

**FREMONT COUNTY PLANNING COMMISSION  
MEETING MINUTES  
7:00 PM, JULY 28, 2016  
450 N. 2<sup>ND</sup> ST., ROOM 205  
LANDER, WY 82520**

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

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

**Approval of Agenda:** Commissioner Jones moved, Commissioner VonHoltum seconded to approve the Agenda of the July 28, 2016 meeting. No further discussion, the motion carried unanimously.

**Approval of Minutes:** Commissioner VonHoltum moved, Commissioner Jones seconded to approve the Minutes from the June 23, 2016 meeting. No further discussion, the motion carried unanimously.

**Staff Progress Report:** Director Baumann reviewed the Staff Progress report presented to the County Commissioners for June 2016. No questions or discussion.

**Unfinished Business:** None.

**New Business:**

**Chateau Villa Subdivision Lots 12, 13 and a Fraction of 14 Replat**

Tom Johnson, Apex Surveying, Inc. came forward to represent the subdivision. This was presented at last month's meeting and had some items to be addressed. Also, worked with the adjoining landowner to incorporate what he is retaining as a fraction of another lot outside this re-plat and incorporate that fraction into what is now 13A. The previous Lot 13A was smaller than one acre and ownership was retained by Kenneth and Tami Burr as well as a fraction of Lot 14. All of this has been incorporated into one lot and is now 2.36 acres, which alleviates the concern of having a lot smaller than one acre. Another issued addressed, is a note referencing an existing electric line easement, which has been added under Note #6 and included in the location map showing the route for the electric line.

Vice Chairman Oakley called for a motion. Commissioner VonHoltum moved, Commissioner Jones seconded, to recommend to the Fremont County Commissioners

for approval the Chateau Villa Subdivision Lots 12, 13 and a Fraction of 14 Replat as presented. No further discussion, motion passed unanimously.

### **Sullivan Subdivision**

Dan Hart of The Company, Inc. came forward to represent the subdivision. A one lot subdivision located at corner of Hoot Owl Road. Vice Chairman Oakley asked if any communications have been received. Director Baumann stated having received communication responses from the utility companies stating it met their requirements or they didn't provide services in the area. Received road access approval from the county for utilizing the ditch bank and the ditch company, through their attorney, gave approval for the use of the ditch bank as access.

Joan Graf came forward and stated she previously was not aware of the subdivision. She had questions and concerns regarding: (a) water wells; (b) privacy; (c) traffic; (d) covenants and (e) property value. Patrick and Holly Sullivan responded to Ms. Graf's questions. Mr. Sullivan stated his niece recently got married and they are helping them by providing two acres of land in the northeast corner of the property. They are moving in a modular home, one well and the remainder of the property is farmed in alfalfa. As far as what is in the future, their intentions are to stay there until retirement. Mrs. Graf asked about road access. Mr. Sullivan answered it is off Hoot Owl through their property. Mrs. Graf asked about property valuation. Vice Chairman Oakley answered that question is out of the realm of the commission.

Vice Chairman Oakley called for a motion. Commissioner Jones moved, Commissioner VonHoltum seconded to send to the Fremont County Commissioners the Sullivan Subdivision, a simple subdivision for approval. No further discussion, motion carried unanimously.

### **Linden One Subdivision**

Gary Hatle of Apex Surveying, Inc. came forward to represent the subdivision. On the plat, Zuber Road was added for point of reference on Sheet 1 and expanding onto two sheets for easier reading and easements detail. Reading over items listed on document attached hereto marked Exhibit "A" dated July 28, 2016. Director Baumann commented regarding the Certificate of Ownership and Dedication stating 42.83 acres more or less in lots and tracts and 0 acres in private streets. There are two ways of accomplishing this, one is calling as private easements below or remove the notation of private streets.

