

**FREMONT COUNTY PLANNING COMMISSION  
MEETING MINUTES  
JANUARY 22, 2015  
7:00 PM**

**Open of Meeting:** Chairman Kristin Paulsen called the meeting to order at 7:00 p.m. The following were present: Vice Chairman Harold Albright, Planning Commissioners: JR Oakley, Tom Jones and Richard Emond; County Commissioner Travis Becker; Planning Department 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 Agenda:** Vice Chairman Albright moved, Commissioner Jones seconded to approve the agenda for the January 22, 2015 meeting. No further discussion, the motion carried unanimously.

**Approval of Minutes:** Chairman Paulsen asked if anyone had any changes to the December 4, 2014 minutes. Vice Chairman Albright moved, Commissioner Jones seconded to approve the minutes from the December 4, 2014 meeting. No further discussion, the motion carried unanimously.

**Staff Progress Report:** Director Baumann commented in their packets were copies of the monthly report. About two months ago, Chairman Paulsen and Director Baumann began a conversation about exemptions in the subdivision regulations. Director Baumann called other counties to inquire what they are doing with the exemptions that are in the subdivision code on the state level that flow down into county level exemptions. Director Baumann reviewed several legal interpretations by the State Attorney General stating the exemptions are what have been approved. The exemption portion stands as written and cannot be changed. There are a number of exemptions we need to follow up to make sure there are no subdivision violations, specifically family exemption and adjacent landowner exemption. Mr. Marcel Lopez is in the process of reviewing deeds. We have sent letters to several people regarding either subdivision violations or the need to change their deed structure to one parcel. The question is how far back to go. In a conversation with Chairman Paulsen, it was suggested 2014, and we are doing several 2013 as well. Regarding adjacent landowner, Mr. Lopez has gone back about 4 or 5 years. We have not had any negative conversations with letter recipients. We have had several people come in to make sure they understand the process. Commissioner Oakley asked of any conversation with legal counsel, Jodi Darrough, to inquire of any prior "grandfathering" so we do not create a storm. Director Baumann responded our regulations state any division that occurs on after a certain date is a subdivision. Regulations are clear on how far back and that date is 2001.

Some issues become an impractical matter. Unless the Commissioners have a concern, we will go back as far as 2013. Commissioner Oakley asked how many have been found so far. Director Baumann responded, four letters were sent regarding subdivision violations and ten adjacent landowner deed process letters. One of the subdivision violations was solved today and most will be simple. In a couple subdivision violations, the people bought adjacent land. So rather than have them go through the subdivision process, if they would consume all into one parcel, making sure it is not separate parcels, it will be acceptable. We will probably have just a few subdivision issues, but several multi-parcels turned into one parcel issues. Mr. Lopez stated that of 543 deeds, he has found 62 or 63 adjacent landowner lots that we are going to consider as consolidated lots. There are 14 or 16 items he is going to question. Director Baumann commented it will take time to go through all the records. Ultimately, it will give us a record of family exemptions we will be able to follow up. Vice Chairman Albright asked a question regarding the exemptions of combining parcels, is the assessor's office on board and how are they going to handle this? Director Baumann answered they are on board and essentially it will flow back through their department because it will be a new deed. Most, if adjacent, already have been combined as a tax parcel, but the problem is it will still have two parcel ID's. What we want to do is combine it into one parcel so there isn't an opportunity to sell a part of it again. That is the benefit for not going through the subdivision process.

We have updated our web page to include the Planning Commission agenda and minutes for anyone to view. This should eliminate the need to have special meeting notices published. Commissioner Becker commented the need to check with legal counsel to verify if that will suffice. There may still be a need to publish.

