

**FREMONT COUNTY PLANNING COMMISSION
MEETING MINUTES
7:00 PM, May 25, 2017
450 N. 2ND 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 JR Oakley, Planning Commissioners: Harold Albright, Tom Jones and Chris VonHoltum; Planning Department Staff: Director Steve Baumann, Small Wastewater Specialist Marcel Lopez and Department Secretary Cheryl Crowson. Guests: See attached sheet.

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

Approval of Agenda: Commissioner VonHoltum moved, seconded by Commissioner Jones to approve the Agenda of the May 25, 2017 meeting. No further discussion, the motion carried unanimously.

Approval of April 27, 2017 Minutes: Vice Chairman Oakley moved, seconded by Commissioner VonHoltum to approve the minutes from the April 27, 2017 meeting. No further discussion, the motion carried unanimously.

Staff Progress Report: Director Baumann reviewed the Staff Progress report presented to the County Commissioners for April 2017. No further discussion.

Unfinished Business: None.

New Business:

Kummer Subdivision

Dan Hart, The Company, Inc., came forward to represent the proposed subdivision, which is a two-lot subdivision on Mortimore Lane. Lot 1 has an existing residence and Lot 2 has the shop. They are splitting to obtain separate ownership on the two properties. One addition made to the map, the power that goes to the shop runs across the front of Lot 1, so an easement was provided for that location. An access easement runs across Lot 2 to the property located south. Mr. Hart had a conversation with the property owners and they are aware of it, there is no physical road yet, but there is an easement. Commissioner Albright asked in regard to the access, if an easement would be required on Lot 2, so there is legal access using the proposed new access to Lot 1 from that approach. Chairman Paulsen commented if it falls within the 30' roadway, utility & drainage easement, no, but if it comes on the outside of that then something

would need to be put into place. Commissioner Albright questioned if there is a plan for that. Director Baumann answered no. Director Baumann went out with Dave Pendleton from Transportation Department and looked at the driveway going into the mobile home, just next to the mailbox. It does not meet the minimum sight distances for vehicle because of the hill between the Rodney's and there. If you are down 300 feet to the west of the Kummer's driveway, you can't see that. The recommendation from Dave Pendleton and the Planning Department would be to mitigate that by eliminating the driveway access to Lot 1 and put in an easement in using the driveway access that is there for the shop as the primary access to Lot 1. It would just be a 40-foot-wide ingress/egress easement following the current path of the circular part of the driveway that is there. Chairman Paulsen stated it didn't need to be forty feet. Director Baumann responded the only reason would be, if there were any development potential in the future in the area behind the lot it provided the minimum requirements for any kind of subdivision development in the future. In making it forty feet now, then if there was a development in the future, those people may have to scramble to meet the requirements of the regulations. Chairman Paulsen indicated she didn't see any future development. There is thirty feet on the north part, not that far off from where the north is already at, that is seventy feet, no need for seventy feet, and forty feet coming in. All we have to do is get them across the property line, we are not getting them to the house. There is no reason for seventy feet on the north part. Director Baumann stated thirty feet is already there, that is the county road. Chairman Paulsen said if we are making them grant another forty feet that is seventy feet, they don't need seventy feet. Director Baumann stated you can put whatever kind of easement you want in there, but should there be any further development, looking into the future not what is on the ground today, I'm just suggesting that forty feet is the requirement of our regulations. If it is the board's recommendation that it is not a requirement, so be it. Mr. Hart questioned, are you envisioning it as basically a frontage road. Director Baumann answered essentially, yes. Commissioner Albright asked Mr. Hart if it was the first time it has been brought up to him. Mr. Hart answered yes, but they just drive in, it is an open flat area for the most part. Commissioner Albright questioned to Mr. Hart, it makes sense from a safety standpoint as a recommendation from Dave Pendleton, and Steve said it was a recommendation from the Planning Commission, I don't know that it has happened yet, but we have all talked about it. My understanding from visiting with Steve, is that it was discussed and felt it was appropriate. We need to know that whatever width was put in there didn't encroach on any other use of that land that would be a problem for the landowner. Mr. Hart answered I don't think it would be and I don't think it is a hardship in this particular case to have "x" amount of feet designated across the front of the lot for access, it's just a matter of how wide do you want it. Commissioner Albright asked Mr. Hart how does he feel about the width. Mr. Hart answered, well we have got, are we going to mess with, we got the thirty, got the irrigation ditch, basically it's a driveway, to me if you had a twenty-foot access there. Vice Chairman Oakley commented [inaudible] look at the picture, the first one to the west, the question is [inaudible] the next one to the east, it is a fairly wide approach now in width at the road width, and there is already

