

# **APPENDIX A**

## **Public Meetings and Comments**

Buffalo      October 22, 2002

Kaycee      October 23, 2002

Buffalo      August 24, 2004

Kaycee      August 25, 2004

## **Public Agency Comments**

Insert Public meeting comments from October 22 and 23

# **PUBLIC HEARING COMMENTS**

## **JOHNSON COUNTY COMPREHENSIVE LAND USE PLAN**

**Johnson County Fairgrounds Building  
Buffalo, Wyoming**

**August 24, 2004**

PUBLIC HEARING  
COMMENTS

JOHNSON COUNTY  
COMPREHENSIVE LAND USE PLAN

Johnson County Fairgrounds Building

Buffalo, Wyoming

August 24, 2004

## Meeting Attendees

### *Johnson County Commissioners*

Marilyn Connolly  
Gerald Fink  
Jim Mader

### *Johnson County Planning and Zoning Commission*

Harvey Crowe, Chairperson  
Wayne Graves, Vice Chairperson  
Mike McKinley  
Bob Ruby  
Margaret Smith  
Rob Yingling, Johnson County Planner/Project Manager

### *Johnson County Residents*

Fred Wallace, Buffalo  
Linda Reed, Buffalo  
Kate Holt, Buffalo  
Nadine Gross, Buffalo  
Sally Ramsbottom, Buffalo  
Wally Ramsbottom, Buffalo  
Don Gregory, Buffalo  
Michael Bennett, Buffalo  
Roy Olaveson, Buffalo  
Larry Gerard, Buffalo  
Rick Verplancke, Buffalo  
Richard Zander, Buffalo  
Sue and B.W. Wagner, Buffalo  
Jeremy Grimm, Buffalo  
Joan Crowe, Buffalo  
Kirk Kavanaugh, Buffalo  
Jean Bjorksen, Buffalo  
Dave and Sandy Todd, Buffalo  
Val Long, Buffalo  
Donald Conklin, Buffalo  
Dan Thiele, Buffalo  
Rob Pfister, Buffalo  
Nikki Lohse, Buffalo  
Phil Gonzales, Buffalo  
Fred Lacey, Buffalo  
Nadine George, Buffalo  
Ed and Wanda Archer, Buffalo  
Gordon and Sandy Taylor, Buffalo  
Al Weeden, Buffalo  
Bruce Hepp, Buffalo  
Brent Braten, Buffalo

### *Planning Consultants*

Jim and Sandy Pedersen, Pedersen Planning Consultants, Encampment, WY

## Public Comments

- | <u>No.</u> | <u>Name/From</u>                                | <u>Comment(s)</u>  |
|------------|---|--|
| 1          | John Jenkins/Bufalo                             | <p>Prioritize what you work on. Look at coal bed methane (CBM) development and rural residential development. CBM different from oil and gas. CBM has lots more potential/magnitude. Investigate areas that have dealt with similar situations, e.g., south of the Front Range of Colorado. Get real clear on the experiences of these places that have been on the cutting edge of this type of development.</p> <p>Rural Residential – any radius is a mistake. Look at each entity, e.g., County road and bridge, that provides public services, identify their locations, and ultimately calculate the cost of delivery of services. This information will tell you what you really have.</p>  |
| 2          | Kurt Kavanagh/Bufalo                            | <p>The Planning and Zoning Commission must look at the potential incompatibility of future land uses, e.g., potential confined livestock operations near residential areas.</p>  |
| 3          | Don Gregory/unincorporated area north of Bufalo | <p>There is a need for zoning regulations. There is an accumulation of junk cars near his rural residence. He has a problem with this and other unregulated land uses. If Johnson County had regulations, it would help alleviate these types of situations.</p>   |
| 4          | Brent Braten/Bufalo                             | <p>People’s arrogance is based on ignorance. Johnson County needs to make the effort to hear from local residents. It is important that information such as the draft Johnson County Comprehensive Land Use Plan (JCCLUP) is made readily available.</p> <p>PZC Wayne Graves: The draft JCCLUP is available on the internet and hard copies of the report are available at local libraries.</p>  |
| 5          | Roy Olaveson/Bufalo                             | <p>Concerned with the potential impact of CBM development upon local ground water. Will the JCCLUP look at potential impacts on ground water? The JCCLUP needs to address this as this issue will impact a lot of people in Johnson County.</p> <p>County Commissioner Marilyn Connolly: There is some groundwater information contained in the JCCLUP. However, we cannot get into too much detail because the JCCLUP is not a regulatory document.</p> <p>Jim Pedersen: The JCCLUP examined available data on all existing groundwater wells in Johnson County. Spatial analysis was used to analyze the potential location of groundwater resources within 400 feet of ground elevation.</p> <p>County Commissioner Marilyn Connolly: In Chapter 14 of the JCCLUP, there are recommendations that propose the incorporation of appropriate regulations for oil and gas development into proposed zoning regulations. The U.S. Bureau of Land Management also addressed this issue in its environment impact statement for the Powder River Basin. The JCCLUP says we have to be aware of these types of issues. Johnson County will do what we can to help mitigate those problems.</p> <p>Jim Pedersen: If zoning were to ever be adopted, oil and gas regulations could be included in a potential zoning resolution.</p> <p>PZC Wayne Graves: Cannot see why Johnson County can’t look into this issue further.</p> <p>Roy Olaveson: Individual residents need recourse.</p> |