### **Unfinished Business:**

#### **Knight Subdivision**

Director Baumann commented when the agenda was sent to everyone, he assumed Mr. Gary Hatle would have the plat for the Commissioners. That has not happened. Director Baumann said he went through the minutes from April 24, 2014, which stated the subdivision was approved. The plat has been approved by this board and is waiting for the final plat from Apex. Chairman Paulsen asked Mr. Hatle if they were close. Mr. Hatle responded he needed to recap the corners with his number. Chairman Paulsen said she wanted to make sure because if it goes past April 2015, he will need to come back before the board, approval is for one year. It will need to be on the County Commissioner agenda before April 24, 2015.

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

Director Baumann commented discussions with Mr. Hatle regarding all of Mr. Emond's concerns, the changes to various easements and widths of easements along the

boundary of the plat have been taken care of. The only concern is on the most recent plat, Mr. Hatle added something that is unnecessary which is the attestation of the clerk and recorder underneath the planning commission. Our regulations do not require it, so we want to make sure it is removed. Chairman Paulsen responded "the state requires it, correct." Director Baumann replied ours does not.

Commissioner Emond requested to recuse himself from the commission to join his engineer and approach the bench, Chairman Paulsen granted. Vice Chairman Albright moved, Commissioner Jones seconded to bring the Valley Vista Subdivision off the table for review and discussion. No discussion, motion carried unanimously.

Chairman Paulsen stated from December 4, 2014, there was a list of changes, even though it was tabled, so there would be a clean copy when they came back before the board. All the things have been done as asked. Chairman Paulsen said Mr. Hatle in his review of the statutes, found some items that needed to be added as well as adding a 10 x 10 water well easement in Lot 4, the southeast corner. Mr. Emond said the reason was to drill one well for three lots to share. This will put the well in the middle of the three lots and electric is there also. Chairman Paulsen asked Mr. Hatle if he was going to do an actual water well easement, a written one between the three lots. Mr. Hatle responded this is just putting it on the plat showing where it is. Mr. Emond commented as property is purchased, the water well agreement will be part of the documentation. Mr. Hatle commented that he has looked through the regulations, and noticed that on page 37 of the June 18, 2013 Regulations, 4E states "planning commission certificate of plat approved by the Chairman of the Planning Commission and attested by the County Clerk." So the "attest" area for the Chairman of the Planning Commission was added. Director Baumann responded on Page 68, it has an exhibit of what it is supposed to look like. Discussions continued. Chairman Paulsen commented what is written states it needs to be there, but the diagram depicting what it is supposed to look like does not. We should go with what is written and update the diagram. It may have been changed at some point in time and the diagram was not updated. Chairman Paulsen asked if the commissioners were in agreement. Director Baumann said he will check the state regulations to make sure we are in compliance. Chairman Paulsen will discuss procedures with Julie Freese regarding the requirement of the attestation. Discussion continued in regard to using "attest" on the plat. Chairman Paulsen asked for any correspondence or response from the audience. No response. Director Baumann had a concern in regard to the 10 x 10 water well easement, how that affects the board. Our regulations go through a couple of pages of discussion where it is a requirement for a registered professional engineer review the amount of water available in the aquifer and whether it is going to have an impact on others. At the end it states, if no domestic water source is proposed by subdivider, the application shall include a report by a Wyoming registered professional geologist providing his opinion relative to the potential availability and quality of groundwater from individual wells within the proposed subdivision, or the words "NO PROPOSED DOMESTIC WATER SOURCE" in bold capital letters shall appear on all offers, solicitations, advertisements, contracts,