a halfway existing, so it doesn't change the physical boundaries or anything physical on the property, it makes the plat maybe adapt a little better for the property. I agree the forty feet might be a little steep for what this is. Mr. Hart stated he could take an easy measurement of what they are driving on now and use that as the width. Commissioner Albright stated he just wanted to make sure that what we would decide here tonight, I believe, the way I understand it we are all agreeing that it makes sense to use that, and if the owners of the property don't have a problem with it, I just want to make sure that whatever we agree on here tonight, doesn't come back to kick us because we made it too wide or too narrow. I'd like to be very comfortable with understanding that what we agree on tonight is workable. I have been out there, I've looked at it, from my memory looking at it, it looks like it's a no brainer to do it, but you're the engineer, I would like to make certain that we are all comfortable with that. Mr. Hart replied, you are giving me more credit, I'm not an engineer, just a land surveyor, I don't design stuff, I just measure. Vice Chairman Oakley said, another thing to consider is, we are dividing these into two properties, today they may be friends and tomorrow they could be enemies. We have to look at that, or at least consider it for in the future. Mr. Hart continued stating, Dave looks at line of site, and if you're there and looking that way, the building on the next property is kind of close to the road so that is kind of a site obstacle too. Director Baumann, the big one is I had someone come from the other direction and I wasn't parked, I was crouched down as if in a car, and there was a space there was no visibility to see the vehicle coming at me. That was the big concern, and of course it wouldn't be so bad if Mortimore Lane was really 35 mph, but everybody goes faster than that and it can be scary. The discussion really boiled down to not necessarily the safety of the person pulling out, but the people driving too fast as well. I just did, there is a 100-foot measurement down at the bottom of the colored drawing you have, it looks like there is about twenty feet between the corner of, there was some equipment or something stacked up in front of the shop and the corner where the shop is, perhaps that is really all there is there, that the twenty feet is fine. All I was saying is that our regulations say forty feet for development, if twenty is great then it is great. Mr. Hart stated his concern is being how it is intended to be a business and if he is having people parking in front, you take too much of that space there will be people with the rear end of their car sticking out in the easement there. Commissioner Jones said I think there are a lot of hidden driveways in the county. Going up and down on Tweed there are lots of places you can't see cars coming, they could have a sign they put up saying "hidden driveway". That might be a suggestion for the road department, putting up a sign saying, "hidden driveway". I don't think these people want to change their driveway and probably won't. Vice Chairman Oakley said when I left the meeting out there, I went up and turned around and came back that way and was doing about 40 mph and I lost site of the driveway for three seconds. Just before you hit the bottom of the dip, and it was three seconds before you got to the point where I, there was no one parked there, but I would think okay, I would see a car. So, for three seconds I lost site of the driveway, that was at 40 mph. Mr. Lopez commented three seconds at 40 mph is a long way. The distance between two reflector polls at 70 mph is 2.68 seconds. Vice

