

**FREMONT COUNTY
PLANNING COMMISSION MEETING MINUTES
SEPTEMBER 1, 2009**

CHAIRMAN TOM PILTINGSRUD BROUGHT THE SEPTEMBER 1, 2009 MEETING OF THE PLANNING COMMISSION TO ORDER AT 7:00 P.M.

MEMBERS PRESENT

Tom Piltingsrud, Chairman
Bill Jackson
Herm Lateer
Mike Schnobrich
Tom Doxey
Keith McNew
Dean Sandoval

STAFF PRESENT

Bill Giordano, Planning Director
Donna Monroe, Planning Assistant

MEMBERS ABSENT

None

1. APPROVAL OF THE AUGUST 4, 2009 PLANNING COMMISSION MEETING MINUTES

2. PLANNING COMMISSION MEETING TIME

Continue discussion concerning scheduling of the Planning Commission meetings during daytime business hours. Tabled from August 4, 2009 meeting to allow Department to provide Planning Commission with information concerning possible cost savings.

REPRESENTATIVE: Department of Planning & Zoning

3. 4th AMENDMENT TO THE FREMONT COUNTY MASTER PLAN

Request scheduling of a public hearing by the Planning Commission for October 6, 2009 to consider an amendment to the Master Plan Amendment Process. The amendment is to clarify the submittal process, set an application fee, set the number of copies required for the amendment application, set deadlines for submittal, clarification of existing requirements and additional submittal requirements, will allow the Planning Commission to review the application for amendment to determine whether the amendment application is appropriate and meets the requirements of the process for amending the plan, and identifies and clarifies actions to be taken by the Planning Commission.

REPRESENTATIVE: Department of Planning & Zoning

4. 3rd AMENDMENT TO THE SUBDIVISION REGULATIONS

Request approval of the 3rd amendment to the Fremont County Subdivision Regulations. The amendment exempts multi-business or industrial uses on a single property housed within a single structure if they are to be rented or leased as individual units, adopts the new drainage and roadway impact analysis regulations as adopted in the Zoning Resolution.

REPRESENTATIVE: Department of Planning & Zoning

5. OTHER ITEMS FOR DISCUSSION

Discuss any items or concerns of the Planning Commission members.

6. ADJOURNMENT

7. WORKSHOP - 2nd AMENDMENT TO THE FREMONT COUNTY MASTER PLAN

Workshop for Fremont County Master Plan re-write. (Open to public but no public comment to be accepted until public hearing)

Chairman Tom Piltingsrud called the meeting to order at 7:03 pm and the Pledge of Allegiance was recited.

1. APPROVAL OF THE AUGUST 4, 2009 PLANNING COMMISSION MEETING MINUTES

Chairman Piltingsrud asked if there were any changes, additions or corrections to the August 4, 2009 Fremont County Planning Commission Meeting Minutes. Hearing none he said the minutes stand approved as written.

2. PLANNING COMMISSION MEETING TIME

Mr. Bill Giordano said that he had talked to Mr. George Sugars and that Mr. Sugars felt that the only thing that is relevant and can be determined is the salaries for the Sheriff's Office and planning staff. As far as the utilities, Mr. Sugars didn't feel like there would be a whole lot of savings on that and it would be nearly impossible to figure out what is the savings. Mr. Sugars and I felt that an afternoon meeting would be better from the standpoint of security as all other employees were available, especially IT staff, and in most cases the County Attorney. Of course if we want the Attorney, we can always just ask her to attend. As you know in the past sometimes a legal issue may arise that we did not anticipate. If the meetings were in the afternoon, more than likely the County Attorney would be available.

In the meetings where there are large crowds, possibly unruly types of crowds, then we would have more security just with having more people being around in the building versus just having one Sheriff's Officer.

Mr. Herm Lateer stated that from a personal prospective it really doesn't make any difference but that he would hate to see the panel lose talent or potential talent because of interference with their businesses because they are business owners. He would hate to see the loss of that potential; he thinks that it could actually hurt the Commission. The input is critical from the people who live in the community, work in the community and love the community. They want to contribute and they have to sacrifice by closing their business down. He thinks that would be a mistake.