PZC Wayne Graves: Johnson County may not resolve Olaveson's individual situation, but will include his comments. Federal officials will need to consider the recommendations contained in the JCCLUP.

PZC Mike McKinley: This is not a county jurisdictional issue, but rather an issue to the Wyoming State Engineer's Office that govern private water rights in the State of Wyoming.

6 Val Long/Kaycee: Believes that a bill was passed in the last legislative session to help protect water rights. He expressed concerned about land use changes and related impacts upon water resources. Migratory birds are protected, but developers don't realize that the State of Wyoming needs to take a hard look at water issues. Land developers don't look at what's happening on land before they start developing.

7 Jeremy Grimm/Buffalo: He is the new City Planner for the City of Buffalo. Where he came from in the State of Maine, his home community was in trouble. The community needs to make infrastructure improvements but has no funds available to address infrastructure issues. Recommends permit and review fees (p. 13-14). Future growth should not cost Johnson County money on the paperwork end. Recommends the development of storm water regulations. We need to deal with this issue as we grow, not after it becomes a problem

8 Bruce Hepp/Buffalo: The Mayor is concerned about the public costs associated with rural subdivisions. Private developers expect counties to pay for the provision of public services and road maintenance. When subdivisions are developed further from the municipal limits, it gets more costly and longer to respond to public requests. We need building structures that are constructed well. More and more roads being built and greater county resources are expected to cover costs. In view of tax revenue distribution realities, Johnson County cannot receive revenues to cover infrastructure improvement costs before the County is impacted.

9 County Commissioner Jim Mader: How do you measure "incompatible" land uses (comment made in response to question from Kurt Kavanaugh)? The City of Buffalo's lack of control concerning where things go. For example, the location of an animal shelter in a residential area is clearly incompatible. Johnson County's planning process could resolve many of these situations if areas are designated for appropriate land uses. (Directs question to Don Gregory) Do incompatible land uses impact your property values and lower the quality of life? Land uses need to be more regulated so that property owners don't have to go sue each other to resolve land use issues. It would be a lot better if the County could help this situation.

10 John Jenkins/Buffalo: Real estate appraisal is the market solution for measuring the incompatibility of land uses. It takes away the subjectivity. The cost of development needs to be internalized. In terms of government regulation, we must have some mechanism to maintain some sort of equity.

11 Dennis Bateman/Buffalo: Developers need to be informed that if they develop way out in the country, Johnson County is not going to necessarily provide public services. People should be advised of this policy when they start moving into those kinds of areas. Various public services may eventually become available when the County can afford to provide them. Develop an informational brochure that the County or developer can provide to potential new residents. Make it official.

12 Nadine George/unincorporated area of JC: One of key solutions is disclosure. As long as potential residents know during their purchase of real property. If there's a link between Johnson County and the Johnson County Board of Realtors, it will eliminate many misunderstandings.

13 Don Conklin/unincorporated area of JC: The unintended consequences of the JCCLUP and recommended zoning will drive up the cost of housing. Anticipated permit costs, building permit fees unnecessarily meddles in the market place and the establishment of price. Is that something we want down the road? He cautions against it. If Johnson County is concerned about housing costs, why pursue the adoption of the JCCLUP and future land use regulations? At the same time, Conklin commends the inclusion of recommendations in the JCCLUP to facilitate legal standing with various federal agencies.

14 Bruce Hepp/Buffalo: City & County government are not in the business of real estate. Government does not have a lot of say about the costs of housing. Local government can provide the infrastructure and facilities that are needed. Costs are passed on to users. How do we assess taking care of our community residents who live in town and, at the same time, pursue providing public services to unincorporated areas outside of Buffalo?