agreements, and plats relating to the subdivision. The statement is on our plat, but a concern is are we in conflict because we are proposing a water system for the subdivision. Commissioner Oakley commented he does not believe we are approving a water system, only saying there is an easement in place. If the parties decide to investigate a water system, then they have to go through the water regulations. It is not our responsibility, we are just stating there is a plot of land set aside for a possible future water well. If the developer decides to do that, he would need to go through the appropriate agencies to do the water well. Mr. Emond commented that it is strictly private. Chairman Paulsen said that it is not for the benefit of the entire subdivision. The goal is to drill a water well that could be shared with other lots, but it is not in place, just indicating a location. Mr. Hatle replied that the regulations are to provide for the full subdivision development. This is to demonstrate to potential buyers there is water available. Commissioner Oakley commented that if the developer decided to go forward with a well, it does not come back before the board. It is just to designate an area on the plat for a well, if he chooses to do one. Mr. Hatle commented that any group of people could get together to prepare an easement to put a well location in a corner of a common boundary. Director Baumann stated he brought it up because the Simple Subdivision portion is totally silent on any of those "in bold capital letters" issues. Obviously, we have used bits and pieces of the subdivision regulations in performing the planning process for the simple subdivision. At what point are people aware there is a water supply system and at what point does it impact the process. Chairman Paulsen commented that she has not seen a simple subdivision that had a full water supply for its lots. Vice Chairman Albright agreed with Commissioner Oakley, he is in agreement with the easement, Commissioner Jones also agreed. Mr. Emond reiterated that the reason for putting it there is strictly to have a location for a possible well. Chairman Paulsen stated her appreciation of thinking ahead and putting as much information on the plat as possible. Chairman Paulsen called for a motion. Commissioner Oakley moved, Commissioner Jones seconded to send the Valley Vista Subdivision No. 1 to the County Commissioners for approval with the highlighted changes in red. No further discussion, the motion carried unanimously.

### **Field Meeting Schedule When Within One Mile of Town:**

Director Baumann commented the reason this is on the agenda is the City of Riverton and the City of Dubois have both expressed interest in being notified of the schedule when the Planning Commission will be out viewing subdivisions that are within one mile scope of the city. Director Baumann wanted the opinion of the commission to make sure there are no concerns with inviting the Chairpersons or Commissioners from various planning commissions to join the discussion. Chairman Paulsen commented it was helpful to have all sharing information, making sure everyone is on the same page. Vice Chairman Albright, Commissioners Oakley, Jones and Emond all agreed. Chairman Paulsen asked if the City of Lander was on board. Director Baumann responded they are.

## Chapter I and II of Subdivision Re-Write

Chairman Paulsen asked if everyone had copies of the current Subdivision Regulations that were filed on June 25, 2013. Director Baumann commented in reading the current regulations, there are areas that the difference between subdivision and simple subdivision is scattered. Mr. Lopez suggested separating the two documents so there is a Simple Subdivision Regulation containing all of the necessary components for filing a simple subdivision and the same necessary components for filing a Regular Subdivision or Mobile Home Park Subdivision. It would be less confusing to the general public reading the regulations. Director Baumann has gone through and edited both documents. Depending on the interest level of the board, there are revisions done to the entire group to break it out into separate documents: (a) Simple Subdivision document including Chapters I and II with dependent documents; (b) Regular Subdivision with Chapters I thru 10; and (c) the Mobile Home Section, since they require different things. For example a Mobile Home Subdivision requires preliminary plats thru final plats and Simple Subdivision is not written exactly the same way to require as many steps. The thought, as a department, is a simpler version. Commissioner Oakley commented there are no changes, just split the two documents. Director Baumann replied what has been done so far is reviewing and moving information so the flow is better. There are additions, but nothing has been changed. Providing our department's thoughts on verbiage and changes in thought processes which may or may not impact how the board wants to proceed. The document presented previously added changes to Chapters I and II, was prior to separating it into two separate documents. Chairman Paulsen began on Page 6, Chapter I, Title, Authority, Purpose and Definitions.

Vice Chairman Albright asked on Page 6, under **Accessory Structure**, in red, had base flood elevation, computed elevation, to which flood waters anticipated to rise during the base flood, base flood elevation, shown are flood insurance rate maps. Why should we add it? Director Baumann answered we have county regulations for implementation for flood zone, we have zoning in around Lander, Dubois and Riverton. Not so much in Riverton, but in Lander, Dubois and Hudson. Specifically the base flood elevation in the regulations we are compliant with FEMA because any new structure built within the floodplain has to be built one foot above the base flood elevation. It is specific and is in the zoning regulations for building within the floodplain. The reason it is in the definition is because this document needs to reference subdivisions built within the floodplain need to comply with floodplain zoning ordinance. It is in this specific area being in alphabetical order. Discussions in regard to floodplain issues continued. Definition of Accessory Structure is acceptable by all.