Mr. Tom Doxey stated that he had looked at the numbers that were provided explaining the costs of having evening meetings; he wonders if it is legal to look at comp time for the people who are working the meetings.

Mr. Giordano had gone upstairs to see if there was anyone waiting to get in because there was no security from the Sheriff's Office that night and the doors were locked at 7:00 p.m. Ms. Donna Monroe, Planning Assistant, answered that Vicki Alley, also a Planning Assistant, and herself are paid in comp time but that the Sheriff's Deputies are paid monetarily.

Mr. Doxey stated that maybe that could be negotiated too. He stated that for the dollars that are being saved it just doesn't justify changing the meetings to afternoons. It seems to him that it's a wash when you take the wages for the Planning Assistant, and the Planning Coordinator, they have to be there twelve (12) times a year, sometimes only ten (10). If the issue is money; then afternoon meetings are not going to be his vote.

Mr. Keith McNew stated that we are trying to cut corners and economize but by doing so we are going to leave out a lot of people who need to be here. A lot of people wouldn't be able to come to a public meeting in the afternoon. He thinks that the meetings need to be made as available as possible to the public. Going back to the amount of money that would be saved; as far as he's concerned, he's retired and it doesn't make any difference to him, but for somebody that's going to be affected by one of the commission's decisions that can't get there to have his case heard because he can't afford to close his business, that would matter. Getting down to the bottom line, if the government can't afford to have the right kind of a commission and do the hearings properly, he doesn't know if the commission is really needed.

Mr. Dean Sandoval stated that whatever decision is made won't prohibit him from coming to the Planning Commission meetings. He can make his own decisions in his own private business to do what he wants to do, so he can make it work. There may be a person that wants to be on the Planning Commission that isn't able to arrange time off from work, they may actually have to be at work that day if they are a business owner or their employer may not provide the opportunity to get away. Also, he agrees with Mr. McNew that there is the opportunity to have a lot of public input and the Commissioner's meetings are already set for daytime and there are quite a few people who can't attend them. The Planning Commission is one of the quorums that allows more people to show up and not only that, the Planning Commission receives issues in the very, somewhat, rough draft forms. A lot of the suggestions we make are in taking some of the issues the available public has into consideration, things get cleaned up a little bit before they get to the Commissioners. He thinks that having this forum in the evening is an important forum to keep available.

Mr. Doxey stated that as far as the security issue, it would appear that maybe cameras should be incorporated into this building. They may provide more security than a deputy walking around who can't see everything.

Mr. Giordano state that there are cameras, but he really doesn't know what good it would do during the meetings if there were an incident other than being able to see whom was involved. They sure don't provide any protection.

Mr. Don Moore asked if 5:30pm instead of 7:00pm would help the staff better.

Mr. Giordano stated the earlier the better, but we have had them at 7:00pm or 7:30pm for the 25 years he has been working for the County so it really doesn't matter to him. Obviously it's a lot better for our department, it would be more convenient, more efficient, staff would not have to wait for the meeting, and wouldn't require anyone working evenings, no overtime and no one getting home late especially in the winter when it snows..

Chairman Piltingsrud called for a motion.

MOTION

Mr. McNew moved to continue with the 7:00pm evening meetings and mainly for the consideration of public input; it would be more convenient for the public.

SECOND

Mr. Lateer seconded the motion.

Chairman Piltingsrud called for a roll call vote and the motion passed unanimously.

3. 4th AMENDMENT TO THE FREMONT COUNTY MASTER PLAN

Mr. Giordano stated that this amendment was requested by the County Attorney and was also discussed with the Board of County Commissioners because of application fees with no costs involved and no real set processes. This amendment probably came about because of the last proposed amendment that we had and the vast amount of time that was spent on it by the Planning Commission and everyone else. The attorney felt that the Planning Commission should have the option, before they have to spend hours and hours of time, to determine if it is even an amendment that they want to pursue and is an appropriate amendment for the Master Plan. The other thing in this amendment is to set up a more defined process and procedure. The Commissioners felt that we should charge some type of application fee to cover the numerous hours that are spent on it, not only the hours the Planning Commission spends but the hours that the Department spends on its review. There's no income at all to the county when these proposed amendments are submitted.

