

**FREMONT COUNTY
PLANNING COMMISSION MEETING MINUTES
JANUARY 7, 2014**

MEMBERS PRESENT

Byron Alsup, Chairman
Mike Krauth, Jr., Secretary
Michael Pullen
Larry Brown
Larry Baker
Dennis Wied

STAFF PRESENT

Bill Giordano, Planning Director
Donna Monroe, Planning Assistant

MEMBERS ABSENT

None

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

4. APPROVAL OF MINUTES

- a. October 1, 2013 Planning Commission Meeting

5. UNFINISHED BUSINESS

NONE

6. NEW BUSINESS

REQUEST: AMENDMENT TO FREMONT COUNTY SUBDIVISION REGULATIONS

Request approval of a proposed amendment to the Vacation of Public Right-of-Way section of the Fremont County Subdivision Regulations.

REPRESENTATIVE: Department of Planning & Zoning

7. APPROVAL OF PLANNING COMMISSION CALENDAR

8. ELECTION OF FREMONT COUNTY PLANNING COMMISSION OFFICERS

9. ADJOURNMENT

10. MASTER PLAN WORKSHOP

Continue with review of the Master Plan (*if time allows*)

1. CALL TO ORDER

Chairman Byron Alsup called the meeting to order at 4:00 pm.

2. PLEDGE OF ALLEGIANCE

Pledge of Allegiance was recited.

3. APPROVAL OF AGENDA

Chairman Alsup asked if there were any changes, additions or corrections to the November 5, 2013 Fremont County Planning Commission Meeting Agenda.

MOTION

Mr. Larry Baker moved to accept the November 5, 2013 Fremont County Planning Commission Meeting agenda as written.

SECOND

Mr. Larry Brown seconded the motion.

Chairman Alsup called for a roll call vote, and the motion passed unanimously. (6 of 6)

4. APPROVAL OF THE DECEMBER 3, 2013 PLANNING COMMISSION MEETING MINUTES

Chairman Alsup asked if there were any changes, additions or corrections to the December 3, 2013 Fremont County Planning Commission Meeting Minutes.

MOTION

Mr. Michael Pullen moved to accept the December 3, 2013 Fremont County Planning Commission Meeting Minutes as written.

SECOND

Mr. Larry Baker seconded the motion.

Chairman Alsup called for a roll call vote, and the motion passed unanimously. (6 of 6)

5. UNFINISHED BUSINESS

The Planning Commission had no unfinished business.

6. NEW BUSINESS

REQUEST: AMENDMENT TO FREMONT COUNTY SUBDIVISION REGULATIONS

Mr. Giordano noted that the Department added approval criteria into the amendment, which is; in order for a vacation to be granted the vacation of the right-of-say cannot leave any adjoining lands without access to an established public road or private access easement. This is a requirement of state statutes.

Mr. Giordano noted that the method of submission, the review of the application by the Department, Planning Commission and Board is basically the same language that is found in the previous amendments. He noted that the most noteworthy change was the current regulations allow the applicant to include both, the Planning Commission and BOCC meeting dates on the certified mailings and the posting of the sign. The proposed amendment will require separate notification prior to the Planning Commission meeting and the Board meeting.

Mr. Giordano stated that the Department never has encountered a problem with the existing process however, if the Planning Commission tabled the vacation of r-o-w application the applicant would be required to re-mail the notice and re-post the sign. He did note however that if the item is not tabled the applicant only has to do both once.

Mr. Mike Krauth inquired of Mr. Giordano what his feelings are of the benefit of having the second set of notifications.

Mr. Giordano stated that the only benefit is if the item is tabled by the Planning Commission all the meetings are scheduled which may affect someone who was notified of the original dates and planned to attend, only to find out it was tabled.

Mr. Krauth inquired if there is a way not to add or complicate the process by additional notifications and changing the dates but simply in the initial notification to property owners it could say "the following proposed vacation of r-o-w is being heard by the Planning Commission and at a later date will be heard by the County Commissioners. If you wish to comment during either of those meetings, the first meeting starts at (date and time), and if it passes the Planning Commission then it will be..."

Mr. Giordano stated that this is what the current process is now.

Mr. Dennis Wied inquired if he is correct that this is the only process that requires two notices as opposed to one.

Mr. Giordano noted that he thought that was correct.

Chairman Alsop stated that the notification process was the only thing that he had questions about.

Mr. Wied inquired how it would affect an adjoining property owner that is not an applicant to the Vacation. Is there something that compels the adjoining property to make a decision? He stated that what he was getting at, using the McDermott issue for instance. So that piece of land will be vacated, half would go to the neighbors and half will go to Mr. McDermott. If the neighbors take the property then they will be compelled to go through the lot line adjustment. If they decide that they really don't have any use for the land or don't have the money to go through the lot line adjustment process, then what happens to the land?

