 is changed it will need to be replatted, photos of the property were provided. A possible boundary line adjustment may create issues with the 35 acres.

Discussion about the parcel between Upper French Creek Road and Big Horn Estates. The property has transferred to a new landowner and they desire to use Hemlock Street and possibly other streets within the Big Horn Estates for access. Hemlock along with the other streets are dedicated to the public on official Plat. Unless a subdivision application is submitted; at this time, any road disputes are civil.

Discussion about a parcel located between North Main Street and Airport Road. There have been a few calls regarding the county subdivision regulations as they would apply to the property. Water and Sewer are within a reasonable distance of existing city services. Access would be from both Airport Road and North Main Street.

**Staff report**

Planner Waller updated the board on the subdivision regulations. Chairman Pearson questioned a public meeting under the existing restrictions. Brief discussion on possibilities.

There were no public comments; Layne Qualm moved to adjourn the regular meeting at 8:02 pm. Manny Rodriguez seconded; motion carried, no opposition.

Respectfully,

Vice-Chairman Julie Baker

12/1/2020  
Date

Attest: James Waller  
James Waller, County Planner

# JOHNSON COUNTY PLANNING AND ZONING COMMISSION

## REGULAR MEETING-TUESDAY, DECEMBER 1, 2020

Vice-Chairman Julie Baker called the meeting of the Johnson County Planning and Zoning Commission to order December 1, 2020 at 7:05PM.

Those present were Commission member Layne Qualm, Planner Jim Waller, Vicki Edelman County Clerk, Deputy County Attorney Barry Crago. Commission members Curt Newcomb and Manny Rodriguez participated via "Go to Meeting"; which was made available for public participation as well. Public members present was Mark Bedford from Big Horn Surveying.

Layne Qualm moved to approve the minutes of the November 3, 2020 minutes. Manny Rodriguez seconded. Motion carried.

Planner Waller presented the following report to the Commission on the Irigaray/Snobel Minor Subdivision Sketch Plan Review (68 Johnson Creek Rd).

**Case:           Minor 2020-004**

**Item:           Irigaray Proposed Minor Subdivision Sketch 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 1.4 & 12.7 acres.

### **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 from county road as an existing access. Proof from Road and Bridge that access is adequate for existing access.
3. New sixty (60) foot ROW required for access to all lots; Latham Acres Subdivision identified access.
  - a. Existing recorded easement filed in book RW14 pages 383-384.
  - b. Existing recorded easement filed in book RW30 pages 538-540.
  - c. Roadway Maintenance Agreement filed in book 86A47 pages 509-512.
    - i. Agreement will need expanded between all parties for the road maintenance to include the current owners (**Welsh, Jarvis, Miller Sand Creek Ranch**)
  - d. Discuss Road and if it should be named and addresses modified for road name?

4. 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.
5. Clear Creek Conservation District submitted a review of the proposed subdivision November 19, 2020.
  - a. Soil limitations identified
    - i. Septic Tank/absorption limits.
    - ii. Flooding potential.
      1. Soil 879 identified as rare flooding.
6. On lot well proposed for vacant lot.
  - a. Existing residence shown as Lot 2 has two water wells permitted as 161194.0W & 161195.0W
  - b. Existing surrounding well information will be required to be disclosed on 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.
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. The county should be proactive in septic placement for the proposed vacant lot.
    - i. Conservation District Review indicated Very Limited soils associated with Septic Absorption Systems.
      1. 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 is within an area subject to potential flood hazards. There is potential for high groundwater.
10. Public comments/concerns.
11. Other considerations by the Commission.

**Recommendations:**

1. Allow applicant to draft a final plat in accordance with Minor Subdivision Regulations;
2. Final Plat shall include the following additional warnings and/or setbacks:
  - a. Disclosure Statement incorporated into the applicable Plat Warnings.
  - b. Lots are within an area of Potential Flood Hazard.
  - c. Identify Reasonable building setbacks from Johnson Creek.
  - d. Identify Reasonable construction setbacks for septic systems from Johnson Creek, the irrigation ditch, and the property lines.