15 Brent Braten/Buffalo: Communication is the key.

16 Al Weeden/Buffalo: Why is one particular area designated rural living in the Crazy Woman Creek drainage? The JCCLUP looks like it is aimed at zoning. More serious effort should be given to laying out the maps. The recommended land use pattern maps don't appear to match with existing land uses.

Jim Pedersen: If zoning is eventually established in Johnson County, zoning maps would be much more specific. The JCCLUP describes general land use combinations and not intended to be specific as a zoning map.

17 Rick Verplancke/French Creek: Describe p. 13-2 rural living. Concerned that the recommended land use pattern map is not a regulatory map. Satisfied that it is not. He is familiar with the Sheridan Growth Management Plan which presents a more restrictive land use concept. He believes that the JCCLUP is a more positive plan that is going in a different direction.

18 County Commissioner Gerald Fink requested Jim Pedersen to clarify the general land use designations of the recommended land use pattern map, particularly rural living. He added that he understood that the land use designations were not mutually exclusive.

Jim Pedersen: The Sheridan Growth Management Plan was more specific in its designation of land uses. JCLUP suggests a combination of land uses in designated areas to encourage a lifestyle that is more consistent with the custom and culture of Johnson County residents.

19 John Jenkins/Buffalo: There are two types of land use planning: antiquated zoning and planning practices which everybody hates. The other type of planning incorporates reasonably thought-out planning concepts.

20 Brent Braten/Buffalo: Look at Ft. Collins, CO and learn from their mistakes.

21 Fred Wallace/Buffalo: Laws should come from the people, not from the top down.

22. Brent Braten: Good job!

# PUBLIC HEARING COMMENTS

## JOHNSON COUNTY COMPREHENSIVE LAND USE PLAN

Harold Jarrard Park  
Kaycee, Wyoming  
August 25, 2004

**Meeting Attendees**

*Johnson County Commissioners*

Marilyn Connolly  
Gerald Fink  
Jim Mader

*Johnson County Planning and Zoning Commission*

Harvey Crowe, Chairperson  
Wayne Graves, Vice Chairperson  
Mike McKinley  
Bob Ruby  
Margaret Smith  
Rob Yingling, Johnson County Planner/Project Manager

*Johnson County Residents*

Diana Cornthwaite, Kaycee Town Clerk, Kaycee  
Allison Engle, Kaycee  
Steve Haines, Kaycee  
Brock Hanson, Kaycee  
Allen Streeter, Kaycee  
Rod Odenbach, Kaycee  
Dwayne Christiansen, Kaycee  
Lorrene Collins, Kaycee  
Wendy Wagoner, Kaycee  
Sue Jarrard, Kaycee  
Kathy Williams, Kaycee  
R. Cleveland, Kaycee  
Bob Thompson, Kaycee  
Paula Hanson, Kaycee  
Leif Hanson, Kaycee  
Jason Williams, Kaycee  
Margaret Smith, Buffalo  
Sally Ramsbottom, Buffalo  
Wally Ramsbottom, Buffalo

*Planning Consultants*

Jim and Sandy Pedersen, Pedersen Planning Consultants, Encampment, WY

**Public Comments**

No.    Name/From                      Comment(s)

1 Randy Cleveland/Kaycee: Impressed with the Johnson County Comprehensive Land Use Plan (JCCLUP) and agrees with its contents. However, Cleveland is unclear how Johnson County will enforce the recommended policies or make them happen.

Jim Pedersen: Should the JCCLUP be adopted by the Johnson County Commissioners, it does not become a regulatory document. Commissioners and the Johnson County Planning and Zoning Commission will pursue specific actions/recommendations that are outlined in the JCCLUP.

County Commissioner Marilyn Connolly: Johnson County must implement zoning in order to enforce the recommendations.

2 Randy Cleveland/Kaycee: If building codes are implemented, what can the general public do to control the extent of future changes to local building code requirements?

County Commissioner Marilyn Connolly response: Certain steps must be taken before any changes can occur. Public hearings, for example, provide an opportunity for the general public to respond to proposed changes to building code requirements.

County Commissioner Gerald Fink: Federal agencies are required to take the JCCLUP into consideration as they develop their operating plans. The adoption of zoning is not required for the purpose of federal agencies reviewing local plans.

Margaret Smith: The value of the JCCLUP is for Johnson County to set goals and obtain community input to determine what we want in the future.

3 Dwayne Christiansen/Kaycee: Uncertain how far Kaycee and Buffalo can influence land use decisions for development projects that extend beyond their city limits.

