

**FREMONT COUNTY PLANNING COMMISSION  
MEETING MINUTES  
DECEMBER 4, 2014  
7:00 PM**

**Open of Meeting:** Chairman Kristin Paulsen called the meeting to order at 7:04 p.m. The following persons were present: Planning Commissioners: Harold Albright, JR Oakley, Tom Jones and Richard Emond; County Commissioner, Travis Becker; Planning Staff: Director, Steve Baumann, Small Wastewater Specialist, Marcel Lopez and Department Secretary, Cheryl Crowson.

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

**Approval of the Agenda:** Vice Chairman Albright moved to amend the agenda to remove the Solitude Subdivision and approve the agenda as revised with removal of Solitude. Commissioner Oakley, seconded the motion. No further discussion the motion passed unanimously.

**Approval of Minutes:** Chairman Paulsen asked if anyone had any changes or corrections to the September 25, 2014 minutes. Director Baumann identified a correction to the Minutes on Page 5, Line 7, changing the word “requesting” to “requested”. Commissioner Oakley moved to approve the minutes from September 25, 2014, as presented with the corrections on Page 5. Commissioner Emond seconded the motion. No further discussion the motion passed unanimously.

**Staff Progress Report:** Director Baumann commented in their packets they received copies of the monthly report for October. In general, the department has slowed, but is working on revisions to the Subdivision Regulations and the Small Wastewater Regulations. The Small Wastewater Regulations have been reviewed and are still working through them. The intent is to have them ready in approximately a month for discussion with various people of the community who are aware of their impact and starting a dialog with the County Commissioners. Additionally, Evan Reimondo has been taking on several activities that previously we have not been involved. Specifically, the town of Hudson with their addressing. They do not have enough manpower to accomplish that task, so our department has been helping. Several changes have already been made within the town of Hudson. Additionally, Encana came to us with proposed work information in the area around the new water treatment plant. The road has been finalized and are just waiting for road signs to be put in place. The addressing and signing activities in our department have been working well and we are

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encouraged with the level of activity on those issues. In regard to septic activity, things have slowed, we are not as busy as in the summer. Director Baumann spent time with the viewers on Mortimer Lane roadwork, which was completed last month. Additionally, Director Baumann went to the Master Plan meeting on the Lander Airport and was invited to participate on the committee for the Master Plan. Also, in regard to the Sulzback Subdivision in Riverton, a family member of a trust and a different family member did not hold title for more than a year, tried to sell it to another family member, which is a violation of our regulations. Since then, they have reversed that activity and are now in compliance. Additionally, a memo was provided that contains pertinent information about the three subdivisions on the agenda for tonight. Also, Solitude Subdivision will probably be going forward, depending on when Mr. Meckem decides to record legal instruments that are required as part of a law suit.

Commissioner Oakley asked in regard to the Notice of Violation, the Memo dated November 2, 2014, indicates no response. Director Baumann answered regarding Sharp Nose, they did comply. They contacted Steve Warner shortly after the Notice of Violation was sent and has been corrected.

**Unfinished Business:** First item on the agenda is Knight Subdivision. Director Baumann informed it was brought back at Chairman Paulsen's request. Director Baumann stated he has not been able to review the various versions of the Knight Subdivision and come to terms with exactly what has transpired. It appears as though the Knight Subdivision has been presented to the commission on two different occasions, was removed for review for various reasons and has never come back. Chairman Paulsen asked Mr. Gary Hatle if he is still pursuing the subdivision. Mr. Hatle stated "Yes, the developers are going to proceed." The developers met with Mr. Hatle, and indicated they resolved the issue. They have a letter that shows the well has been decommissioned. Mr. Hatle stated they are ready to move forward and will try to have it ready for next month.

Vice Chairman Albright brought up one issue raised and addressed, whether the old system has been decommissioned so there isn't any chance of contamination. Mr. Hatle indicated there is documentation to that effect.

Chairman Paulsen stated Mr. Marcel Lopez has been involved with this issue. Mr. Lopez confirmed he has spoken with the DEQ and the manager of the water in the area and was assured that the water line connecting the two systems has been removed.

