

**FREMONT COUNTY PLANNING COMMISSION
PUBLIC HEARING MINUTES
7:00 PM, SEPTEMBER 24, 2015
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 Commissioner: Harold Albright, Tom Jones and Chris VonHoltum; County Commissioner Travis Becker; Planning Department Staff: Director Steve Baumann, Small Wastewater Specialist Marcel Lopez and Department Secretary Cheryl Crowson; Guests: Chris Hamilton, Tom Johnson, Colby Gillespie and Gary Hatle.

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

Approval of Agenda: Vice Chairman Oakley moved, Tom Jones seconded to approve the Agenda of September 24, 2015. No further discussion, the motion carried unanimously.

Approval of Minutes: Vice Chairman Oakley moved, Tom Jones seconded to approve the Meeting Minutes from the August 27, 2015 meeting. Commissioner Albright and Commissioner VonHoltum abstained due to their absence from the August 27, 2015 meeting. No further discussion, the motion carried unanimously.

Staff Progress Report: Director Baumann reviewed the Staff Progress Report dated August 2015 to the County Commissioners on the department. Discussion: (1) in the Rawhide Subdivision, a current landowner (D. R. Simmons) has legal issues with ownership of vacated roads; (2) Director Baumann and Steve Warner attended the Western Planner Association conference in Laramie attending numerous planning meetings and collecting excellent background information; (3) Seth is continuing to work with the Tribes and has built a good working relationship; (4) Marcel Lopez stated the department is three septic systems ahead from last year at this time; (5) a re-organization within the department: (i) Seth will be leaving effective October 15, 2015; (ii) Steve Warner will be taking over as the GIS Technician; and (iii) Marcel Lopez will be the only Small Wastewater Specialist.

Open Public Hearing: Chairman Paulsen opened the Public Hearing on the Proposed Simple Subdivision Regulations.

Chairman Paulsen stated the commission has spent extensive time going over the Simple Subdivision Regulations working toward a draft incorporating all the legislative changes, changes recommended by legal counsel and changes recommended by the

board. After several work sessions and the forty-five (45) day open comment time period, tonight is the public hearing for any comments.

Roll Call: The following were present: Chairman Kristin Paulsen, Vice Chairman JR Oakley; Planning Commissioners: Harold Albright, Tom Jones, and Chris VonHoltum.

Public Notice: The Public Notice published in the Riverton Ranger and Lander Journal on August 30, 2015 and September 6, 2015 was read into the record.

Public Comment: The following written comments have been received: (a) letter from Tom Johnson, Apex Surveying, Inc. dated September 9, 2015; (b) letter from Gary Hatle, Apex Surveying, Inc. dated September 21, 2015; (c) comment from Julie Freese, Fremont County Clerk on 2015 Fee Schedule received September 23, 2015; and (d) a two-page document representing Director Baumann's review of recommendations stated in Mr. Johnson's letter dated 9/9/15.

Chairman Paulsen asked if Tom Johnson, Apex Surveying, Inc. had any additional comments. Mr. Johnson stated he didn't have anything to add to his letter, but would wait to hear the responses and then comment.

Discussion of Mr. Johnson's letter:

Definitions: Re-plat and Re-subdivision. Mr. Johnson stated he has been confused as to exact difference. Director Baumann explained a re-subdivision is when lots are added (as long as it is not over five lots total) or significantly changing the configuration of streets or lots. A re-plat consists of minor changes to a plat, for example changes to easements that do not significantly affect the plat and streets.

Define Surveyor. Director Baumann commented this definition has been added to the Definitions section in the Proposed Simple Subdivision Regulation and is from the Wyoming State Statute 33-29-902.