Mr. Giordano stated that there cannot be any formal action taken at this time on this amendment but if the Commission agrees that this is something that they want to consider then they will need schedule a public hearing for the next meeting. Public input can be taken at that time. He stated that if the Commission has any questions or if they want to have discussion on it that they can do that at this time; it is just that they can't take any formal action on the amendment. He offered to answer any questions, or if they want to wait until the public hearing.

Mr. Giordano stated that an e-mail from Mr. Lee Alter had been passed out to each of the Commission members. The reason the department gave it to them is so that they know that there is information within it regarding not taking "Public Input" at their workshops. Mr. Alter is not only commenting on this amendment but he is also commenting on the Master Plan that involves all workshops. Mr. Giordano stated that he wasn't going to read the e-mail into the record as Mr. Alter had requested. It won't be read into the record but all the Commission members received it so that they are aware that he did have comments. When you have the public hearing Mr. Alters' comments will become part of the public record.

Mr. Giordano stated again that he would answer any questions.

Mr. McNew stated that the way he reads it, an amendment can be proposed at any time.

Mr. Giordano confirmed that is how it presently exists

Mr. McNew stated that the Master Plan was originally set up to be reviewed and updated every ten years. He has a concern of changing the document on an as need basis. The changes should only come up when we do the five year review. We do a lot of work developing a Master Plan and it should not be changed at every meeting. Amendments to the Master Plan should be limited to a longer time frame, maybe the 5 year review or some other time frame but not

anytime someone thinks it should be changed. It is a long term document and should not be amended anytime someone thinks it should.

Mr. Mike Schnobrich asked Mr. McNew how he would change the procedure.

Mr. McNew stated that maybe it could be done less frequently. The Commission would need to set up a process for changing amendments to the Master Plan. They would need to change the original document for review once a year or once every two years.

Mr. Schnobrick agreed that once a year would be good.

Mr. McNew stated that the way the amendment is worded now the Commission could get a proposal for an amendment every meeting.

Mr. Giordano agreed that is a possibility but the amendment gives the Commission discretion as to whether the amendment is appropriate. If they do not feel it is appropriate it will not go to a public hearing.

Mr. McKnew stated that it puts things into a gray area. If it could only be amended once every year or two years then it will let people know exactly what's going on and what they can do. He thought that allowing an amendment once every two years would be appropriate.

Mr. Giordano stated that the idea was so that the public could come in and ask for an amendment but it has to be appropriate for the Master Plan. If the Commission doesn't want to consider it at that time then the proposed amendment doesn't have to go to a public hearing and go through the same process that we did last time.

Mr. Schnobrich asked if the Commission has the right to limit the public from wanting to amend the Master Plan.

Mr. Giordano stated that he thinks it should be left open to the public where they could propose an amendment anytime they wanted as long as the Planning Commission thought that the amendment is appropriate

Mr. McKew stated that under extraordinary conditions, yes, possibly an amendment should be considered more often than every two years. But, if the proper work is done on the original document it should last for two years.

Mr. Giordano stated that he doesn't know from a legal aspect as to whether we can prevent a request for an amendment to be limited to every two years. That is a question for the attorney.

Mr. Schnobrich stated that the Commission amends things all the time; zoning ordinances, subdivision regulations, there's no time limits like every two years for any of those.

Mr. Giordano stated that the Master Plan is more of a long term document. It isn't something that should be subject to change every month. We haven't had any problems with requests for amendments but maybe we need to further restrict it somehow. I think the way the amendment is written we already restrict the number of amendments by having the Planning Commission determine if the amendment is appropriate in the first place.