## **New Business:**

### **Shearer Subdivision**

Mr. Dan Hart came forward to explain the proposed subdivision as a four lot subdivision with irrigated land. In reference to the previous plat map, it was brought to his attention the road should be extended to the boundary, since they still own the property between the proposed subdivision and the highway.

Discussion in regard to: (1) highway approaches; (2) changing the dedication signature lines; (3) adding a centerline 30 foot easement for open ditch and buried pipe line; (4) extending the road; (5) naming the road as Shearer Road; (6) a hole/indentation on the ridge; (7) soils report/condition, Vice Chairman Albright requested a note be placed on the plat which states "engineered septic may be required" and (7) the letters from the State Engineer and power company. There were no letters from adjoining land owners. No comments from members of the audience.

Vice Chairman Albright moved to recommend this plat be sent to the County Commissioners for approval after the addition of a note on the plat stating that an engineered septic system may be required. Commissioner Emond seconded the motion.

Chairman Paulsen brought up a discussion explaining Clint Guymond called her this afternoon stating there was a road maintenance agreement. Discussions were held on the existence of the road maintenance agreement and if it has been filed.

Commissioner Emond rescinded his second on the motion.

Vice Chairman Albright asked Chairman Paulsen for an explanation in regard to changing his motion. Vice Chairman Albright also asked Mr. Hart, as representative of the plat, if there is such a document, it will need to be shown on the plat. Mr. Hart said he had no personal knowledge of there being such a document other than being told there was and if there is, it may not be filed at this time. Vice Chairman Albright stated he was not comfortable making any other motion than what he previously made.

Discussion continued in regard to the road maintenance document.

Director Baumann made a suggestion in regard to the road maintenance agreement. If the commission approved, he would follow up with Mr. Hart, and prior to Mr. Hart making the final mylar, if the document is filed, he would make

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sure the information is placed on the plat prior to signatures. Then, it doesn't need to be a part of the motion. If a road maintenance agreement is available, making sure it is recorded.

Continuing discussion in regard to road maintenance agreements and covenants.

Commissioner Oakley moved to recommend the Shearer Subdivision be forwarded to the County Commissioners for approval with it stating on the plat that an engineered septic may be required and if a road maintenance agreement is discovered by the planning department through research and it does legally exist, it will be put on the plat prior to signing. Seconded by Commissioner Jones. Motion passed with four in favor and one opposed.

### **Powers First Subdivision**

Mr. Dan Hart came forward to present the Powers First Subdivision on behalf of Mr. Patrick Powers as a proposed one lot subdivision. He indicated it doesn't show on the current plat copy, but he did put a note on the plat about engineered septic may be required and a note about the non-existence of power. He also inquired as to whether the commission wanted a foundation disclaimer. He stated that Shoshone Lake Road is not an all-year road.

Vice Chairman Albright stated he would like an addition to the notes that states the Shoshone Lake Road has seasonal restrictions that may affect emergency services response. Chairman Paulsen explained everyone understands the road is not open all the time and there could be an issue with getting 911, fire, EMS and Sheriff to anyone out there during those 6 or 7 months that the gate is locked.

Discussions were held in regard to: (1) the seasonal road closure; (2) soil conditions for septic systems, plat contains a note stating an engineered septic system is required; (3) covenants for said property, Mr. Powers stated he is working on them; (4) correct road name, Shoshone Lake Road is officially Baldwin Creek Road Extension, County Road No. 212; (5) Director Baumann will check to see what it is called in MapServer, if it is called Shoshone Lake Road, corrections to addresses will be made; (6) Vice Chairman Albright requested the note referring to the seasonal restrictions, he is modifying it so it does show the correct name of the road; (7) letters received from State Engineer Office without issues, no power company letters nor letters from adjacent landowners.

Chairman Paulsen asked if anyone from the audience would like to discuss the subdivision.

