

**FREMONT COUNTY PLANNING COMMISSION
SPECIAL MEETING MINUTES
FEBRUARY 26, 2015
11:00 AM**

Open of Meeting: Chairman Kristin Paulsen called the meeting to order at 11:16 a.m. The following were present: Vice Chairman Harold Albright, Planning Commissioners: JR Oakley and Tom Jones; Planning Department Staff: Director, Steve Baumann and Department Secretary, Cheryl Crowson. Absent: Planning Commissioner Richard Emond.

New Business:

Mr. Gary Hatle asked the process until the regulations are finalized. Chairman Paulsen explained that a draft will be prepared and another public hearing. If there are no public comments, the draft will be sent to the County Commissioners for adoption. The County Commissioners will have a public hearing and if acceptable, the County Commissioners will adopt it.

Discussions continued regarding definitions in Subdivision Regulations as follows:

Base Flood Elevations - accepted.

Master Plan – correct spelling of *Master*.

Dependent Mobile Home – leave in as is.

Easement – Commissioner Oakley moved and Commissioner Albright seconded to use the definition example four – *“the right to use the real property of another for a specific purpose. The easement is itself a real property interest, but legal title to the underlying land is retained by the original owner for all other purposes”*. No further discussion, motion carried unanimously.

Exceptions - Director Baumann brought up the definition of Exceptions as being a valid definition or should it be removed. Chairman Paulsen said she is opposed to taking out any definitions.

Floodway – accepted.

Mobile Home – definitions will be changed as follows:

Mobile Home definition will be the motor vehicles definition.

Manufactured Home definition will be as stated in W.S. 31-1-101 (C)

Modular Home definition will be as stated in W.S. 31-1-101 (A)

Definitions will be the same as defined in the Wyoming State Statutes making sure that the Assessor's Office is using the same definitions.

Mobile Home Park Subdivision – accepted.

Mobile Home Lot - leave in, accepted.

Merchantable Title – Vice Chairman Albright moved, Commissioner Jones seconded to add into the Regulations the definition as stated in Black's Law Dictionary. No further discussion, motion carried unanimously.

Mountain Subdivision – Director Baumann commented this definition was removed from the Subdivision Regulations in 1985. It was agreed to leave the definition in the Regulations, but change from Mountain Subdivision to "Mountainous Terrain Subdivision".

Municipal Critical Area – leave definition in as written with the exception of taking out the last sentence.

Planned Unit Development (PUD) – Chairman Paulsen said that this cannot be removed because it is a State definition. The definition will be left in and will be reviewed again after receiving input from Mr. Ray Price.

Re-plat – accepted.

Ponding of Surface Water – definition to be removed.

Meeting stopped for lunch break at 12:40 p.m. and resumed at 1:11 p.m.

Private Street – is moved to be included in the Streets section.

Public Improvement Standards – accepted.

Public Utilities – accepted with the inclusion of wind and solar.

Regular Subdivision – leave definition as written with the exception of changing to **General Subdivision** with sub categories as (A) Regular Subdivision, using same definition and (B) Simple Subdivision, using same definition with the exception of deleting last sentence.

Re-subdivision – accepted.

Sell or Sale – accepted.

Sewage System – accepted.

Special Flood Hazard Area – accepted.

Steep Slope – confirm with Dave Pendleton as to who sets the percentage numbers and if it is included in their road standards. This definition will be revisited.

Streets – accepted.

Street and Highway Plan – accepted.

Subdivider – accepted definition of Wyoming State Statute 18-5-302(a)(vi).

Subdivision – accepted.

Subdivision Master Plan - accepted.

Tent Trailer – accepted.

Tie Down – accepted

Trail – leave definition in, accepted.

Tract – include the definition of tract, accepted.

Travel Trailer – correct the last word in definition to “dwelling”, accepted.

Truck Camper – accepted.

Trust – include in definitions, using example two – “*A relationship created at the direction of an individual, in which one or more persons hold the individual’s property subject to certain duties to use and protect it for the benefit of others*”.