Chairman Oakley commented that main point is I did lose site of the driveway for a short period. Chairman Paulsen asked when you are talking about the driveway, you mean the closest one, not the one we are talking about keeping. Vice Chairman Oakley stated exactly, the one we are looking to get rid of, I just wanted to see, not the one we are talking about keeping, the one that we recommended. Mr. Kummer said he understand what is being said, but the driveway has been there for don't know how many years. The one across the street is worse than that one and there hasn't been an accident yet. When people are speeding you can't control that. Mr. Hart asked as a safety issue you're not opposed to creating an easement across. Mr. Kummer answered no I don't think an easement is a problem, as long as it doesn't interfere with the activity of the shop and then as far as the easement, the distance I assume you are talking about is the road in, talking about the access. Mr. Hart answered yes, talking about the width parallel with the road. Commissioner Jones asked if the power lines come down that side of Mortimore Lane? Mr. Hart answered this stops on this side of the road, the power stops here, then it goes up here. Commissioner Albright said the County Planner has recommended forty feet, you (Chairman Paulsen) indicated that something less than that would be okay. I like the idea if we are going to do something let's plan for the future so forty feet, but by the same token we have also talked about what I have witnessed out there, is the construction going on. There is a business there, I assume they want to park automobiles in front of them that is why I raised the question is if we put an easement across the front of this, and I absolutely believe there should be an easement, then I want to make certain that the easement isn't going to encroach on something that exists there, something that is planned to exist there in the future and right now I don't have a crystal ball waiting trying to get some sort of input that would make me comfortable with, okay forty-foot is alright, no it needs to be thirty feet, it needs to be twenty feet, I don't know. I have not heard anything that convinces me one way or the other. Mr. Kummer said the building on the property to the west, I don't know how far that is off the road, I'm sure it's not forty feet. I am planning on putting a building similar to that, that is going to run just like that one on our property to the west. Chairman Paulsen said her thing for future development is that forty feet would have to go all the way down Lot 1. We don't have forty feet to give all the way down Lot 1 for future development. Commissioner Albright commented we can talk about that, at least we have an argument of why not to go the forty feet. So, what are we going to go with? I just want to make sure that it is not encroaching on the use of that property. Chairman Paulsen stated this piece has a twenty-foot easement down the side of it. If the argument is it is for future development as well, it doesn't do any good to have forty feet over to here because the future development isn't going to be in this twenty feet right here. The future development would only ever be in the back part. So, I don't buy into the need of forty feet for future development across the top of here because that still is not going to get to the future development in the back. If you are going to plan for future development, then you have to do something that goes all the way down to the backside of where that lot is. Then that is encumbering this property for something we think might happen in the future. When we walked out there, you looked at it, you are

not putting anything back there. Maybe a swimming hole, lined with gravel and some concrete. Mr. Hart stated if we had something going across here, then he would still have room in the front there. Director Baumann commented just where the current circle driveway is that accesses the trailer. It doesn't really encumber Lot 1 at all, just gets access to Lot 1. Commissioner Jones stated if you put an easement, it just means they are not going to build on it, they will have to set back from the easement. There won't be any buildings there, if they park cars there, then they can be moved. Mr. Hart said Kristin is saying that why have forty foot to go to one house if we don't need that width. Chairman Paulsen said we are just asking them to put in a driveway, not asking them to make a future development road. A driveway, there is no reason for it to be a forty foot. If there was a real chance of future development and we were truly planning for future development, I think then we would be looking at forty feet. Mr. Hart said the unasked question is, from your prospective, in the rules there is no this is a driveway, driveways are this width as opposed to the access road it is supposed to be this width. Director Baumann answered there is no driveway standard. Twenty-four feet, I think, is [inaudible] county road from the county's standpoint. Mr. Hart said that is an approach as opposed to an easement. Director Baumann answered that is correct. Commissioner Albright said, Dan, as a land surveyor, with the depiction on the plat that Steve put there, do you feel that if there is a twenty-foot circular driveway as depicted there would leave plenty of room for the use of that building that is there right now. I'm just trying to get my mind around that. Mr. Hart answered he probably wouldn't make it circular so much as an angular one coming off. Vice Chairman Oakley asked where Mr. Kummer proposes the new building he was talking about. Mr. Kummer answered in the west corner of Lot 1, where the motorhomes/campers were. It is almost like the neighbors building, in the exact same spot just on my side of the property. Commissioner Albright asked Mr. Hart, as a land surveyor, is the least expensive way to put an easement across there in a straight line instead of a curved? What is the best way to do this on this piece of property? Mr. Hart said he could put a curve in there, it just seems fancy. I could put a curve in there. There is no difference, from my point of view. Commissioner Albright commented the gentleman buying this piece is not here tonight, correct. So, we don't know how he feels about this. Mr. Kummer answered he is pretty much game for whatever, as long as he has access, obviously. I told him they may need to put an easement, and he doesn't have a problem with that. I'm giving him one to get to the power pole, so it is pretty much the same easement. Commissioner Albright asked you are retaining ownership of this and with your plans to put a shop over there, you would be happy with that? Mr. Kummer answered yes. Commissioner Albright asked you would be happy with it at twenty feet wide? Mr. Kummer answered I think that would be plenty, enough to drive in. Mr. Hart said my comment on the angular to the curve part, I can describe a curve in there and they are not going to drive on the curve. Commissioner Albright said that answers his question. Now I am comfortable with going with a twenty-foot-wide easement straight across that corner. Mr. Hart said the easement will coincide with the existing travel path they are using from that approach. Chairman Paulsen commented that is accurate. That is what they are currently using if