Vice Chairman Oakley asked if communications have been received. Director Baumann answered no comments from adjacent landowners. Vice Chairman Oakley asked how the vacating of the High Plains Power easements is addressed. Director Baumann responded that what will occur is they will do that before the plat is recorded. The plat lies over the top of what is there, that is why all easements are noted on the plat. This will lie over the top of everything that is there and what this covers up is not recognized, in general it is being vacated. That is the point of having those issues addressed on the

plat because the plat overlays and vacates anything existing. Vice Chairman Oakley reiterated that they will vacate and then record and will be attached. Also, asking do we wait for that or can it happen after the signing of this. Just wanting to make sure it is done. Mr. Hatle stated they know it needs to be done and they will do it. It will be a document recorded that vacates that document and this plat, when filed, will take care of covering their actual utility so they will be covered by the easements. The well agreement will be recorded, which will take place before the plat is recorded. Director Baumann stated if possible, having it attached to the plat if fine, if not it is acceptable. It is noted that there is one and with the High Plains Power easements the same will occur. They will be remaining within the area on the plat that will be vacated through this process. It will still be there by the process of platting. They are going to vacate, because it is in their interest to vacate, and they want to recognize where it on the face of the earth. The timing of that process isn't terribly important, it will be done before filing the plat.

Vice Chairman Oakley called for a motion. Commissioner VonHoltum moved, Commissioner Jones seconded to submit to the Fremont County Commissioners the Linden One Subdivision, a simple subdivision for their review and approval with the items to be completed including the High Plains Power to vacate record easements Document No. 2006-1285966 and 2006-1285987, prepare description for land transfer to adjust existing property lines to accommodate the southerly boundary of Lot 4; prepare new overall description for land transfer of Linden adjacent lands as a result of "B" above, and prepare and record water well agreement for well serving Lots 1 and 2, set monuments, changing the name of Havasu Avenue to Linden Lane and marking the road north of the intersection of Havasu Avenue and Linden Lane as a private drive and removing reference to private streets in the Dedication and Certificate of Ownership.

Mr. Hatle stated he does not think we want to [inaudible] that private drive. Not wanting them to get the idea it is a named road, if it's bold. Director Baumann stated it does not need to be recognized as a private drive. In fact it is recognized on the plat as an easement.

Commissioner VonHoltum amended his motion to not include the requirement for a name of the private drive.

Vice Chairman Oakley confirmed the motion stating to submit to the Fremont County Commissioners the Linden One Subdivision for approval with the following items to be completed. Items A, B, C, D and E, as presented listed in motion above by Commissioner VonHoltum. Along with the name change in Havasu that Linden Lane goes all the way through the property up to the intersection to the east and back to the north. The Linden name is removed and is just an easement on the upper north section. In the Dedication block remove the wording to just reference the 42.83 acres are in lots. No further discussion, motion carried unanimously.

## **Muddy Dog Ranch Subdivision**

Dan Hart of The Company, Inc. came forward to represent the subdivision, a proposed one lot subdivision. Angela Laplante initially wanted to sell the house and a few acres, but to conform to the covenants she had to make it twenty acres, or half of what the original parcel was. The irregular shape is due to existing easements, the piece on the west end is to accommodate the twenty acres. The roadway has created natural boundaries. The house sets just south of Peaks Road. Director Baumann stated the issue initially was splitting into a single twenty acre parcel meant she had to have two lots because the remaining twenty acres would be in violation of subdivision regulations because it is not in excess of thirty-five acres. Through the process of re-deeding two of her parcels, a twenty acre and forty acre parcels, she combined to make sixty acres. Deeding off the twenty there will be forty acres left, excess of the thirty-five acres required not violating the subdivision regulations. The communications received were from the local utility companies and nothing written or verbal from anyone else in regard to the subdivision. Mr. Hart stated Ms. Laplante's intent was to keep the rest of the property in case she wanted to retire here. This is the only thing she is planning. Mr. Hart stated the access for the piece Ms. Laplante is selling is off Peaks Road.

Mr. William Malischewski stated he lives on Peaks Road. The easement talking about is thirty feet wide, most cannot be made thirty feet wide because there isn't enough room, there is a huge hill down. The road is in poor condition, when you get halfway through Ms. Laplante's property, you need four wheel drive and have to be careful because the road has deep ruts. I don't know if you can sell a half of an easement to someone. The easement is thirty feet and the survey stakes go down the middle of the easement road. If I were buying the property, that is the end of the property, that is where I would put my fence, that is what is deeded. But, half of it (15 feet), [inaudible] four, five, six families can get back to their property. Mr. Hart commented the easement is sixty feet wide. Director Baumann stated it is a recorded easement and is sixty feet, both through the first part of her property and the second part. There are two recently recorded documents showing that as being sixty feet. Mr. Malischewski asked who recorded the documents, no one told them about it. Director Baumann stated it was recorded on her property, so she would have recorded it. Mr. Hart explained it starts on her east boundary. Ownership is separate from the easements, you still own the property. Just like the county roads, the owners actually own the ground under the roads. Mr. Malischewski asked who is going to maintain the road. Mr. Hart stated for the intent of this plat she just wants to sell the house, so for her part there is access off Peaks Road. Director Baumann stated to clarify what an easement grants. I can grant you an easement, it is giving you the right to use my property for a specific purpose. That is what this easement is, it was granted from the Goe's to land behind them. In 2006, the Goe's granted this sixty-foot wide easement across all their parcels to get back to those parcels farther in the back. They granted it to the people who owned those parcels of land. They have the ability to have access to their property and utilize that easement. The Goe's, now Ms. Laplante, owns the underlying property, the right to use that sixty-foot was given away. She is unable to build on the easement because the people who