Variance – Vice Chairman Albright moved, Commissioner Oakley seconded to adopt the Real Estate Law definition of variance (example two), but remove the words “zoning ordinance” and replace with “county regulations”. No further discussion, motion carried unanimously.

Water Supply Systems – accepted.

Section 5 was previously called General Responsibilities. Director Baumann stated that General Responsibilities will be Chapter II, Administration.

Section 5 – the section was taken from the Wyoming State Statute 18-5-303; accepted with the following:

- i. Item “e”, page 15 of the new Regulations, Vice Chairman Albright moved, Commissioner Oakley seconded to also include the last sentence “*Retained ownership shall not constitute a subdivision under this provision*”. No further discussion, motion carried unanimously;
- ii. Item “VII” the wording “*and is legally merged into one parcel by recorded instrument*”, Director Baumann was asked to request an opinion by the Attorney General for the interpretation of this wording.
 - a) The Planning Commission asked Director Baumann to contact the Attorney General for an opinion on Item VII and VIII. After the opinion letter is received, copies will be mailed to all area realtors and surveyors.
 - b) To make certain the question proposed to the Attorney General is the exact question Mr. Hatle is asking, the Planning Commission asked Mr. Hatle to e-mail Director Baumann his question.

Creates of Cemetery Lots – accepted.

Page 16, **Item “B”** – accepted; **Item “C”** – accepted; **Item “D”** – accepted.

Page 17, **General Responsibilities**, was made into its own Chapter, Chapter II, Administration.

Meeting stopped for break.

Page 19, **Chapter II, Administration** –

1. Director Baumann to re-write first paragraph for easier reading.
2. **1. Administration**
 - i. Item A., revise as follows: “*The regulations stated herein are minimum standards. The Board of Fremont County Commissioners shall reserve the authority to apply reasonable restrictions, limitations, or modifications deemed necessary to protect bona-fide and legitimate health and safety issues related to, or caused by, the subdivision.*”
 - ii. Item D, insert “*of County Commissioners*” after “Board” in first sentence; in fifth sentence add “*or their representative*” after subdivider; and add “*of Fremont County Commissioners*” after “Board”.
 - iii. Item G, insert “*of Fremont County Commissioners*” after “Board”.
3. **2. Appeals**
 - i. Item A, insert “Planning” before “Board” on line six, line seven and line ten; eighth line down, insert “Planning” before Commission.

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- ii. Item B, first sentence insert “*of Fremont County Commissioners*” after “Board”.
4. 3. **VariANCES**
- i. Item B, at the end of last sentence, insert “*and approved by the Fremont County Commissioners.*”
5. 4. **Fees** – accepted to include insert.

Mr. Marcel Lopez, Small Wastewater Specialist, Planning Department, joined the meeting at this point.

Page 22, **Chapter III, Simple Subdivision –**

1. 1. General Conditions
- i. Item A, accepted.
 - ii. Item B, accepted.
 - iii. Item C, revise as follows: “*A parcel of land as it existed as of January 13, 2009, may have one simple subdivision of a total of five (5) lots created within that parcel, once for every three year period. After each of the three (3) years, that parcel may have another simple subdivision presented for pre-plat review, and if accepted by the Planning Commission, may be presented for approval, unless a variance is recommended by the Fremont County Planning Commission and approved by the Board of Fremont County Commissioners*”. Vice Chairman Albright moved, Commissioner Jones seconded, to modify number “C” under General Conditions to read as dictated. Vice Chairman Albright answered a question posed by Mr. Hatle regarding defining what the pre-plat review involves, is the developer does not have to spend money to have the surveyor prepare a plat and all the other items that go along with a plat. It is before that point, the developer would have a discussion with the Planning Commission. No further discussion, motion carried.

There being for further discussion, Chairman Paulsen adjourned the meeting at 5:40 p.m.

Respectfully submitted:

Cheryl Crowson
Planning Department Secretary

Kristin Paulsen
Chairman

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