Mr. Giordano stated that the vacation allows the property owners to claim the property but we cannot force them to make application for a lot line adjustment.

Mr. Wied inquired if the declining property owner could just let Mr. McDermott claim the land.

Mr. Giordano said he believes that the declining neighbor could give up right to the property by possibly quit-claiming it to and adjoining. This is a question for the County Attorney.

Mr. Mike Pullen asked if the adjacent people don't do anything and then later on decide to sell their property, when a title search is done, it may end up being a nightmare.

Mr. Giordano said that he doesn't think it will be as they could claim it at that time by writing it into their deed.

Mr. Wied inquired if the forms in the Department office reflect these proposed amendments.

Mr. Giordano stated that as soon as it is approved by the County Commissioners then the forms will be updated.

Mr. Wied stated that he thinks that one certified notification and sign is adequate. He doesn't think that two is an undue burden; periodically he gets notifications about zone changes or developments or something that's going on around his property. If he is interested, he doesn't forget about them and if he's not interested he tosses it. He doesn't feel real strong about it but it is an inconvenience for the applicant and it creates expense.

Chairman Alsup stated that as long as the other side is notified about both meetings then one time seems adequate.

Mr. Pullen stated that he agrees that only one notification is adequate.

Mr. Giordano stated that the Department will inform the Board that the Planning Commission felt that one notice is adequate.

MOTION

Mr. Krauth moved to approve the proposed amendment to the Vacation of Public Right-of-Way section of the Fremont County Subdivision Regulations as written, except that only one notification of adjacent property owners and posting with the Planning Commission and Board meeting dates and times will be acceptable.

SECOND

Mr. Wied seconded the motion.

Chairman Alsup called for a roll call vote, and the motion passed unanimously. (6 of 6)

11. APPROVAL OF PLANNING COMMISSION CALENDAR

Chairman Alsup asked if there were any changes, additions or corrections to the 2014 Fremont County Planning Commission Calendar.

MOTION

Mr. Larry Brown moved to accept the 2014 Fremont County Planning Commission Calendar.

SECOND

Mr. Larry Baker seconded the motion.

12. ELECTION OF FREMONT COUNTY PLANNING COMMISSION OFFICERS

CHAIRMAN

Mr. Krauth nominated Mr. Alsup as Chairman.

Hearing no more nominations, Chairman Alsup called for a roll call vote, and Mr. Alsup was elected Chairman as per the following roll call vote:

Mr. Baker	Nay	<input type="checkbox"/> Aye	<input type="checkbox"/> Abstain
Mr. Alsup	Nay	<input type="checkbox"/> Aye	<input type="checkbox"/> Abstain
Mr. Wied	Nay	<input type="checkbox"/> Aye	<input type="checkbox"/> Abstain
Mr. Krauth	Nay	<input type="checkbox"/> Aye	<input type="checkbox"/> Abstain
Mr. Pullen	Nay	<input type="checkbox"/> Aye	<input type="checkbox"/> Abstain
Mr. Brown	Nay	<input type="checkbox"/> Aye	<input type="checkbox"/> Abstain

Chairman Alsup announced that the motion passed with five Aye votes and one Abstention.

VICE CHAIRMAN

Mr. Baker nominated himself for Vice Chairman.

Hearing no more nominations, Chairman Alsup called for a roll call vote, and Mr. Baker was elected Vice Chairman unanimously. (6 of 6)

SECRETARY

Mr. Pullen nominated Mr. Brown for Secretary.

Hearing no more nominations, Chairman Alsup called for a roll call vote, and Mr. Brown was elected Secretary as per the following roll call vote:

Mr. Baker	Nay	<input type="checkbox"/> Aye	<input type="checkbox"/> Abstain
Mr. Alsup	Nay	<input type="checkbox"/> Aye	<input type="checkbox"/> Abstain
Mr. Wied	Nay	<input type="checkbox"/> Aye	<input type="checkbox"/> Abstain
Mr. Krauth	Nay	<input type="checkbox"/> Aye	<input type="checkbox"/> Abstain
Mr. Pullen	Nay	<input type="checkbox"/> Aye	<input type="checkbox"/> Abstain
Mr. Brown	Nay	<input type="checkbox"/> Aye	<input type="checkbox"/> Abstain

Chairman Alsup announced that the motion passed with five Aye votes and one Abstention.

13. ADJOURNMENT

Chairman Alsup adjourned the meeting at 4:45 p.m.

14. MASTER PLAN WORKSHOP

Continue with review of the Master Plan (*if time allows*)

7. ADJOURNMENT

Chairman Alsup adjourned the meeting at 4:45 p.m.

CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION

DATE