Mr. Bill Jackson stated that one of the problems with amendments is that they are rather specific and we have to remember when we are looking at the Master Plan we are looking at all aspects

of the Master Plan. Very few amendments that are brought in to be made will fit the Master Plan. It is something that people need to be able to rely on over time and is of the general nature anyway.

Mr. Giordano stated that's what happened on the TAC amendment, it was too specific and was more regulatory than visionary, which is what the Master Plan represents. That's why the Department didn't want to schedule it for a public hearing as we felt it was not an appropriate Master Plan amendment. It's not that the comments weren't valid, they were very valid comments, they were probably more valid for regulatory regulation than they were for the Master Plan and that was the problem. We are trying to put some language in here so if an amendment like that comes in again the Commission doesn't have to go through the public hearing and all the red tape. Maybe the Commission should request that the County Attorney attend so she can give you legal advice on whether we can limit amendments to a two (2) year, or three (3) year time frame or whatever the Commission wants.

Mr. Schnobrich stated that requiring a fee, may limit the number of amendments and a whole lot of frivolous input. He doesn't think we should put a limit on when an amendment can be submitted, it should be treated like any amendment or zone change or whatever.

Mr. Sandoval stated that there has only been one incident; he can understand being a little bit gun shy about having this occur again but is it truly an issue based upon a one time occurrence. Sure it was drawn out but can we draw a conclusion of what we can expect in the future based upon this one incident? We may have to endure another incident like this again before we decide that we need something with a little bit more clarity.

Mr. McNew stated that it is his suggestion, and doesn't necessarily feel real strong about it, but that is why there is a public hearing and seven (7) members on the Commission.

Mr. Piltingsrud stated that statute prescribes that the Planning Commission is the sole author of the Master Plan. He gets a little nervous when he sees application fees set by the Board of County Commissions because it's really not their document. He doesn't see any reason to apply an application fee because for one, we don't know how much it will entail. The Tallahassee thing might be a much larger fee than just a simple, couple page, general application submittal; so one fee couldn't fit them all. The public should also be able to comment on how they feel on an amendment that is warranted, not some arbitrary set time in the future when they could come.

Mr. Giordano asked if everyone on the Commission is in agreement that he should ask the County Attorney to attend the next meeting.

The Commission as a whole agreed.

MOTION

Chairman Piltingsrud moved to set a Public Hearing on October 6, 2009, at 7:00 p.m. to hear the proposed 4th Amendment to the Fremont County Master Plan.

SECOND

Mr. Schnobrich seconded the motion.

Chairman Piltingsrud called for a roll call vote, and the motion passed unanimously.

4. 3rd AMENDMENT TO THE SUBDIVISION REGULATIONS

Mr. Giordano stated that what the Department is attempting, is to make the Subdivision Regulation language consistent, however because this was a lengthy process the Commissioners requested that we move ahead with a smaller amendment instead of attacking the entire regulation. Most of the items being amended were approved in the Zoning Resolution.

Mr. Moore had rewritten the Drainage regulations at the time when the Commission developed the Site Development regulations but they were not changed in the Subdivision Regulations. The same is true with the Traffic Impact Analysis so a big part of this amendment is just incorporating what was already adopted into the Zoning Resolution into the Subdivision Regulations so the regulations are consistent.

There are a couple of places that we added items that are general in nature; the first one in general provisions, I F 8, we added the language concerning compliance with regulations. This language is on the application and this amendment will make it part of the regulations.

Chairman Piltingsrud stated that if an applicant has a minor non-conformance, like having a lot line that needs adjusted because of an 1880 survey that was incorrect; couldn't we make compliance on minor issues in condition of approval as apposed to making them bring it into compliance before we even hear the subdivision. Wouldn't that be a way to try to get them to voluntarily come into compliance as compared to just saying "oh the lot line is off, therefore you have it done before we can do anything else".

