

**FREMONT COUNTY PLANNING COMMISSION  
MEETING MINUTES  
7:00 PM, DECEMBER 3, 2015  
450 N. 2<sup>ND</sup> ST., ROOM 205  
LANDER, WY 82520**

**Open of Meeting:** Chairman Kristin Paulsen called the meeting to order at 7:00 p.m. The following were present: Vice Chairman Oakley; Planning Commissioners: Harold Albright, Tom Jones and Chris VonHoltum; County Commissioner Travis Becker; Planning Department Staff: Director Steve Baumann and Small Wastewater Specialist Marcel Lopez.

**Pledge of Allegiance:** Chairman Paulsen led those present in the Pledge of Allegiance.

**Approval of Agenda:** Commissioner Jones moved, Commissioner VonHoltum seconded to approve the Agenda of December 3, 2015. No further discussion, the motion carried unanimously.

**Approval of Minutes:** Commissioner Albright moved, Commissioner Jones seconded to approve the Regular Meeting Minutes from the October 29, 2015 meeting. Vice Chairman Oakley abstained from voting due to his absence from the October 29, 2015 meeting. No further discussion, the motion carried unanimously.

**Staff Progress Report:** Director Baumann reviewed the Monthly Progress Report for October 2015 provided to the County Commissioners. Discussion: (1) The department has been ahead of schedule on revenue, primarily due to the increase in fees and is under budget on expenses, since Steve Warner moved into the position of GIS Technician. (2) County Commissioners have asked all department heads to review budgets. (3) If the numbers stay the same within the department, a normal number of small wastewater permits and a reasonable number of subdivisions, together with the fees received from rural addressing and the changes in personnel, we should be approximately \$3,000 to \$4,000 in additional revenue, approximately \$30,000 under budget. The department has given back some of the budget designated for the Planning Director's travel. Overall, we are on pace to be 15% under budget this year and approximately 18% to 20% of budget next year.

**Unfinished Business:** None.

**New Business:**

**Lone Star Subdivision Vacation.**

Ryan and Andrea Gilbertson came forward to represent the subdivision. The Gilbertson's want to vacate the subdivision and have it put back to the forty acre parcel

as it was previously one year ago. Director Baumann commented letters were sent out to adjacent landowners without any response. The open title was reviewed and the subdivision was straight forward when approved in 2014. The effect of this is to eliminate all the lines on the map, with the exception of the exterior boundary of the property, the thirty foot (30') roadway easement going to the property and the power lines. The bank has signed off on this proposal. Chairman Paulsen called for a motion. Commissioner Albright moved, seconded by Commissioner Jones to send to the County Commissioners for approval the Vacation of Lone Star Subdivision. Chairman Paulsen stated to make sure the Vacation Document was filled in correctly and the new legal description prepared. Director Baumann stated the new legal description has not been prepared, but should be pretty simple. Chairman Paulsen also reiterated to the Gilbertson's that a deed is required to be recorded from themselves to themselves when this is complete. Mr. Gilbertson responded he was aware and has already spoken with Kim. No further discussion, motion carried unanimously.

### **Discussion:**

Director Baumann started a discussion regarding Rawhide Subdivision outside Dubois, which was approved in 1977. It had several issues. It was done as a regular subdivision, and consequently it had to meet road standards. The bridge was never built and there were violations of a lot of issues related to the subdivision. In 2007, all the lots had been sold, with D.R. Simmons purchasing the bulk of them. The Simmons' did not want to put in a two lane bridge, which was required to meet county standards. In 2007, the Simmons' requested the Planning Commission to change the roads from publicly dedicated to privately dedicated. The Pavlick's, who own property behind, protested because it was cutting off their access. Since there was access to the Pavlick's property, the Planning Commission approved the rededication of the roads from public to private; in essence allowing the Simmons' to put in a one lane bridge across the river. Several lawsuits ensued, mostly between the Simmons' and his neighbors for access, easements and rights to cross properties. The neighbors contemporaneously granted each other easements to get to and from each other's properties. Somehow the planning department wrote an amendment to the Certificate of Dedication and Title for the Rawhide Subdivision, signed by the County Commissioners and recorded. That document attempts to rewrite the Certificate of Dedication and Title on the plat as a standalone document, was poorly written as to imply the area that is the road actually had ownership conveyance attached to it. Discussion continued regarding the ownership of the road and what can be done in the future to avoid situations such as this. The planning department is waiting for a legal opinion from Jodi Darrough.