we make it something different then we are just putting it on a piece of paper and they are not using it. Doesn't do any good to draw it on there if we are never going to use it. Commissioner Albright commented that he is happy now for the moment. Vice Chairman Oakley responded good with it; Commissioner Jones responded fine with it as well. Commissioner VonHoltum commented it seems like a good solution. Mr. Hart stated the City Planning Commission approved, but doesn't think the Council has looked at it yet. Director Baumann replied he didn't think they have, but he has spoken to RaJean and Robin about what is being discussed here and they didn't see it as being a problem. Chairman Paulsen called for a motion. Commissioner VonHoltum moved and seconded by Vice Chairman Oakley to send to the County Commissioners for approval the Kummer Subdivision with the addition of a twenty-foot access easement from Lot 2 to Lot 1 and the powerline easement. Not further discussion, motion carried.

Chairman Paulsen wanted to discuss something that was previously discussed at a meeting she was absent. It is about the change in a plat where we are adding an easement. Previously, had a discussion about this issue when going over the full subdivision regulations and had tabled the fact that we were not going to do anything with it then. We all had individual discussions and then group discussions about it, someone changed a road or added an easement or did something that were we going to replat or not replat. Received a call this week from a Realtor who said that they had been told by Steve that any change in an easement now was going to require a replat; or any addition of an easement was going to require a replat. Sent an e-mail to Steve stating I didn't think that this was going on, when did we make this change, was it only full-blown subdivisions, or had the Commission made some change on Simple Subdivisions because I'm not in favor of it. Steve sent an excerpt of the minutes of the conversation from what the Commission had talked about. Number one it only applies, at this point in time, to full blown subdivisions, but the two that was discussed are two simple subdivisions and that was what was used as the points of discussion. It is in our Regular Subdivision minutes that if somebody decided that they wanted to add an easement across their property, they have to do a full replat of that subdivision in order to add an easement. Vice Chairman Oakley commented that does not sound correct to him, Commissioner Jones also stated it does not sound correct to him either. Director Baumann responded that was not what was described when they had the discussion. Our regulations currently, not for regular subdivisions and not for simple subdivisions, our regulations for replats have a definition. This is not only the super old regulations, but the current Simple Subdivision definition and the definition in the Regular Subdivision Regulations. It says, a replat includes, these are the old regulations, any change of public or private street layout or any other public improvement, any change in a lot line, any change in the amount of land reserved for public use or common use, any change in an easement shown on an approved plat, any change that affects the map legally reached prior to the adoption of any regulations controlling subdivisions. So, that is what our current regulations say and it is a definition of a replat. It is not Simple Subdivision or a Regular Subdivision, its describing a replat of an approved subdivision.