County Commissioner Marilyn Connolly/JC Planner Rob Yingling: Wyoming Statutes authorize municipalities to take authority up to one mile outside of their city limits for subdivision approval.

4 Leif Hanson/Kaycee: If you have a land use plan, can you get rid of it 20 years down the line? Which has jurisdiction, the JCCLUP or the State Conservation District Plan?

County Commissioner Marilyn Connolly: The JCCLUP can be revised.

JM: The draft JCCLUP mentions that coordination must occur between County and CD.

5 Brock Hanson/Kaycee: Was the local CD plan considered in the JCCLUP?

JC Planner Rob Yingling response: A direct reference to the conservation district plans is included in the JCCLUP.

Brock Hanson/Kaycee: Can the JCCLUP include a recommendation to eradicate prairie dogs in the section concerning wolves and other predators?

6 Jason Williams/Kaycee: Was impressed and surprised with the JCCLUP. The plan uses lots of common sense. The Planning and Zoning Commission did a good job. One of his concerns, when he hears the word “zoning”, is his private property rights. It is important that we don’t infringe on personal property rights.

The JCCLUP mentions encouraging businesses in the home. Williams does not view encouraging home occupations as a role of government.

Jim Pedersen: The JCCLUP indicates that it is important that home occupations are important to sustaining lifestyles in Johnson County that often include residents having two or more jobs and/or small businesses.

7 PC Margaret Smith: The JCCLUP does not identify any industrial development opportunities in Kaycee. Residents may want to consider that. She would appreciate learning of any further recommendations that residents might have.

8. Ken Graves/Kaycee: US Fish & Wildlife should be included in JCCLUP as far as cooperating status and future coordination.

9 Wally Ramsbottom/Kaycee: Ramsbottom expressed disappointed that there weren't bigger crowds that attended both public hearings. He believes that the public comments have been good and think the Johnson County Planning Commission has done a good job.

10 Allen Streeter/Kaycee: (response to question concerning the potential industrialization of Kaycee) Streeter does not know of any plan from Town of Kaycee for industry in Kaycee.

11 Sally Ramsbottom/Kaycee: Is there a way to regulate building rural subdivisions without having zoning?

Response: No

12 PZC BR: how do you stop some of these concerns without establishing zoning?

MM: if zoning comes up, we have to direct

13 Bob Thompson/Kaycee – The perception of some local residents is that once zoning is in place, it can never be changed. That's an incorrect perception

JC Planner Rob Yingling: Any potential zoning requirement can be changed, but any recommended revisions must petitioned to the Johnson County Planning and Zoning Commission

14 Wally Ramsbottom: If zoning is established, does that mean that you must have building codes?

County Commissioner Marilyn Connolly: Zoning can be established as we want it

Jim Pedersen: Zoning can be simplified so that requirements exert reasonable requirements and not become intrusive. It is the general public's responsibility to inform the Planning and Zoning Commission when zoning regulations become unnecessarily intrusive burdensome.

Wally Ramsbottom: People who've been in Johnson County for a long time have a difficulty with new codes when they have successfully built homes, barns, and other improvements without them.

Jim Pedersen: Buildings and other existing improvements are typically "grand-fathered" in county zoning resolutions and would not be subject to the new codes unless existing land uses are significantly modified or replaced with new improvements.

15 County Commissioner Gerald Fink: Nothing will be clearly black and white. Johnson County will need lots of public input to ensure that the Johnson County Commissioners know what people want.

16 Randy Cleveland/Kaycee: Spell things out for people clearly. Tell people they need to provide input if zoning is recommended. Let it be zoning, but allow people to respond to your specific recommendations.

17 Wally Ramsbottom: If the federal government designates an area on your property as an endangered habitat and we can't use the land anymore, the only thing we've got left is to dispose of the land.

18 Jason Williams/ : Any zoning or land use plan needs to protect private property rights. The Planning and Zoning Commission and County Commissioners have done a good job of doing that.

19 Kenny Graves: The JCCLUP does not say how often LUP needs to be revised.

Jim Pedersen The Plan should be revised about once every three to five years. However, the timing of the revision depends primarily upon the land use issues that are confronting each community.

JC Planner Rob Yingling It is the responsibility of the Planning and Zoning Commission to keep tabs on what's happening in the county, and, at some point, recommend when a revision needs to be made.

# **PUBLIC AGENCY COMMENTS**

U.S.D.A. Forest Service - August 5, 2004  
Lake DeSmet Conservation District - September 7, 2004  
Wyoming Game and Fish Department - September 10, 2004