Mrs. Perry Cook, an adjoining landowner of Mexican Creek Ranch, had concerns regarding; (1) the seasonal road closure, that this subdivision would not affect it and (2) they would not allow any power company to cross their property.

Mr. Richard Cook had concerns of maintenance. If the section that is usually closed is now going to be open for potential occupation, is the county going to be obligated to snow plow that and at what cost.

Discussion continued regarding: (1) maintenance of the seasonal road closure, property owners have the right to plow, if they so choose, to get to their property; and (2) possibility of the various types of power to the property.

Chairman Paulsen called for a motion. Vice Chairman Albright moved to recommend the Powers First Subdivision be forwarded to the County Commissioners for approval after the addition in the general notes stating that an engineered septic may be required and that County Road 212, Baldwin Creek Road Extension has seasonal restrictions that may affect emergency services response. Seconded by Commissioner Jones. No further discussion the motion passed unanimously.

### **Valley Vista Subdivision No. 1**

Commissioner Emond requested to recuse himself from the commission to join his engineer and approach the bench with the proposed subdivision. Chairman Paulsen granted and stated that with the removal of Commissioner Emond there is a quorum.

Mr. Gary Hatle and Mr. Richard Emond came forward to present their proposed subdivision, which is a five lot simple subdivision west of Riverton.

Discussion with regard to: (1) existing 60 foot road easement, on Lot 1; (2) the size of easements along the boundary of the other lots; (3) variance for easement size; (4) the definition of minimum requirements, regulations and standards in Wyoming as they relate to subdivisions; (5) County Commissioner Travis Becker suggestion of a compromise, placing a note on the plat stating that it is a 20 foot easement until the east side is developed and then the easement goes to a 10 foot on both sides;(6) Director Baumann read a definition of a variance. Modification of certain requirements of these regulations, when in the opinion of the governing body, justification of reasonableness has been demonstrated and is necessary to serve the best interests of Fremont County.

Mr. Hatle requested that the planning commission consider a variance from the regulation of a 20 foot easement along the lot boundaries to a 10 foot easement along the west boundary of lots 3, 4, and 5.

Chairman Paulsen restated that the developer has asked for a variance on the west boundary of lots 3, 4 and 5. The variance would be for a 10 foot easement for utility and drainage versus the regulation for 20 foot easement.

Mr. Hatle stated the reason for the variance was it abuts an existing subdivision with and existing 10 foot easement.

Vice Chairman Albright moved to grant the request for a variance on the required width of the utility easement on the west side of lots 3, 4, and 5 of the Valley Vista Subdivision No. 1. The reason for the variance request is that there is an existing 10 foot easement on the east side of Renegade First Addition and the combination of two 10-foot easements would meet the required 20 feet. Seconded by Commissioner Oakley. Variance granted unanimously

Chairman Paulsen confirmed what is being changed is, add the road on lot 1 on the west side; remove the easements that are 10 feet that abut up to the Valley Vista Road, which are the west and south boundary of lot 2, the north and east boundary of lot 3, the east boundary of lot 4 and the northeast corner of lot 5. In addition, remove the 10 foot boundary on lot 1 that goes from the northeast quarter down to the circle of the undeveloped lot about 1/3 of the way down. Leave the 20 foot on the south of lot 5. The other interior easements will remain the "10's" on the between lots 3 and 4 and between lots 4 and 5, and interior between lots 1 and 2 on the north and south boundary. Adding the words "road and utility easement".

Mr. Hatle stated that the southwest corner of lot 3 of Renegade Flat Subdivision, upper end, from that point down, a transition needs to be made. The road easement on the boundary of Lot 3, which abuts our boundary Lot 1, we have a utility easement. From that point down, access needs to be provided and go to a 20 foot easement down to Valley Vista Road. The easement will start above the circle, which is a monument point on Renegade Flat Subdivision, the transition from the existing road into the easement. Also, change from 15 to 20 the easement on east boundary of lot 5.

Chairman Paulsen asked if anyone had questions. Commissioner Oakley asked what would be the impact if the plat was cleaned up and was brought back to the planning commission for approval with the changes made? He stated that Mr. Emond would not be required to be present, Mr. Hatle could handle it for him.