So, what we discussed was that the part that says “any change in an easement”, was probably a ridiculous thing because we have lots and lots of easements for utilities that are placed by utility companies and others that don’t require any kind of a replat. What we talked about was change in language to say, “any addition of an ingress/egress easement”. The reason that we talked about that addition or change was to provide clarity on when someone places an easement to reach another parcel or another property beyond their land out of a road on a currently platted easement that it required a replat to show: 1) that there is a change in the road status; and 2) it gives all the people in the subdivision who are going to be encumbered by that change should there be additional development beyond that road, knowledge of the fact that it is going on so that they can comment or comment to whoever is providing the easement, to make sure that if there is an maintenance agreement that the maintenance agreement gets brought up to date and if there isn’t one that they are aware that they’re going to wind up having be burdened by the cost of the additional people traveling on the road. So those were the general thoughts that we talked about when that was proposed. I did state that Kristin and I were agreeing to disagree on that item. That is what we talked about and I think the group discussed that, it wasn’t any easement. The person who came into my office last week for the Homece property, I gave them a copy of the Replat Permit Application for that lot in the Golden Willow Subdivision to provide, because they are intending to put an access from the Golden Willow Subdivision through one of the lots to a significant property adjacent to it for the purpose of gaining access to it. That is all well and good, but the problem is that they are gaining access to that lot and that parcel of land is pretty good size so there is an opportunity for additional development and if there is opportunity for additional development it is going through the Golden Willow Subdivision and those property owners within the Golden Willow should know that, should be part of the plat. So that is the reason behind what I did and that is my understanding of how the regulations earlier on were written, all we did was provide clarity to say it is not any easement, it’s an ingress/egress easement. Absent that, if your neighbor grants an easement to some other guy to gain access to property behind you, you have no way of knowing that. So somewhere down the road if there is additional development you’re in a subdivision that is going to bear the burden of that because if the road in your subdivision is going to be changed without your involvement in it and it could be significantly changed, and the second owner of the lot that is encumbered by that easement that may not have been replatted, may be encumbered again in the future when there is additional development within the parcel it gets to. So, if they put in a twenty-foot easement for a driveway and then at some time in the future there is additional development there will have to be a widening in that easement to be able to do the additional development so they will have to come back to the new owner whatever the lot number is to have a wide enough easement in place to be able to do any additional subdividing. It just seems like rather than letting lawyers fight about who said what or who did what, might as well just have an easement put in place right up front that provides the necessary [inaudible]. Chairman Paulsen said number one, most of all the roads that we’re discussing are platted as public roads and what you are