## **Review Changes to Chapters 3, 4 and 5 of Regular Subdivision Regulations**

### **Chapter III. Platting Procedures**

3. Preliminary Plat, Item E, page 5, the state statute regarding when the DEQ gets involved with water and small wastewater was copied from Natrona County. It explains the DEQ statutory requirements and their time constraints. Chairman Paulsen

commented there are some typographical errors to be corrected: (1) line 3, application and days; (2) line 4, purpose. Director Baumann stated we are trying to point out that every regular subdivision has to go through DEQ. Chairman Paulsen asked if it was an addition to what was there before. Director Baumann answered yes.

#### 4. Final Plat, B. Final Plat Submission

Item II, page 7, the DEQ has to provide authorization and recommendation for water and sewer systems

Item III..Special Improvement District as previously discussed at the last meeting. If we are going to decide to have a Special Improvement District requirement, this is probably the place it should be located. Chairman Paulsen stated she would like to leave it in for discussion purposes at another time.

Item V. Discussion at last month's meeting, rather than a member of the Planning Commission or a member of the Planning Department verifying the activities of the subdivider, it would be better to have in place another method. Either the engineer hired by the subdivider or an engineer hired by the Planning Commission to verify the installations are in accordance with the development plans for the subdivision. This would allow flexibility to the subdivider, to either have their own engineer being responsible for verifying and submitting documentation to the planning Commission or the Planning Commission can hire an engineer and bill the subdivider. Commissioner Albright stated to include "shall retain a consulting engineer at the subdivider's expense" or something along those lines so it is clear the subdivider responsible for the cost. Director Baumann suggested adding "Prior to final plat approval, the planning department shall retain a consulting engineer at the subdivider's expense or the subdivider shall hire an engineer that shall inspect and certify.

Chairman Paulsen asked if there were any comments regarding the changes leaving in the Special Improvement District. Vice Chairman Oakley stated he had some concern about the Special Improvement District where it is stated as required, but was in agreement to leave it in as a topic for discussion. Chairman Paulsen commented she wanted to leave it in as a discussion topic.

### **Chapter IV. Information Requirements, Regular Subdivisions**

1, General, Item I, Page 3, Chairman Paulsen asked if the verbiage taken from the State Engineers website. Director Baumann replied it was. Chairman Paulsen also inquired if the statute 18-5-306 (xi) was put in as well. Director Baumann stated it will be included.

2, Preliminary Plats, Item B, VII, Page 5, Commissioner Albright stated to have it removed or leave in for further discussion. Having contour intervals of two feet (2') or five feet (5') is beneficial, but would be willing to have further discussion. Chairman Paulsen stated it is not a state statute, it is a requirement the planning commission is requesting. This item will continue to be discussed.

3, Final Plats, Item XV, Page 12, Commissioner Albright requested to review the specific part regarding “All permanent drainage ways, irrigation canals, laterals and ditches shall be accurately located on the plat.” Commissioner Albright stated those issues change, so permanent would cover as far as supply and distribution to adjacent property owners or other affected property, but not the lands within the boundaries of the plat because that will change over time. Any supply or distribution structures need to be located on the plat because that is like an easement. As far as the use of the water within the boundaries of the plat for irrigation purposes, that will change over time with the collection of storm water. To show those on the plat does not have any benefit because the plat is there forever, unless it is re-plated every time there is a change that affects it. Director Baumann asked if the verbiage all permanent drainage ways and irrigation canals is acceptable; is it only the laterals and ditches? Discussion: (1) identify what actually needs to be on the plat; and (2) the need for topography on the preliminary plat. Chairman Paulsen stated we could leave this as points to continue to review.