Chairman Paulsen asked regarding the definition for **Dependent Mobile Home**, where did we get the word and definition. Director Baumann replied it apparently is a remnant and has been in for quite some time. Nowhere in this document does the words "dependent mobile home" show up, only in this definition. Chairman Paulsen asked if it came from the state statute. Director Baumann answered it is not in the state statutes.

Discussion continued why Dependent Mobile Home is included in the definitions. Mr. Lopez commented it may be to show a difference between a mobile home, a fifth wheel and a non-self contained camper in relation to the mobile home subdivision. Chairman Paulsen commented she agrees. Comments were made that it is never referenced anywhere in the code except in the definition. Commission Emond commented if it never comes up anywhere, he suggests omitting. Commissioner Oakley commented on Page 14, is the definition for travel trailers, truck campers, etc. Director Baumann commented it is of no value because we do not reference it anywhere else in the document. Chairman Paulsen will note for further discussion. Commissioner Oakley suggests contacting Jodi Darrough for an opinion.

Chairman Paulsen stated on Page 7, there is a typo in Comprehensive *Mater* Plan, change to **Comprehensive Master Plan**.

Chairman Paulsen asked regarding the definition of **Easement**, the wording in red, where did it come from. Director Baumann answered it was from a legal dictionary. The easement dictionary section in a document distributed by Dave Ditto. Director Baumann commented he will use Black's Law Dictionary to verify the definition is correct.

Definition for **Dwelling Unit**, acceptable to all.

Definition for **Lot**. Director Baumann commented it was from Page 51, in our document describing "blocks and lots". Vice Chairman Albright agreed. Chairman Paulsen asked if everyone was in agreement to changing the definition of "lot" from what is written on Page 51 and putting that in the "lot" definition. Vice Chairman Albright commented it is not changing the definition, just moving the definition to be included in "lot". Mr. Lopez asked if the definition should also include a size. Discussion regarding different sizes and descriptions of lots, (i.e. cemetery lots, mobile home lots, house lots, lots with well and septic system, lots without well and septic system and they all have different minimum sizes) and with regard to size of various lots, their development, use, water and septic. Chairman Paulsen asked if the definition of lot should be left as originally described in the definitions from the document filed June 25 2013. All Commissioners were in agreement.

Definition for **Irrigation Facilities**. Chairman Paulsen questioned if a center pivot should be included in the definition. Vice Chairman Albright commented that supply and delivery also covers a center pivot.

Discussion in regard to "**Mobile Home Lot**" and "**Mobile Home Stand**". Director Baumann stated we have mobile home lots that are not located within a mobile home park. Commissioner Oakley commented it goes back to discussion on minimum lot size, whether it is a lot with a mobile home on it and requires a septic system. The septic system is going to determine the lot size required. Some existing issues in Shoshoni and Hudson have been there forever on 1/10th of an acre. It falls under the same

argument, if you are putting a mobile home and septic system, the lot needs to be minimum size to accommodate the septic. Chairman Paulsen commented sometimes in a mobile home park, people are just passing through, parking a large 5<sup>th</sup> wheel and not accessing any hookups. Discussions in regard to difference between mobile home park, mobile home lot and the definitions of mobile home, manufactured home and modular homes and the definition of mobile home is in State Statutes under 31-1-101. Chairman Paulsen will verify information dealing with mobile homes and will re-address this issue next time.

Definition of **Mobile Home Park Subdivision** is acceptable as is. Director Baumann commented the definition came from the State Attorney General Opinion.

