

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

Open of Meeting: Chairman Kristin Paulsen called the meeting to order at 11:09 a.m. The following were present: Vice Chairman Harold Albright, Planning Commissioners: JR Oakley, Tom Jones and Richard Emond; Planning Department Staff: Director, Steve Baumann, Small Wastewater/Floodplain Specialist, Steve Warner, Small Wastewater Specialist, Marcel Lopez and Department Secretary, Cheryl Crowson.

New Business:

Updated draft of the Regulations, including the changes from the February 26, 2015 Special Meeting, were handed out to the Planning Commission for review.

Discussion continued on definitions:

Fee Simple - use example 2 for definition from Black's Law Dictionary, 5th Edition. Chairman Paulsen asked if the State Regulations for regular subdivision have a definition, Director Baumann answered no. Accepted.

House Trailer – definition on page 6 and 7; Mobile Home/Manufactured Home, from Wyoming State Statute, eliminating the motor vehicle portion as it is the same definition on the previous page; eliminating Mobile Home definition under Mobile Home Warranties; and add Modular Home definition on page 9. Accepted.

Merchantable Title – use the definition from Black's Law Dictionary. Accepted.

Steep Slope - Director Baumann asked Dave Pendleton, Transportation Department Superintendent, if the term was used in the Transportation Department as its origination in our Regulations is undetermined. Steep Slope is not referenced anywhere in the definitions and it is not referenced in any road information. All were in agreement to leave definition in, even though there is no knowledge as to its origin.

Chapter II – first paragraph re-write. Period after “valid”; take out “even though” and insert “(Prior procedures for platting or the manner or form of acknowledgement may have been different than what these regulations require.)” Accepted.

Commissioner Emond asked how this information will be presented to the Fremont County Commissioners. Director Baumann answered it will be the original document with all the

mark-ups, so the Commissioners have a better understanding of the changes being proposed. First, there will be a discussion to explain what the Planning Commission intentions are in the re-write. Second, a public comment session will be held. Last, the document will be presented to the County Commissioners giving them the opportunity to decide if it is acceptable as presented. Chairman Paulsen stated the Planning Commission will also have a public hearing at a regular meeting, giving the public the opportunity to comment. Once the Planning Commission has a public hearing, Director Baumann will request the Planning Commission to be placed on the Agenda at the next County Commissioners meeting. The Planning Commission, as a group, will attend the meeting to discuss all proposed changes, and ask the County Commissioners to review. Then the Planning Commission will return on the next meeting of the County Commissioners to answer any questions the Commissioners may have. To schedule a public hearing is approximately 45 days out so the earlier the Planning Department can get this document to Jodi Darrough for review, the better.

Chapter III, Simple Subdivisions

Item 1. General Conditions

Item “C” – Vice Chairman Albright opened discussion regarding the paragraph stating, “After each three year period, that parcel may have another simple subdivision presented for pre-plat review, and if accepted by the Planning Commission, may be presented for approval.” Discussion clarifying when the “three year period” begins. Director Baumann suggested inserting “Three years after the recording of the previous subdivision, that parcel may have another simple subdivision presented to the Planning Commission for pre-plat review, and if accepted by the planning commission, may be presented for approval.”

Insert “Fremont” before County Commissioners in all places to remain consistent throughout the document.

Director Baumann stated during the last session of Wyoming Legislature, a new law for exemptions with trusts was passed. A copy of the document discussing exemptions was handed out to the Planning Commission. The Regulations will need to be updated to include the new statute which will be effective July, 2015. Essentially, it states, the land shall have been titled in the name, or in the name of a trust controlled by the Grantor, for a combined period of not less than five years. It further goes on to state the landowner, previously referred to as “corporations”, and are now referred to as “business entity”. The new statute has broadened the scope, so the concern which prompted “Trusts are not part of this” being written into the Regulations, does not need to be included, just adopt the state statute.

Chairman Paulsen reviewed discussion of the following items from the last special meeting session:

- “C” – approved
- “D” – removed
- “E” – approved
- “F” – add “Fremont County” before County Commissioners, which is new “E”
- “G” – taking out “and existing trees” and inserting “and” between drainage -- existing, which is the new “F”;
- “H” – add “A” and “B” as previously discussed, which is the new “G”.

2. Requirements Prior to Planning Commission Review

Item A – change the fee for the Simple Subdivision from \$150.00 to \$175.00. Also, instead of specifically stating the fee charges in the document, refer to “See Attached Fee Schedule” and attach a list of all fees, so in the future if fees change the schedule is the only page necessary to change.

Item B – (new item) – The applicant shall meet with the Fremont County Planning Department, Small Wastewater Division, to review soil conditions within the proposed subdivision. Accepted.