Water Distribution Plan. Mr. Johnson commented he doesn't feel comfortable addressing how irrigation water will enter and exit land. The landowner used to write a document and submit it. Chris Hamilton commented he is concerned with the possible liability issues adding irrigation plans on a plat since it changes constantly. Commissioner Albright stated for the record, he agrees with the comments of Mr. Johnson and Mr. Hamilton. Wyoming State Water Law addresses and takes care of getting water to a piece of property. Also, where there are tail water rights, it takes care of how that water leaves and goes to another piece of property. But, how the water is handled on the piece of property in question, I believe the only time the Planning Commission in Fremont County has any input as to how that should be handled is when there is a clear concern to the Planning Commission when they review it in the Planning Department that the irrigation of that property, after the subdivision is approved, would

detrimentally affect the neighboring property owners. I believe we have done a good job of addressing that from the time that I have been on the Planning Commission. Commissioner Jones commented that irrigation is very important to a lot of people. We need to put something on the plat as far as irrigation, especially where it comes in and where it goes out. That is usually indicated on all the new plats, that there is some way of handling the water that is coming into that plat. Vice Chairman Oakley commented the intent of the board, along with what Harold stated, is not to regulate how it's used on the property, more to determine how it enters the property, how it leaves the property and how it affects properties in relationship to it. It is knowledge for us more than anything, so we know where the water is coming in at. Somehow it is going to get across the property, we don't care, and it's intended to exit out this way and travel on down. That's what we are looking for in my opinion. Mr. Hamilton responded that you need to remember if the method is flood irrigation today and tomorrow they install sprinkler system, there is no drainage and then who is liable if the adjacent lot owner has been using that drainage water. Commissioner Albright expounded on his previous statement. When reviewing a proposed subdivision, one of the things the Planning Commission, needed to address irrigation when it was obvious when the lot being created, when it was irrigated, if there was a natural drainage or a drainage created by the developer that would then take that tail water onto another piece of property and may cause damage there. One of the ways it was addressed by developers is just what you said, then they said to address that we will put in a sprinkler irrigation system. The ones that it was not their irrigation plan, then we have requested, and they have to this point in time to the best of my knowledge, always complied with taking care of that tail water somehow with a collection ditch at the low end of their property, the developer would design the subdivision in such a way that one lot would not be negatively impacted by the flood irrigation of the lot above it. That is how the developers have been working with us. Irrigation is importing to me being in agriculture and I understand the problems that can arise between neighbors when it's not taken care of it property so I'm a proponent of irrigation plans. I just don't believe we have any business telling someone how to irrigate their property as long as what they do on their property doesn't negatively impact their neighbor. Now having said that, I better explain that a little further, I don't want to find myself in a situation where after the fact this Planning Commission is going out telling some lot owner that they are not irrigation this properly. I believe our job is to help the developer plan in such a way to mitigate as much as possible those issues in advance of the sale of those lots. Mr. Hamilton, commented he is not questioning that, I'm just saying sometimes when you get to so many things on the plat the liability just increases. I don't mind putting easements for ditches, I think that's a great idea, putting information on the plat that indicates how water is channeled, and anything more than that adds liability to the surveyor. Director Baumann stated I don't think we attempted to convey this has to be on the plat. It can be on a separate document. Recently in Riverton, you approved a subdivision that had it as a recorded secondary document, and that's acceptable. It does provide the ability to put a lot more information, should it so be desired by the subdivider and a document that can be changed at some point. From our standpoint, around here where it is a non incorporated

ditch, most of that is the methodology employed to get water to and from through a ditch from a certain place. In and around Lander that is what is conveyed on the plat. When you get over closer to Riverton, the two ditch companies over there are more interested in understanding how their water is used by the subdivider so it becomes more inclusive or discussed plan than what we have over here. The two are really the same thing, it just that, I think over in Riverton because incorporated ditch companies are over there they require a lot more input. Mr. Hamilton commented we do not have to have it on the plat, just easements for it. Chairman Paulson stated the change is on page 21 in the Proposed Simple Subdivision and read the description. No further comments.