have the right-of-way could sue her and have the building removed. There are legal reasons not to build a house or put a fence across because they have recourse. We do not police, all we are doing is formulating and understanding how the regulations should work and the legal aspects of it are issues for the court. In this case, those easements have been in place for a long period of time. She is not required to build a road, we do not have that responsibility. Her property is only a part of where that access goes. If it was a road totally on her property specifically for the purpose of a subdivision she is creating, we have road regulations, but we do not have road regulations for a road that goes through her property to another. That is not really for the benefit of the property. Mr. Kyle Phillips stated they have lived on 98 Peaks Road for five years next to Angela Laplante on Charlie Wilson's property. They have purchased forty acres on Peaks Two (still called Peaks Road, on south side of the property). This subdivision would set precedence for that area to be able to be subdivided. Originally the Hancock family put covenants on the property when sold to the Goe's, to prevent this from happening. They wanted to keep it at forty acre plots. That was their intention. If we are not keeping up with the covenants as a group that is not your responsibility. I do not have concerns regarding access, I know the documents and we have access to our property. There is another person, John Stoddard, and he knows he has access. We are concerned, I'm not going to speak for everyone, but we have discussed this and we are setting precedence for that area to be subdivided. It starts a chain of events and once people make a proposal, it gets approved, others make a proposal and it gets approved. It can become a pattern potentially; there is a subdivision, a two lot subdivision, all pretty simple. One concern we do have, Mr. Malischewski was talking about the road, if the subdivision process begins in the area it gives precedence for more people to access the area and further tear up the road, that is between us and other landowners. Beyond that, the wildlife corridors, just on our property and that general area we have hundreds of elk and deer that come down every year, they are always there. When a subdivision is created, and the Red Canyon Retreat, things really start to choke up and as mentioned, the Hancock's were attempting to prevent that from being a problem on this particular area. It is easy to lump us, the Peaks Road residents, in with the Red Canyon Retreat, but it is about two miles of road driving before you actually get to Ms. Laplante's property, we are in an entirely different valley. So what we are trying to avoid as a group of people on Peak's Road, and what the Hancock's, the Goe's and countless other people have tried to avoid is breaking it up into smaller than 40's, putting more houses in the areas, cutting off the corridors, putting more pressure on the roads that are already have high pressure, they are pretty gnarly roads, and aquifer impact. If we are going into a subdivision situation, there is great potential to have a lot more wells, that makes sense down the road, and the aquifer is going to get nailed. Right. So the idea of keeping it in the forty-acre single home situation like Red Canyon is what we are going for. Keep it light on Peaks Road, keep it nice and spaced out, keep it even, it's been going on for years and years and I would like to hear from the folks who have lived in Red Canyon longer than Erin and I have. Basically, these are our major concerns. To see a precedence start tonight and then move down the road, which it most certainly can, into a subdivision. Mr. Gary Blackwelder stated he is on Red Canyon Road and on