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Director Baumann addressed the board stating he was looking at an aerial photo of the property and noticed a curious straight line that runs through the property. It goes from the canal about a mile north of the project all the way to Eight Mile Road. Director Baumann stated he looked through the easements that were noted and there may be an oil pipeline easement. There is a blanket easement that covers a lot of area.

Discussion in regard to: (1) possibly locating someone who would know what it is; (2) calling for a locate, would it be worthwhile; (3) names listed under blanket easement; (4) continue with researching neighboring properties to the north; (5) an existing pipeline on the south side of highway belonging to Amoco; and (6) how the pipeline could be resolved.

Mr. Lopez commented that on Wedge Fike's property, there was a drain that ran through the front forty, it was unmapped, no one claimed ownership and it was being used. A call was placed to "One Call of Wyoming", and they do not locate irrigation line.

Vice Chairman Albright stated that as one member of the planning commission, there is no way he could take action on the plat tonight until the question of the pipeline is resolved. What can be done to accommodate any person that comes before the commission with a plat approval request, is deal with all the other issues and questions, so when this issue is resolved then we can move forward and all the other questions have already been addressed and answered.

Vice Chairman Albright noted the issues, first there is a road and utility that is not shown on the plat that will be shown, which is on the west side of Lot 1; second, it will be shown on the plat a 20 foot utility and drainage easement along the north side of Lot 1; and third, along the east side of Lot 1 and 2 beginning at a monument point in the Renegade Flat Subdivision to the southeast corner of Lot 2.

Mr. Hatle responded that the easement would be started probably 20 to 30 feet north of that monument for easy transition from the road into the easement.

Vice Chairman Albright continued: (1) there will be a 20 foot wide utility and drainage easement on the east side of Lot 5; (2) remove a 10 foot wide easement that borders the Valley Vista Road and Valley Vista Circle in Lots 2, 3, 4 and 5; (3) a variance has been granted that will show a 10 foot wide utility and drainage easement on the west side of lots 3, 4 and 5 bordering Renegade First Addition; and (4) add the wording "road and utility easement" to Valley Vista Circle and Valley Vista Road.

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Mr. Hatle commented, another location is a 20 foot easement on the east boundary of Lot 5.

Chairman Paulsen asked for comments from the audience. No discussion.

Chairman Paulsen asked if the planning department received anything from the utility companies.

Director Baumann answered there is approval from High Plains Power and approval from the State Engineer.

Chairman Paulsen read an e-mail received from Richard J. Elling dated December 3, 2014. Director Baumann stated that Richard Elling is the owner of Lot 16.

Chairman Paulsen asked if there were covenants. Mr. Emond replied, "Yes, there are covenants. He does have a copy of them, if anyone would like to see them." He detailed some items that are contained in the covenants.

Discussion in regard to trailer houses, manufactured/modular homes.

Chairman Paulsen asked if there were any other comments. No discussion.

Vice Chairman Albright moved to table Valley Vista Subdivision No. 1 until questions over the unknown ground disturbance has been identified and resolved. It will also give Mr. Hatle time to present a plat that addresses all the questions that were raised. Commissioner Jones seconded the motion. Motion passed unanimously.

Mr. Emond stated that he approved the motion to table, because it could become a very big issue, but hoping with due diligence it will be covered completely by the next meeting.

Vice Chairman Albright moved to reschedule the rest of the agenda. Chairman Paulsen asked for comments. No discussion.

Chairman Paulsen stated that it was moved by Vice Chairman Albright and seconded by Commissioner Oakley that the rest of tonight's meeting will be scheduled for the next agenda. No discussion. Motion passed unanimously.

The members set the next meeting for Thursday, January 22, 2014 at 7:00 p.m.  
There being no further business for the Planning Commission, Chairman Paulsen  
adjourned the meeting at 9:25 p.m.

Respectfully submitted:

Approved:

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Cheryl Crowson  
Planning Department Secretary

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Kristin Paulsen  
Chairman