Plat Requirements – Location Map. Mr. Johnson stated this is not about not having a location map, simply a statement that some of the elements that they talk about being required to be in the location map which include shopping areas and recreational facilities. My comment is that you're not seeing those on the plats and I don't see a reason why it should be part of the regulation. Director Baumann commented there is perhaps some validity to that is was just copies and was in a version of the regulations early on and it do not believe it appears in the State Statutes. Mr. Johnson stated he would be more than happy if the end result of that discussion about that comment is that you're fine with not having it in there if it's not in the state statute then we don't have to talk about anything, it is a pretty simple thing. Chairman Paulsen said it is listed in the regulations on page 23, No. 6, and read the description. Director Baumann will do research this issue. Chairman Paulsen commented if not in State Statutes, does anyone have any issue with removing it? Do you feel a need for it to be on the plat map? Vice Chairman Oakley commented just the first part of it where it talks about arterial, just so you can get a general idea where it is. I don't think we need to add shopping centers, playground and all that other. Director Baumann commented one of the things to remember is this has been in copy for a long time, when Ray's (Price) predecessor first wrote the Subdivision Regulation a lot of it was copied and quite frankly that was during a time when everybody [inaudible]. Chairman Paulsen said while discussing it with Commissioner Albright, they feel like there is some value to having those things on there arterial streets, railroads, maybe not shopping areas or recreational facilities, but water ways, water bodies and other pertinent areas, those things could be of some value. Mr. Johnson replied generally we try to go a good job giving a location map, and if we left something off it would probably just be an oversight. I know for a fact nobody's going out there and saying I just got to get this shopping area; again, a small issue. Chairman Paulson thanked him for taking time to read through it. Chairman Paulsen asked Director Baumann to take a look at it and readdress the item.

Plat Requirements – Easements. Mr. Johnson commented this is just a matter of checking through in the final copy and what it amount to is in the road tables there is some contradiction versus the text, and I'm sure that's where we're jumping from standard 40', 50' to 60' roads. Chairman Paulsen asked Director Baumann if he has looked at all those and they have been addressed. We did find all those typographical errors and all these inconsistencies have been corrected.

Disclaimers. Mr. Johnson stated that what we're seeing is tons of notes being added to the plat. Which maybe it's just giving a little pause and decide whether some of this stuff needs to be on the plat. Some of them, where we're talking about whether or not you can have a utility or whether or not you should worry about the smell if you are next to a farm. I just think we don't necessarily need to warn people about the way of life here. The one thing I did see, you have a section on website, Tips for Rural Living and really this is where a lot of this needs to be. If people are interested in living here this is what you are going to face. Having this on every plat we do does not need to be there. Chairman Paulsen commented it starts on Page 25. Director Bauman commented these are valid points, we are not requiring all of the disclaimers be addressed so the idea is to have those items that are specific enough to a certain area that they warrant a disclaimer. One of the things that Jodi Darrough wrote, in an opinion to Ray Price, it was under the discussion of subdivisions. The opinion states "The purpose of the Regulation of Subdivisions is consumer protection. Lack of developer planning would place a considerable hardship and cost on the purchaser wishing to resolve issues". Director Bauman continued stating it is the crux of the reason for putting disclaimers on the plat. Maybe not all people will read the plat to the lot they are purchasing, but they should. Our job is to alert the people to possible issues that could affect the property they are purchasing. It is a way for alerting the public that there is an issue and also a way for the developer or whoever approves the development to state the public has been alerted. Marcel Lopez commented it is protection for the agricultural activities that are present before the subdivision. Agricultural activities are here and the disclaimers alert possible buyers; it is their job to read the plat, if its not there they are not aware. Realtors do not tell them. Commissioner Albright stated we don't require every one of these disclaimers on every plat and I believe the boards have done a good job of identifying which disclaimers are pertinent to a specific plat and requiring it for a lot of the reasons that Mr. Lopez has just stated. I believe that they are appropriate and I believe the board has done a good job deciding which ones need to be on. We have allowed developers, engineers and the public in general to our meetings and give us input as to whether they thought the disclaimer was too onerous or if they thought the disclaimer was appropriate or if thought there needed to be a disclaimer that we haven't thought of. Gary Hatle commented when he bought his house in Riverton he did not see the plat, if he saw the plat it had dedication, geometry of plat, street and all that kind of stuff and that was it. I looked around and found my house, saw house across street. I didn't need to be told that I was in the country, about a gas line within 500 feet of the property line. I didn't need to be told there isn't any sanitation or garbage facility. My point is the purpose of the plat shouldn't be a bunch of warning signs to tell people you don't want this, be careful, buyer beware and have we lost common sense. Have we assumed people are that stupid and is it this bodies responsibility or anybody's to lead them and help build their house and tell them watch out for the traffic on the highway. You can go on, on and on. I don't know specific question, why do we research to see if there is a gas line within 500 feet of the boundary of the plat, what is the point in that. Why is that there? We have to search the record and do a utility locate 500 feet past