looking at, specifically in the Golden Willow is an individual person wanting to grant a forty-foot easement across their property. We are not here to tell you that you cannot give somebody an easement across your property, that is your right. It is a subdivision, he wants to grant an easement of forty foot across the bottom of his piece of property that comes off a road that is already dedicated to the public. The public was already going to traverse across it, there is no reason for us to be telling you that you have to replat an entire subdivision because you want to grant another easement to somebody else. The second one that Steve used as his description, was the subdivision that we looked over in Riverton, where again the road was dedicated to the public and the property that they were giving access to did not have access because the County failed to execute a Memorandum of Agreement with the Tribes, they left that off of the road list and then once it was figured out it was too late for them to go back. The road was granted as a public road and that gentleman, all he did was fill out an easement that gave that ability to the guy to the east of him. The owner of the road was the one that granted the easement, his right, his property to do with whatever he wanted to. There is no Homeowner's Association, we are not doing Homeowner's Associations, there is no road agreements, you don't see road agreements, there is no maintenance agreements, there are none of those things. These are all hypothetical things that we wish would happen so we wouldn't have these problems. Now we are saying that anybody who grants an easement across their property if it is in a platted subdivision, they have to come back to us and replat it, so that it can be drawn on a map. It is a recorded document of public record, putting it on a map doesn't do anything, so that we can notify the landowners and cause more issue, so that we can stir up a hornet nest. If the road is dedicated to the public anybody can use it already. Us saying that you have to come in, give us a thousand dollars to replat for you to put an easement on your piece of property that doesn't affect anybody, is wrong. That is us micro-managing people's individual property rights and we should not be doing it. It's not like they are going out there, they are not harming anybody. These are public roads dedicated to the public and most of those subdivisions say that those roads are for the benefit of lands beyond. People are putting those things in. Now we are wanting to be able to tell people well you can't do this unless you come before us and you replat. I feel like we're trying to get our replat numbers up so that we are making more money. You are going to come to us and you're are going to say, okay we want to put a forty-foot easement in, it meets our regulations, nobody that was an adjoining landowner is going to come and even if they do, what can we do. We can't tell you no, if you meet the requirements and it doesn't do anything, what are we going to tell you no. All we did was we wasted your time and ours to bring you in here so that we can tell you that you have the right to grant a forty-foot easement across your piece of property to the guy next to you to use it; because you are in a subdivision, you are on a public road and it is your land that you want to put an easement against. You're recording it of public record, we are just drawing it on a nice little map and recording it. Nobody cares, nobody is going to look at it and all we did was waste everybody's time and money. They are already going to a surveyor, they are already bringing all that stuff. I wish Dan would have stayed, because Dan was the one

that did the Golden Willow one. He told the people that they didn't even need to replat because he said it was their land, they had the right to give a forty-foot easement. I just don't see why we would require that in a simple subdivision or a full-blown subdivision. None of those things exist. We don't have Homeowner's Associations, very few, and if we do have them they are not active. Why are we telling people that they can or can't give easements across their property? If they want to do it, let them do it. I don't think it calls for a replat. I don't think that we should be spending our time replatting that stuff for it to be drawn on a map because that document is already recorded of public record. If it overburdens an easement, trust me somebody is going to say something, but if those roads were already dedicated to the public we can't stop it anyway, and the original subdivider, unless they granted it to somebody, is the guy that still owns the land anyway. What if you can't find him. What if he subdivided it forty-five years ago, he still owns it because he never granted it to anybody, there was no Homeowner's Association, there was no anything else. So, he is the original owner, how do you find him, he granted it to the public, county never accepted it. In the real world, he still owns it. You are not going to find him, you can't get him. Granted it to the public, everybody has the right to use it. If I want to put a forty-foot on my property, I should have the right to do that. Director Baumann commented in part of the regulations since 2002, some smart guy, long time ago, must have decided it was a good idea. I did before I put this stuff together, I did contact quite a number of planning departments in the state, that are both zoned and unzoned, those that have regulations all require, if there is not a regular easement, but if there is a road easement that is placed on an already recorded plat, that portion of the plat be replatted. The intent was not to go up and plow any new ground here, what was described at the last meeting was a clarification to ensure that the thing that we were really attempting to do was clarified that it was an ingress/egress easement change or addition. Vice Chairman Oakley said so trying to remember correctly, trying to read through this I would like to see rest of the minutes instead of just this. Director Baumann asked for the whole night? Vice Chairman Oakley answered yes. Director Baumann stated he just had that section done specifically because that was the only part. Vice Chairman Oakley said yes, but I just want to see how we got there, because we were going through the regulations, because it actually points out pages and stuff like that. I think the intent was this we say right here, we are just granting access across the property, we are not changing the lot line. You are just giving an easement so that, bullet point, I'm not sure what the bullet point was, [inaudible], so I think the night we had that discussion, as long as it was not changing the lot line, the physical north, south, east, west lines, there would be no replat. Only if a property line changed, there would have to be a replat. Director Baumann stated that is word for word what you are reading there. We weren't discussing the property line, there is no discussion of property line. Vice Chairman Oakley said it says property line right here. Any changes in the lot line. Director Baumann said that is what this says, any change in any public street or layout, any change in the layout of a private street, any change in a lot line. Those stay the same. So, it says what a replat includes. What we did was change the one that said "any change in an easement shown on an approved