Item C (previously B) – insert “Fremont” before County Commissioners to remain consistent throughout. Accepted.

Discussion regarding information about small wastewater systems and where that information should be inserted. The Small Wastewater Division is requesting the Planning Commission consider adding into the Regulations, a statement “If the Soil Conservation review states very limited soil absorption, we require the subdivider to provide site specific investigations, which could include boring and perc tests on each lot.”

Commissioner Oakley suggested inserting an item in section 2. Requirements Prior to Planning Commission Review, “If the local conservation district review and recommendations identify a rating of very limited septic tank absorption, there should be a review with the Planning Department”, or similar wording and have a statement attached to the plat.

Director Baumann stated other counties require a sign stating “Prior to purchasing a lot within the subdivision, please see the Fremont County Planning Department for detailed information on each lot.” Discussion continued regarding the design of sign, where the sign could be purchased and placement of sign on property. Director Baumann commented we already have a sign placement requirement.

Chairman Paulsen read aloud the state statute, “The board shall require the applicant to obtain a review and recommendation from the local conservation district regarding soil

suitability, erosion control, sedimentation and flooding problems. The review and recommendation shall be completed within sixty (60) days upon receipt of the subdivision permit application filed with the county and prior to subdivision permit approval, the county or subdivider shall send three copies of the application to the Department of Environmental Quality for review.” Chairman Paulsen commented if the Soil Conservation District report is received without recommendations, the Planning Department needs to contact the Conservation Districts and ask them to follow the state statute and send their review and recommendation regarding these items.

Chairman Paulsen asked Director Baumann to draft letters to the Conservation Districts asking them to follow the state statute requirements, include a copy of the statute and advise them we would like to have their soil review letter to also include their recommendations.

Break for lunch 1:20 p.m.

Special Meeting Resumed at 1:55 p.m.

Item D (previously Item C) - Open Title Commitment. Leave in as is, including addition of II. a), b) and c). Accepted.

Item E (previously Item D) - Remove “certified by a Professional Engineer or Land Surveyor to the State Engineer”; change the remainder of the sentence to read as follows – “and provide a copy of the plan to the local irrigation district board, association or remaining appropriators in the case of an unorganized ditch or pipeline system for distribution of the water rights within and through the subdivision.” Accepted.

Item F (previously Item E) - change to read as follows: “The subdivider shall obtain an approved access document. A subdivision requiring a new or upgraded access, must receive an access permit from the appropriate State, County or Local Government agency, authorizing and approving the access location. The access road shall be surveyed and recorded on the plat or other filed and recorded document.” Accepted.

Item G (previously Item F) - Accepted.

Item H (previously Item G) – change to read as follows: “The Fremont County Planning Department shall obtain a letter signifying approval by all public utilities that the proposed utility easements are sufficient to install backbone power, telephone, gas, or any other service within and through the proposed subdivision prior to being placed on the Agenda for the Fremont County Planning Commission. See Attached Fee Schedule.” Accepted.

Item 3. Change title to “Plat Requirements”. Accepted.

Item 3. A., I and II. Accepted.

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Item 3. B.,

Items I through VI - Accepted.

Items VII - Delete current paragraph and insert the following: "Roads shall be dedicated on the plat for public use or designated for private use." Accepted.

Item VIII - Delete.

Items IX through XIV - Accepted.

Items XV - change sentence four to "Easements for ingress and egress shall be a minimum of "forty (40) feet in width. Combined road and utility easements and ingress and egress easements shall be a minimum sixty (60) feet in width." Accepted.

Item XVI and XVII - Accepted.

Item XVIII - change to read as follows: "Lots and blocks shall be clearly dimensioned." Also, change the third bullet, the minimum square feet from 7,200 to "10,000". Accepted.

Item XIX - Accepted.

Item XX - Accepted.

Item XXI - Accepted.

Item 4. Disclaimers.

Disclaimers used in Lincoln County, Wyoming, will be incorporated into this section and will be checked with Wyoming State Statutes to make sure they match. This section will be addressed at the next Special Working Meeting.

Item 5. Dedications and Certifications.

Item A - Accepted.

Item B, I, II and III - Accepted

Item B, IV - Remove the last part of sentence "and attested by the County Clerk". Accepted.

Item B, V and VI - Accepted.

Item 3. a., (strike-out section) – paragraph was inadvertently omitted and will be added to Item 1, D, in Chapter II, Administration.

Item 6. Minimum Road Standards. Discussion regarding the addition of road standards. This section will be addressed at the next Special Working Meeting.

Meeting adjourned at 5:10 p.m.

Respectfully submitted:

Cheryl Crowson
Planning Department Secretary

Kristin Paulsen
Chairman

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