every direction of the plat. Director Baumann stated he does that from the review of the public record. All that comes through the planning department through some version of title search, either paid for by the person requesting the subdivision, or I, Marcel or Steve are downstairs reading, not expecting the surveyor to get that information. We are requesting that information to be put on the plat. Mr. Hatle stated the point is, what if you don't, then I do have to. Why are we trying to put on the plat that two blocks away is a gas line. Director Baumann replied that's a really good question. So, someone from the public who is you can understand that there is a gas line 500 feet from the property that they are about to buy. It may not matter to you, because it doesn't matter to you, but it may matter to someone who doesn't want to live next to a gas pipeline because they are afraid it is going to blow up and take the kids out, so they want to be alerted to that fact. Does it matter to you, apparently not, but it might matter to them and who are you or me to preclude them from the ability to understand that or be alerted to it. Mr. Hatle responded who are we to assume that they are that concerned about it. In my letter there are 5 to 18 warning signs on the plat, potential warnings. It takes up a little bit of room, I can make it fit but it may take magnifying glass to read it. I don't understand why we are trying to make this plat so involved for someone to buy a piece of ground. If I was a landowner and going to sell to someone, wouldn't I expect that person is going to ask questions, I may not tell him anything. Is this buyer totally out of it that he can't buy this piece of ground without understanding where he is and what is available and not available, I don't get it. Commissioner Albright stated I believe the answer to your question is our society has become so litigious and we, we being Fremont County Government, believe we need to identify issues that could lead to litigation against the county or at the very least a lot of controversy that would have time spent by the County Commission and Planning Board trying to resolve it. I will explain that part of my answer, in that I'm, as you probably know because you have been setting in these meetings with me as long as I've been on this board you probably have been at meetings before, but you've been at these meetings and some years ago we were at an impasse on getting a recommendation for a subdivision because the soils report said the ground was unsuitable for septic and so we had people that came in that were objecting to the subdivision because of the soils report, we had the developer of the subdivision said my engineers tell me that the ground is suitable, the county said they've had septic systems in that area that have not failed, so we are setting here all arguing about that so it seemed that the easiest way to try and help the developer move forward with getting their subdivision approved was to put a note on the plat saying that an engineered septic system may be required. We thought that was a good tool to use to try to help the developer get the subdivision approved with the understanding that when they got into it and our people got out there that an engineered septic system may be required. That is one item, but all of these, I believe, have evolved the same way. Trying to figure out if we approve this subdivision and this problem has been identified could someone in the future come back and hold us responsible, that is the litigious part of it, our society has evolved that way. The second part of my answer to that portion of your question, is our job, I believe since I've been on this board, is not to figure out ways to prevent the development of land, but try to figure out ways to facilitate responsible