plat". We changed that to say "any addition of an ingress or egress easement". So, it went from any change in an easement, to any addition of an ingress/egress easement. Chairman Paulsen said I will tell you, I think that a change, a change in an easement is one thing, but an addition of an easement is something completely different. If you are changing something that is already on the plat, I can see why you would have to replat it, because it's of public record, it's written, it's there. So, if we wanted to come in and we wanted to vacate that easement across there; yes, we might have to replat that. If I'm adding an easement to a piece of paper, it's something that happened after that, why should I have to go and replat it. Vice Chairman Oakley stated he didn't recall a conversation along that line, of adding an easement. That's where your throwing me. Commissioner VonHoltum said he is drawing a blank here [inaudible]. Vice Chairman Oakley said I didn't recall a conversation, because I think the tone of that meeting, or the tone of that conversation was to reduce the need for a replat to the smallest that we could get it, so that there was fairness across it. We were not in favor of any little change or anything out there you got to replat. I do not believe that at all, that was not the intent of the tone of that meeting. So, I think, you are kind of catching us off-guard here. I don't think that was the intent, I think if that is where we are, then I would like to revisit it again. I don't think that is where I wanted to be, in having that conversation about replats. I can see if we change the physical line of the property you have to replat that, we got to know where the lines are. The easements within, whether it's a deletion or making an adjustment on the terrain it falls on, or adding one, it's an easement and I agree you should be able to do it. Director Baumann stated those are the things that we discussed, this is what it currently says, and that is what we discussed at the meeting. Vice Chairman Oakley stated I know Steve, can we have mess one up, yes, because this stuff has been going on for the three years I've been here. Commissioner Jones stated I would like some input on this, what I was thinking of an easement it was definitely a road easement. That means when you put a road in, I don't care it's a road, and there is a lot of people that get involved with a road easement. You have to be so far from the property line, [inaudible] that's where Roads get involved. They'll tell you, they are supposed to come out and take a look at a piece of property, if you are going to put a road in. They did at my place anyway, and they said it has to be so far from the property line so a truck can turn into my driveway. So, if I was just putting an easement down my own place to get to the back, still I think people have to know about the restrictions, just like we encountered here where there is the blind spot where you go out onto the county road. I think you just can't put an easement somewhere and say here is an easement for a road, I might not never put a road in there, but there is an easement that road. I think we were thinking in terms of, if somebody gets an easement for a road, they are going to put a road in there. So, I think that we should be notified where this road is going in their property, because like I said it's got to be a specific place into the county road. Chairman Paulsen commented I make fifteen easements a month. Vice Chairman Oakley said why do you care what the neighbor thinks, he can do whatever he wants. Commissioner Jones said no, but I'm just saying if you wanted to put a driveway in off of a county road, there are restrictions on it from the Road