After discussion Layne Qualm moved to approve the sketch plan as presented following recommendations 1 & 2a. through 2d.; as set out by Planner Waller. Curt Newcomb seconded; motion carried.



Vice-Chairman Julie Baker called for the Swenson Family Trust Minor Subdivision Sketch Plan Review (#87 Crazy Woman Canyon Rd).

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. Allow applicant to draft a final plat in accordance with Minor Subdivision Regulations incorporating the Disclosure Statement into the applicable Plat Warnings.
2. Require the Final Plat to incorporate the Disclosure Statement into the Plat Warnings.
3. Require the Final Plat to disclose septic information as related to Conservation District.
4. Others Require adequate access as per state law (handwritten from meeting decision).

Layne Qualm moved to approve the Final Sketch Plan as presented by Planner Waller following Planner Waller's recommendation 1 through 4. Curt Newcomb seconded; motion carried.

Vice-Chairman Julie Baker called for the North Plains Minor Subdivision Final Plat Review (1545 N Main St).

Planner Waller presented the following report to the Commission:

**Case:           Minor 2020-002**

**Item:           Northern Plains Investments Minor subdivision**

**Applicant:    Loren Carlat**

**Summary:     Subdivision of part of SW ¼ Section 23 & NW ¼ Section 26 T51N R82W**

**Background information:**

1. Owner of record; Loren Carlat as filed in Book 87A69page 494-496 (30.18 Ac).
  - a. Subdivision submitted by Dennis Lawrence representing Northern Plains Investments, LLC.
2. Petitioner desires to split the 30 +/- acres into 4 lots and a road right-of-way dedicated public use.
  - a. Access to property is an existing highway access.
  - b. Barstad Way may also be an access point but may need negotiated for use and maintenance.
3. Proposed lot sizes are 5-11 acres.
4. Existing land was mined for the gravel and has been reclaimed.
5. Proposed water and sewer will be individual wells and septic systems.
  - b. Well information submitted indicates well depths 145-450 feet.
  - c. Surrounding percolation rates range from 15 minutes to drop inch—50 minutes to drop 1 inch.

**Planning Considerations:**

1. First Consideration of the minor subdivision application was during the regular meeting in August 2020.
  - a. Approval granted to advertise in the newspaper and notify adjacent owners for formal sketch review.

2. Sketch Review meeting was held during the regular meeting in September 2020.
  - a. No comments received
  - b. Adjacent neighbor provided information on the sewer and water infrastructure in the immediate area.
3. Access from state highway as an existing access previously used to serve a construction operation.
  - a. Interior roads are 95% constructed and are pending certification as of 11/24/2020.
4. Public notification has been completed.
5. Applicant/Developer is proposing covenants. The covenants at minimum address maintenance and responsibility for the road.
6. Utility Easements reserved and will be part of the 60-foot dedicated ROW.
7. City of Buffalo approval on Final Plat.
8. Plat appears consistent with the Minor Subdivision Regulations.
9. Final Plat fee pending.
10. 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:
  - a. Final Covenants;
  - b. Certification by engineer regarding improvements;

After discussion on the access permit by the Highway Dept, Curt Newcomb moved to approve the Final Plat subject to recommendations 1a and 1b and move on to the County Commissioners for final approval. Manny Rodriguez seconded; motion carried.

Planner Waller reported the Moyes Family contacted him and requested their first consideration for a minor subdivision be removed from the Agenda. He also reported the Reilly family are selling their property and he assumes the Hamersma Minor Subdivision will move forward.

Planner Waller reported he has been busy with septic permits (40) for the year; all the 40-acre parcels (Carlat-Bolinger). He also reported the subdivision regulations are pretty much done and at the January meeting they will need to set dates for public hearings both in Buffalo and Kaycee.

There were no public comments; Curt Newcomb moved to adjourn the regular meeting at 8:30 pm. Manny Rodriguez seconded; motion carried.

Respectfully,

  
 Julie Baker, Vice Chairman

1/5/2021  
 Date

Attest:   
 Vicki Edelman, County Clerk