development of the land. I believe these have been useful tools for the Planning Commission to use to accomplish that goal. We don't require every one of these to be on the plat, your comment stating I can squeeze it on here and it would be so small you couldn't read it; I hope that we don't ever get to that point and if we do then we will need an addendum to the plat to put it all on there. I believe we put information on it that helps get the developer moving forward and also addresses issues that are of legitimate concern to some of the folks in our community. I think the answer to your question, have we lost common sense, I think what we've lost is a lot of our freedoms because of how litigious our society is, that's what I believe the answer to your question is. We have to address that, when we sit up here we have to think about those things. Mr. Hatle comments two points, as long as these are in print I may be required to put them all on here. Secondly, in bold letters maybe this is the big note that ought to be on the plat so you don't have to be so concerned about the litigation. The fact that the plat is accepted does not ensure there are no errors or omissions. Subdivider is responsible for the actual information on the plat. Fremont County shall not be liable for any damages caused by errors or omissions on the approved plats. Commissioner Albright commented it doesn't keep you from setting across the table from an attorney ever. Mr. Hatle stated that's true, but it is also true of every one of these. No matter how many flashy words you put on there. Commission Albright stated Gary, you are absolutely right. We are just doing the best job we can to try to mitigate that. Mr. Hatle, continued, I'm not arguing your intentions. If I was a developer and I was going to sit down and show a buyer, and there is all these notes and warnings, basically it's what they are. I guess if he reads them, they are probably saying why it is there. Hopefully, that's what he'll actually say. What's this, well I don't need to know that, I already know that. Maybe it prevents a sale if he figures out there will be mosquitoes out in his backyard in the evening, dry-land sagebrush. I disagree and leave it at that. I will go to the County Commissioners, I'll be there as a surveyor, I've be around a long time, and I just disagree with some of this stuff. I need new ears to throw it to. One point I would like to bring up a though, because I said in my letter of the 21st, regarding merging parcel. Chairman Paulsen commented we are not to that yet, we are still on disclaimers. Mr. Lopez commented it is important for us all to note that I think a large number of people have lost common sense. We get calls in our office every year from people out in the middle of nowhere wanting to know who they talk to about hooking up the water and sewer, who do I call to get hooked up to natural gas, they don't even realize that stuff doesn't exist because they are from Baltimore or New York or wherever and now they're out here and they bought this beautiful piece of land and they don't realize that none of those services are there and we take those calls constantly. Chairman Paulson commented it is unusual for people in the state of Wyoming to move to a location where there is no zoning, no rules or no regulations. Multiple other counties or town in the state they have those things and so when they move here, whether they move from a different place in the state or someplace out of state. They are used having those regulations in place for them already. When you move to someplace where none of those things exist, you anticipate that they are already there and in place because that is how a large portion of the rest of the United States is. We're saying that we don't

have any of those things we're going to let you know upfront because more than likely where you came from at least a portion of those things were there. There are a lot of examples here, a lot of information to help you to be able to word those things. Some of these things the state requires. They are there as a tool to help us plan, because again that's what we are, we're a planning board. There here to help the subdivider plan, there here to help the general public plan. It's a planning tool; it's not a requirement that you use every single one of them. It is there to plan and is also there so we have some consistency in the wording that you're using so that you're not using different wording than what Chris is using. So we get some cohesiveness in the wording that we are using so people get used to looking at it and seeing the same thing over and over again so it means the same thing every single time. No further comments.

Monumentation. Mr. Johnson comments that just comparing the older regulations to the new proposed regulations, and I cannot remember if it went from requiring a pipe monument to requiring a bar or if it was the other way around. I think what could alleviate making a statement in the regulations that could potentially be changed by a change that the State Board of Registration of Surveyors, is to just call out the monumentation as required by the State Board. They have a section in their regulations that tell you what the monuments are acceptable for licensed surveyor's to set the property corners, etc. My point on that was rather than the board here determining the definition of a monument for a survey that they just refer to the Wyoming State Board. Director Baumann commented that the previous version had the pipe thing in there and Dan Hart said no one uses pipes or maybe you said no one uses pipes, so we changed that to under "A", where it used to be descriptive it now states "survey monumentation shall meet the standards set forth by the Wyoming Board of Professional Engineers and Professional Land Surveyors, Rules and Regulations, Chapter 5, Section 4 which is Monumentation. On the next page where it talks about permanent monuments we removed a large bit of it under that section of the regulations so it just says "permanent monument shall be set at a minimum at the angle point subdivision boundary every 1,200 feet Subdivision Boundary part and got rid of all the rest of it. Mr. Johnson commented also under that same section, there was a call for metal boxes. We have installed metal boxes where it's appropriate replaced metal boxes to surrounding monument when not appropriate and in the gravel road they are certainly not appropriate [inaudible]. Chairman Paulson stated that was part of the part that was removed and asked if anyone on the board had any issue or questions about it, any like or dislike about it. Mr. Hatle had question requesting clarification on terminology of preliminary plat. Discussion regarding steps of plat from Planning Department to Planning Commission to County Commissioners. Chairman Paulsen commented on Page 36 there are three pages discussing the procedures.