Peaks Road on a regular basis. This road being discussed, Peaks Two, is not a road. It is a cow path basically. It is not set up for more than the two houses that are there now, let alone another four or five. Nobody maintains it, there are no utilities out there, the fact that breaking these forty-acre parcels does set precedence, it is done this time, why can't it be done again. Next thing you know you got a split of twenty-acres into five or ten acres and have another subdivision, which the whole area cannot handle, the roads and aquifer cannot handle it. All of us here are in agreement that having this subdivided is not a good idea for the neighborhood and certainly not the intention of the previous two owners had in mind when they sold it. Director Baumann commented there are protective covenants placed on all of that property out there by Jerome McGuire and Irma McGuire. One of the conditions in the covenants, Item F, Land Split, "the purchased land is not to be re-subdivided into tracts or lots or be conveyed or encumbered in any size less than fifty percent of its original dimensions". Her original parcel was forty acres, so as Mr. Hart expressed the recommendation to her at the time rather than just selling her house was you have to meet the requirements of the covenants that were still attached to that property. Whether they are being routinely reviewed or parcels paid on or not, the honorable thing in her case is to follow what the covenants are rather than trying to take this to court to figure out whether the covenants are valid or not. I understand there was an event early on that this was to be left in large parcels, but I also think many of these covenants have in them that you're allowed one division and that is it. I think that essentially what is being conveyed here. Ms. Maia Rose, a resident of Peaks Road, commented I think I understand, she has forty acres that has a house on it that is on Peak Road One, and that is what she is selling, she is selling half of the forty acres so the part on the access road is half of that forty acres. Mr. Hart commented she will still have land south and west of the road. Ms. Rose continued I knew she had more than forty acres, she has eighty acres, she still has forty acres south of the access road. Mr. Hart stated she has a forty, a twenty and a twenty. She combined a forty and a twenty to sixty. If she were to sell again she would have to sell the remainder of that sixty. Her twenty she bought separately so she could sell that twenty. She could actually sell to two other people if she didn't want to keep it. Director Baumann stated to clarify, she is taking the forty and adding a twenty to it, a twenty that she purchased previously and separately, that is being combined. The portion that is going to be left, the forty, can only be sold as a forty. The twenty that she has leftover, that she purchased previously, can be sold as a twenty. Perhaps, to make it clear and so that it clears up your understanding and add some piece of mind is we could add to the notation on the plat that the twenty that is being subdivided here, cannot be re-divided and the forty that she retains cannot be re-divided per the covenants. Commissioner VonHoltum asked should that reference any other piece of ground besides the current piece of ground and is that sort of a provision, adding a notation like that, anywhere in our regulations? Director Baumann responded the thing she can't do, according to the covenants, is re-split. So whoever buys this cannot re-split. She can sell the twenty she still owns, but not split it and the forty because the covenants state the purchased land shall not be re-divided. So, she had purchased land that was a forty, a twenty and a twenty acre parcels. Vice Chairman Oakley, stated as a point of clarity,

everyone should understand that the planning commission, we have simple subdivision rules, that is what we are concerned with. When it comes to the covenants that has been part of the conversation for the last twenty-five minutes, is not part of our responsibility. We are more than happy to help visit through them, try to help explain them, but that is all it is, as a courtesy. It is not part of the planning commission to enforce, direct or outline the covenants. I hope we have given some clarity, but it would be up to the homeowners under the covenants if they want to pursue it further. You probably have to get together and pursue it through other means. Any adjustments that she makes in the property through selling, she would have to come back here. Again, in the covenants, the ruling body of how you want to oversee your property out there, that is a separate issue. We highly encourage them, but we highly encourage you to get involved in it too. The surveyor has shown due diligence in bringing what is listed on the property of the do's and don'ts and that was explained to her and it appears she understands and is attempting to adhere to the covenants and it has come to us, that is where we are tonight. This fits within the planning commission's simple subdivision regulations.

Vice Chairman Oakley called for a motion. Commissioner Jones moved, Commissioner VonHoltum seconded to submit to the Fremont County Commissioners the Muddy Dog Subdivision, a simple subdivision, for approval of the plat as presented tonight. No further discussion, motion passed unanimously.

### **Review Chapter 7 of Regular Subdivision Regulations**

Director Baumann had passed out a packet of information that emanated from the field visit, and will send packets to Chairman Paulsen and Commissioner Albright. Tom asked for a couple things while out there, one was the mobile home park rules in Riverton and Lander. There are two pages with red letters on the top that are the basic rules. Additionally, Chapter 10, Mobile Home Parks Requirements & Procedures is from Laramie County and it is the far end of the spectrum. Also, Chapter 6, from Albany County, which is more on the other end of the spectrum. Remember both of them have zoning. So, as a part of their zoning, they have some other specific requirements and all require substantial street, sidewalk, lighting and improvements as part of their zoning requirements. They don't necessarily have them written as Mobile Home Park Subdivision Rules, but overlying on the top of the subdivision rules are all of these requirements that are part of the zoning requirements. Also, included is a copy of our current subdivision regulations, Chapter VI, Mobile Home Parks Procedural Requirements & Design Standards, is what we currently have. That gives an idea of why we are trying to change. Also included is a copy, as background material concerning man-camps and housing, from Pennsylvania. It points out the kind of man-camps and what they are being used for. Having spoken with several planners in the state regarding man-camps, most all of them have said we have zoning. Most places don't want them in town so they are excluded from being in and part of town. But, they are more than happy to have them outside of town where they all have been professionally built and run and have not had any trouble. Rawlins tried to have one in