Department. Mr. Lopez commented this isn't a county road Tom, this is in a subdivision, private road. It's like if your house, if your driveway was a subdivision and you wanted to extend that road to Stevely's land or whoever's land around you. Commissioner Jones said I'm thinking about a county road, coming in off of a county road. Director Baumann said it's just a public road. Commissioner Jones said it's a public road, okay. That cancels me out. At that meeting, I think I was thinking in terms it was a road coming off of a county road. Commissioner VonHoltum asked how do we revisit this more formally, where we can gather, or at least where I can gather my thoughts and get a good review of the actual writing there and then come back and revisit it. I think at this point we certainly need to revisit it. Chairman Paulsen said one of my concerns, the reason I brought it up tonight, is because we are in the public comment section of the Regular Subdivision Regulations. I don't want something passed in the Regular Subdivision Regulations and then not have made a public comment in the fact that I'm against the way that we wrote that and have it be passed by the County Commissioners. So, I don't know where we're at within that public comment. Director Baumann answered that it doesn't end until July 11th. Chairman Paulsen said so we have time to discuss that at the next meeting. Commissioner VonHoltum said so we have time to go back and do the appropriate research to find out where we really stand and then revisit the issue after the public comment period has. Chairman Paulsen said before the public comment period is up. Commissioner VonHoltum said, okay before its ended. So that will be in June's meeting. Guess that's the way I would like to handle it, rather than trying to make a decision tonight, without having. Chairman Paulsen said I just want you guys to be aware that this is what happened while I was gone. I got a call about it, I asked some questions, I got the minutes. I wasn't in favor of it then, I'm still not in favor it and I want you guys to understand that I'm going to make a public comment even just as an individual not as the Chairman, that I'm against that, but I wanted to know where you guys came from that you were, that that's what you guys passed. Commissioner VonHoltum said okay, I understand all that. Now we can revisit it as a board and people can vote for or against and get it on the record that we addressed the issue. Chairman Paulsen said maybe Cheryl you could look at those minutes from that meeting. Commissioner VonHoltum stated they are on line right. Chairman Paulsen said this is a more detailed account of what everybody said and how it went down. Director Baumann said this is a detail, we broke it down. Mrs. Crowson said you can listen to it if you come up to our office, they are all recorded. Commissioner VonHoltum said he will just stop by sometime in the next couple of weeks. Director Baumann said we can e-mail you that if you want. Mr. Lopez said we could e-mail that as an audio file. Commissioner VonHoltum stated just send it to my e-mail, that will work great. Chairman Paulsen asked to make copies of this (minutes excerpt) so everybody can have that and they can take that home with them tonight and read through that. Commissioner VonHoltum said I don't want to tell people they can't do what they want with their land, but at the heart of it that's the point of this commission. If we wanted to have free-for-all, we would write a set of regulations, do away with the commission and then let it go from there. We do have some roll in telling people what they can and can't do with their land whether

we like it or not. I can make the same argument about the forty-foot easement, with all sorts of easements. I can say well you want to reduce your easement from eighty-foot to forty-foot that is your right to do it as property owner, and the Commission should have no say in that. That's an argument that we can extend to all sorts of parts of this process here. Chairman Paulsen said I think we've got the surveyors on board at this point in time with giving adequate size easements for future development. Most of them are doing that, they understand that that's where we are headed to. Commissioner VonHoltum stated but there is a fine line there. I don't want to borrow problems from the future and make them, the people who are sitting here at any given time, that their problem. Chairman Paulsen said I just think that by doing this though, how do you ever regulate it. Truly, I write at least twenty easements in a month's time. Director Baumann said we review them all. Cheryl makes a copy of them and I review all of them. Chairman Paulsen said but once it's done you don't have any control. Director Baumann said once it's done I can send them a letter and say that was an illegal. Chairman Paulsen said easement, you don't have the right to say it is an illegal easement. Director Baumann said you can't say it, but here is the section of our regulations that require you to replat that, so you have to replat it. Chairman Paulsen said again, once an easement is given it is given, there's just, I mean. Vice Chairman Oakley said you can't enforce it. Director Baumann said well the people who are writing the easements are the ones that need to know that, if we put in place a regulation, that's our regulation that needs to be replatted. That's not a difficult thing because there is really only half a dozen individuals who are doing that now. Chairman Paulsen said so, if everybody will read through that, if you need a copy of what the regulations were before we changed it, Steve can get you that, or a copy of the regulations of what they are now he can get you a copy of that as well. No further discussion.

The next regular meeting will be Thursday, June 22, 2017 at 7:00 p.m. There being no further business for the Planning Commission, Chairman Paulsen adjourned the meeting at 8:05 p.m.

Respectfully submitted:

Cheryl Crowson
Department Secretary

Kristin Paulsen
Chairman