Fees. Mr. Johnson commented he is seeing a considerable jump in the fees, and I understand the perceived work load and the amount of work that's going into these has increased. I don't necessarily know the in's and out's, but I have seen a huge jump in fees so my comments are centered around that and centered around any kind of

concept of any kind of documentary fee because some of the feedback that I get from people I work for is not in the positive with regard to fees that they don't know are coming. Chairman Paulsen commented when we did the fees, we spent a couple hours going over the fees and tried to make the planning department, the small wastewater people justify for us the reason for the increase in the fees, what the workload was and what was going on and that is how we came to those fees. There were some things that the Planning Department was doing that they weren't charging for that the rest of the courthouse was charging for and so we tried to get on so it is the same thing as everybody else, i.e. charging for copies. We tried to, number one; list all the fees so there wasn't any hidden fees so you knew exactly what the fees were going to be. We did take some fee increases to try to at least put some actual cost to the work that is truly being done in that department. If there is a specific fee that you have a question on, we will talk about it. Mr. Johnson replied it is confusing to me and I suppose when I work with it for awhile I will understand it. Again and this goes back to the preliminary plat fee and the final plat fee it is printed out there you have a preliminary plat fee and final plat fee and in that regard we have changed the process because we didn't do that before. Like I said, I don't know necessarily when some of the fees are going to come. Like for instance, the addressing fee, I guess I just need to understand the process a little more myself because is each lot going to receive an address and that fee going to be levied against the developer at the time of the plat? Because that is \$20.00 more a lot because that's more fees on top, or do those address fees happen when somebody actually starts getting mail. I know addresses are assigned to the lot. Director Baumann responded that somebody has to request it. The developer doesn't have to request an address and quite frankly most of them won't until somebody buys and wants to put a house in so we have a rural addressing department that is specifically there for the purpose of naming roads and putting it in the county system, in the 911 system and providing addresses for the people so they can receive services including public services. This fee schedule page covers everything for the entire department, not just the subdivision part of the department. The subdivision part is the first bit here not including septic system fees, they have nothing to do with the subdivision process. Floodplain Development Permit has nothing to do with the subdivision process and the New Address Application Fee has nothing to do with the subdivision process. The intent was to have a document that would represent all the fees that Fremont County Planning Department levies for all the activities that occur within the department. It is an attachment to not only these regulations, but also going to be an attachment to the revised Small Wastewater Regulations. Mr. Johnson asked if someone is going to do a simple subdivision, I understand they will have an application fee; will there be a preliminary fee and a final plat fee? The way we're dealing with them, what I'm hearing is similar to. Director Baumann responded a simple subdivision and regular subdivision have an application fee; the application fee is \$200.00. Simple Subdivision then has a final plat fee of \$100.00, so that's at the time of the final plat. The reason it is split up is specifically because not everybody comes in and finishes the preliminary plat. They come in they do a little bit of work on it so they pay the application fee for us to do the background work necessary for that and then when it goes to the point of being a final

plat there is a fee associated with it. When the Planning Commission approve conditionally that a preliminary plat can be approved it becomes a final plat and at that point there is another fee assessed at the time of it going to the County Commissioners. Mr. Johnson stated what I'm hearing if I understand it correctly is, with a simple subdivision you will likely not be paying for preliminary plat. Just application and final. That helps because that way we know what to look for. Commissioner Jones asked Director Baumann if he checked with other counties and these fees were in alignment within the other counties within the state. Director Bauman answered he did and they were all over the place. Some of them were substantially more than the fees we charge. It all depends on the type of requirements that each county has, so those that have zoning and building ordinances their costs are significantly higher and most of those counties also are 100% covered costs/fees and some more rural outline counties in the eastern part of the state are similar. Mr. Johnson commented on mailings, as being an open ended fee. An example, someone had a plat for reasons not the county's fault had to be set aside for a while, but I also note that the \$400 fee from that subdivision was not held to with regard to the mailings on that particular plat. Like I say, the open ended part of this, what I see is maybe the process and correct me if I'm wrong, you are going to use your MapServer to figure out where the 400' radius is so you can get a list of who you are mailing to and that I believe can be done and the cost of that generated and put out there so the developer is going to know how much that is going to be instead of that being something that they are going to be charged with at the end of the process that they didn't know was happening. Director Baumann responded that we changed the methodology that we use for sending out in the new version versus the old, they are no longer certified letters so instead of being whatever it was to send certified, they are now just regular mail. The 400' includes more people than just the contiguous property owners. The reason for that was we had a number of instances where a number of people complained that they were not aware to the fact that a subdivision was being proposed next door to them because there was a sliver of ground between them and they were contiguous. Went around and looked at what other counties generally had for distance that they send, the City of Lander uses 400' and the City of Riverton does something like that as well. We try to make those costs as minor as possible by just sending regular mail. Mr. Lopez commented if they have one hundred acres and they are only developing twenty of it we are doing 400' from the one hundred acres not just what's being platted because it's affecting that whole one hundred acres. So, some of those, take that 400', it is way more than 400' than what's on the plat. Mr. Johnson commented that is contrary to what is on the regulations. If it's supposed to be 400' and that is what the public is looking at, it should be called out. Everybody is looking at what everything is costing, so that is why I brought it up. Director Baumann read from the proposed Simple Subdivision Regulations, page 38. We should stick with the subdivision. We should amend our activities to that. Mr. Johnson had no further comments regarding fees. Chairman Paulsen thanked Mr. Johnson for taking time to go through the points and helping correcting things that were incorrect and bringing to our attention some of the things that are out there that we didn't know about, some different stuff with the surveying things that make it a little bit easier and hope that we have