town peaking the city's interest and they ended up moving it outside of city limits. Also, having done some quick revisions the newer Chapter VII, which is the Mobile Home Park Temporary Housing, which are the results of the discussion from the last meeting. After looking at the higher end and lower end parks, all of them, even the parks that are less kept and less expensive, still have wide streets, parking alongside the mobile home and provisions for utilities and lot sizes. They varied depending on the type of unit being placed on them, but they all had reasonable clearance. Just from ingress/egress, looking at most that were fifty to sixty feet, probably an acceptable amount of space. Commissioner VonHoltum reviewed some parks that appeared as a health hazard. Trailers close enough that if a fire started in one it is going to start the next one on fire. Viewing some in the Crowheart area and on North 2<sup>nd</sup> in Lander. After a conversation with Chairman Paulsen along with Vice Chairman Oakley's recommendation, this item should be tabled until next month's meeting. Vice Chairman Oakley commented that on the tour, they noticed the street width was good, some had off street parking and some had on street parking, but they had wider streets. The lot sizes seemed to be minimum, but acceptable. What was placed on some lots was a disaster. Sheds and miscellaneous items making it difficult to determine what went with what trailer. If we look at doing some kind of trailer minimum requirements, what is a road, what is a lot, what is the parking, what will be adequate. But, then what goes on the property can totally be distorted by an aesthetics point of view. Even though one was a rough spot, if it was cleaned up getting debris out of the yards, it was segregated with large roads but not identifiable for house numbers and street names. The other park visited was a bit upscale with paved sidewalks, but if looking at the minimums they could possibly be met. The other commission members need to get together, have this discussion and finalize the regulation. Also, thanking Director Baumann for the e-mail with the information regarding man-camps and all the information provided. Vice Chairman Oakley called for a motion. Commissioner VonHoltum moved, Commissioner Jones seconded to table the Chapter 7 Review and the Ingress and Egress Review until the next month's meeting.

The members set the next regular meeting for Thursday, August 25, 2016 at 7:00 p.m. There being no further business for the Planning Commission, Vice Chairman Oakley adjourned the meeting at 8:42 p.m.

Respectfully submitted:

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Cheryl Crowson  
Department Secretary

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JR Oakley  
Vice Chairman



EXHIBIT "A"

LINDEN SUBDIVISION ONE

July 28, 2016

ITEMS ADDED TO OR CHANGED ON PLAT SINCE THE MAY 26, 2016 MEETING

1. Added Zuber Road name and shown on plat.
2. Added a second sheet to the plat (Sheet 1 of 2 and Sheet 2 of 2), to show electric and gas pipeline easements in detail.
3. Three water wells to remain shown on plat.
4. Removed High Plains Power easement, Doc. 2006-1285966 and 2006-1285987. Their descriptions are in error. The actual lines as placed previously, were located and accommodations have been made where they now fall in proposed easements. High Plains Power will vacate these two record easements.
5. Included a 20' wide utility and drainage easement within the LeClair Irrigation District right-of-way. According to Steve Baumann, this is acceptable to LeClair. High Plains Power did not see a need for this easement.
6. A shared well note was added for Lots 1 and 2 (see note 11).
7. A very limited soils note on Lot 3 was added (see note 12).
8. The private road names were added. Linden Lane running north and south. Havasu Avenue running east and west.
9. The east-west portion of Linden Lane is enlarged from 40' to 60'.
10. Roads have been dedicated for private use in the Certificate of Ownership and Dedication section of the plat.

ITEMS TO BE COMPLETED

- A. High Plains Power to vacate record easements-documents 2006-1285966 and 2006-1285987.
- B. Prepare description, for land transfer, to adjust existing property lines to accommodate the southerly boundary of Lot 4.
- C. Prepare new overall description, for land transfer, of Linden adjacent lands as a result of B above.
- D. Prepare and record water well agreement for well servicing Lots 1 and 2.
- E. Set monuments.