Page 13, Item XVIII, is acceptable as written with the punctuation correction.

5, Dedications and Certifications, A., I, Page 18, Chairman Paulsen commented the need to update and include the designated amount of land that is in lots, blocks and the amount that is in roads, making the plat easier to read and know exactly what the plat contains. Discussion: (1) requirement in regular subdivisions roads are separate from lots or community facilities within the plat; (2) state statute process in vacating public dedicated roads; (3) ownership of vacated public dedicated roads; (4) have all roads public in the subdivision unless a variance is granted making it a requirement of the subdivider to come to planning commission and request them to be private. Chairman Paulsen requested the planning commission to read the sample Certification and Dedication and think about how to incorporate into the dedication so the plat contains the information showing if the road goes to the center of the lots, amount of acreages and the dedication of the road, either public or private and address these issues and deal with the Special Improvement Districts. This issue will be reviewed again

7, Homeowners Association Documents. This will be reviewed again.

## **Chapter V. Design Principles and Improvement Standards, Regular Subdivisions**

Director Baumann stated having read the regulations of all the counties in the state, except Teton, and it was interesting that under Design Principles and Improvement Standards, for the sections of the various subdivision regulations, this general portion, Planning Considerations, the wording outlined in yellow, was in every other county’s regulations but Fremont County. For consistency with the majority of the other planning

commissions and defining general planning considerations or general standards, we could include in our regulations what the other counties have in theirs.

1. Planning Considerations, A, Page 1, Chairman Paulsen commented there is not a Fremont County Land Use Plan. Director Baumann stated we do have one from 2007 and is on the list of objectives to update. The state requires us to have one and the state statute requires that the planning commission address all the things that are in the land use plan and any master plan. Discussion: (1) local master plans (city plans); (2) are the plans verbal or a written and recorded document; (3) Item D, continuation of streets into adjacent subdivisions.

2. General Standards, B, Page 1, Chairman Paulsen asked if the planning commission has the ability to address this and who decides if the hazards have been mitigated?

4. Road Standards, A, 1, Ownership, a), Question was asked "What is a community facility"? Director Baumann answered there are provisions for it in not only this, but in the subdivision regulations for mobile home parks that requires a specific area allocated. There is also a provision and the ability to put it in the regular subdivision, community lots. Chairman Paulsen asked how they are governing them. Director Baumann responded there is no governing of them, except it is written the maintenance has to be through a maintenance document for a homeowners association. Chairman Paulsen asked regarding a community facility, who owns it, who is responsible for it, who is in charge of it, how can it be sold or how can it be transferred?

b). Maintenance. Possibly look into the regulations for condominiums and maybe use some of the wording from that and use it in this section.

C. Roadway Design and Construction. Item IV. Discussion regarding roadway to match existing municipality roadway.

D. Bridges, Culverts and Cattle Guards. Who requires the cattle guards? Commissioner Albright suggested changing "when required" with "when installed,"

Road Design Standards table is the same table that is used by the Fremont County Roads Department.

6. Pedestrian Way Requirements. A. This is a public way for people to get from their lot to another. Add "Bikeways" into this same section.

7. Storm Drainage. There is a provision in state statute that discusses storm drainage. Review and check to see if there is anything else that may need to be included since it is becoming more of an issue today than previously.

8. Water Supply Requirements. Rewrite the section relating to requirement of being connected. This section will be reviewed again.

9. Sewage Disposal Requirements. A, rewrite the section relating to the 500' of the parcel etc. This section will be reviewed.

10. Irrigation Water Distribution. Everything printed in green is from State Statute 18-5-206(a)(xi).

11. Fire Protection Requirements. This is part of the original Subdivision Regulations. The only addition was "In no case shall fire hydrants be located more than five hundred (500') feet apart" which seems to be a nationwide standard.

The members set the next regular meeting for Thursday, January 28, 2016, at 7:00 p.m.

There being no further business for the Planning Commission, Chairman Paulsen adjourned the meeting at 9:54 p.m.

Respectfully submitted:

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Cheryl Crowson  
Department Secretary

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Kristin Paulsen  
Chairman