addressed some of the concerns you had and understand some of the changes that have been made some of the terminology has been changed, the process itself hasn't really changed, but we have changed some of the terminology to conform.

Gary Hatle, Apex Surveying, Inc. stated he did not want to comment on his letter, dated 9/21/15.

Julie Freese, Fremont County Clerk, comments. Director Baumann commented her comment was on the \$2.50 copy fee for the final plat. Mrs. Freese believes because we are an internal department we shouldn't require that the copy cost money for us to obtain for our file. Director Baumann tried to explain the copy is a requirement for a specific reason and she is still convinced that because it is internal to the county it should be for free. She made that comment to the County Commissioners when I preliminary presented the subdivision draft about a month ago and I made my comment this is essentially her thought. Chairman Paulsen asked Director Baumann if it is his thought to continue to put the \$2.50 on the fee schedule. Director Baumann responded yes. I think just wanted to make sure her comments were heard. Chairman Paulson asked if everyone was OK with that, no responses, taken as a yes.

Colby Gillespie, came forward commenting on Page 22, Item F, stating the subdivider shall obtain an "approved access document". Could you put in instead of approved, legal access? What does "approved" mean? Maybe starting with the question in order to have a subdivision approved; does it have to have legal access? Commissioner Albright responded he recalled the discussion when this issue was address, you can have legal access without having approved access from county road/highway so you can have property that borders a highway right of way or a county road or where you would have legal access to your property. Approved access, if I'm remembering correctly so I'm understanding the question you're asking how it pertains to that would be where we want to have the subdivider proposes the access to the subdivision to be in a certain location and we have to run it by the county roads department/highway department whatever and they have site distance requirements, they have number of accesses per mile requirements and the like, so I believe that the reason that is in there is to address the physical access to that subdivision needs to be approved. Mr. Gillespie commented it has nothing to do with legal access to that subdivision. It is saying that the access to that subdivision has been approved. Commissioner Albright responded as it pertains to physical access. Director Baumann commented to clarify, the state highway system, state highway has right of ways and just because you abut a state highway doesn't necessarily mean you have legal access to your property. So on parcels like that they actually have to get a WYDOT permit. The county doesn't necessarily provide a permit if there is an approved access to the property that pre-existed a permit. So if they had an access point to the property, the county roads department will just say it has been there a long time and it meets all our requirements it is acceptable, so that is really the differentiation. Mr. Gillespie's other question was with his subdivision, when he did it, he had access from the county road. Since then, the county road has been turned over to

the tribe and is now being told that he does not have legal access to the subdivision. Mr. Gillespie asked the question “Where do I stand, am I basically grandfathered in with legal access because it was a county road when I made my subdivision or am I up a river without a canoe?” Urbigkeit Road is now the Tribe’s and is approximately three miles long. Discussion regarding Urbigkeit Road. County Commissioner Travis Becker stated he will check into this issue with assistance from Director Baumann and advise Mr. Gillespie of their findings.

There being no further questions or comments, Chairman Paulsen closed the Public Hearing at 8:58 p.m.

Respectfully submitted:

Cheryl Crowson
Department Secretary

Kristin Paulsen
Chairman