Definition of **Mountain Subdivision** is acceptable as is. Vice Chairman Albright commented a mountain subdivision does not have the same requirements. Otherwise, some parcels of land in a mountain subdivision would not be able to be developed.

Definition of **Planning Commission**, acceptable as is.

Definition of **Municipal Critical Area**. Director Baumann commented it is not in the state statutes and does not know where it came from. Discussion in regard to the definition and if it is mentioned in the city master plan. Definition acceptable as is.

Definition of **Merchantable Title**. Chairman Paulsen read the definition. Director Baumann said it was put in to follow State Regulations, Page 39, and read the definition. Chairman Paulsen recommends putting the State Statute 34-10-101 definition in our regulations and reference the statute.

Definition of **Parcel**, acceptable as is. Vice Chairman Albright recalled getting the definition from County Attorney. Director Baumann read the state regulation definition.

Definition of **Pedestrian Way**, acceptable as is.

Definition of **Personal Notice**, acceptable as is.

Definition of **Planning Commission**, acceptable as is.

Definition of **Planned Unit Development (PUD)**. Discussion regarding Planned Unit Development (PUD) and as to whether or not the definition should remain in the regulations or be removed. Vice Chairman Albright, Commissioners Emond, Jones and Oakley voted to remove from definitions. Chairman Paulsen did not vote to remove it. The definition will be removed from the regulations.

Definition of **Plat**, acceptable as is.

Definition of **Preliminary Plat**, acceptable as is.

Definition of **Final Plat**, acceptable as is.

Definition of **Recorded Plat**, acceptable as is.

Definition of **Re-Plat** is acceptable with changes. Item 2, any change in layout of any private street or road dedicated for common use.

Definition of **Ponding of Surface Water** to be removed is acceptable by all.

Definition of **Private Street** will be moved to streets is acceptable by all.

Definition of **Public Improvement Standards**. Commissioner Oakley asked if we have standards for public improvements. Commissioner Becker answered yes, that Dave has them. Chairman Paulsen asked if we have County Commissioner minutes dated where they were set that we can put in the definition so people can review what the standards are. Commissioner Becker said to his knowledge, the only standard is involving roads. Director Baumann will check further into this and if there is more than just one, reference will be made to all and where they come from.

Definition of **Public Utilities**. Chairman Paulsen asked if wind should be included. Commissioner Oakley stated that solar should be added too. Vice Chairman Albright commented he doesn't think either one needs to be in the definition due to the fact that wind and solar are generating electricity. Commissioner Emond commented if it is put in, it will omit questioning.

Definition of **Regular Subdivision**. Director Baumann commented a regular subdivision could be two lots and read the definition in State Statutes. The state doesn't go from a regular subdivision to a simple subdivision. Director Baumann said what we need is a definition for Subdivision and another for Simple Subdivision. Discussion regarding taking out the word "Regular" and move to the "S" section for the definition of Subdivision. Also, using the definition the state uses and separating the documents into (1) Subdivision and (2) Simple Subdivision. All in agreement to take out the word "Regular" and separate the documents into Subdivision and Simple Subdivision.

Definition of **Re-subdivision**. Discussion in regard to definition. All in agreement to leave in as is.

Definition of **"Sell" or "Sale"** all in agreement to use the definition from State Regulations.

Definition of **Sewage System** all in agreement to use the definition from State Regulations and reference the State Statute it came from.

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Definition of **Simple Subdivision**. Chairman Paulsen said we will stop at this point due to the fact it could be a long discussion for this definition.

Director Baumann stated he will make the changes to the current version of the subdivision regulations, highlight them and e-mail them to everyone the next ten pages.

Chairman Paulsen suggested a work meeting in February. The work meeting is scheduled for Thursday, February 26, 2015 beginning at 11:00 a.m. until 5:00 p.m. The work meeting date and time will be advertised in the Riverton Ranger.

The members set the next meeting for Thursday, February 26, 2015 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