Mr. Giordano said that we can do it that way but it's a whole lot easier to make them comply prior to recording of the plat, because if they don't comply then we may have to go to court to get compliance. The County Attorney has stated that we need to bring properties into compliance as per the regulations which state that before any approvals are granted the property must be in compliance with other regulations. Mr. Giordano stated that we usually make compliance a contingency, which allows them to comply prior to recording of the plat, which must occur within 6 months unless an extension is granted by the Board. Basically by requiring compliance prior to recording, it keeps us from having to go to court or even worse, if you can't get them to clean it up because they can't afford it then the county will have to clean it up and put a lien on the property. At present, the County cannot afford clean up because of the financial situation of the County.

Chairman Piltingsrud stated that he can understand it if it's the Mother of all junk yards on the property, but if it's something minor like a lot line?

Mr. Giordano stated that he doesn't think the Department would hold up the approval if it was a lot line as it probably could be handled by the subdivision or would be made a contingency of approval. Most of the non-compliances are due to junk stored on the property.

Chairman Piltingsrud asked if that wasn't what he just suggested.

Mr. Giordano stated that we have made each one of them a contingency of approval.

Chairman Piltingsrud stated that the way he reads it, "... determine if the property is not in compliance with applicable regulation, the pending application will not be approved and recorded..." which means to him that it won't get forwarded to the Planning Commission.

Mr. Giordano stated that maybe it will have to be reworded to just say "... will not get recorded..." That will leave it as an option for contingencies because we don't record until contingencies are met.

Chairman Piltingsrud agreed with that.

Concerning Section II B. Mr. Giordano stated that the Department has had issues with who is considered the applicant, owner etc. so we decided to define who is considered the applicant, who is the responsible party and who is the owner. We tried to define it to clarify each one.

As to Section II CC Sketch Plan; the only change is the addition of the words "**supporting information.**" This is mostly for clarification and clerical purposes.

Section II 3. k under the definition of "Subdivision or Subdivided Land" the Department has really been having a lot of controversy; complaints from property owners as they do not feel that they should have to subdivide their building unless they sell a portion of the building.. The County Attorney had made an interpretation under this definition that a lease was considered separate interest and a subdivision was required. The Board did not want them to subdivide if the building or a portion of a building was leased thereby the reason for this amendment.

Chairman Piltingsrud asked if the wording should read "multi business or multi industrial use".

Mr. Giordano agreed.

Mr. Moore asked if since Amendment 25 to the Zoning Resolution which started all of this, they didn't allow shopping centers; apparently this change now does allow shopping centers. For something like Loaf N Jug to have a Domino's Pizza and a store all at the same location. But we still don't allow mini storage.

Mr. Giordano stated that mini storage would fall under this too because it's industrial.

Mr. Moore stated that its multi buildings and they aren't allowed.

Mr. Giordano stated that he understands what Mr. Moore is saying.

Mr. Moore stated that it would be an opportunity to fix that also.

Mr. Giordano asked if the Commission wants to permit mini storage.

Chairman Piltingsrud asked Mr. Giordano if he doesn't want any mini storage's anywhere.

Mr. Giordano stated that it's not that we don't want them; they have to be in a permitted area and they are handled under the Special Review Use Permit in most cases.

Mr. Schnobrich stated that's why you have permitted uses in the zone districts, so you can find out which zones allow mini storage.

Mr. Giordano stated that with the mini storage the applicant has to go through the Special Review Use Permit procedure.

Mr. Moore stated that they would have to subdivide because of separate tenants in separate buildings. Mini storage's have twelve (12) tenants in one building and twelve (12) tenants in

another building. The rules don't allow that, they don't allow Loaf N Jug, and they don't allow shopping centers.

Mr. Giordano stated that we have never made any storage facility go through a subdivision as we consider each building part of the mini storage business, not individual units or buildings.

Mr. Moore told Mr. Giordano to think of Biker Town, they can't have any interior partitions in their building because of this exact thing and now you're saying that it will be allowed.

Mr. Doxey asked if they had even discussed Biker Town when it went through the zoning process.

Mr. Giordano stated that we allowed it as long as it was in their ownership and under their control; their employees not separate tenants leasing a portion and controlling it.

Mr. Schnobrich asked if it isn't the same problem as mini storage. It's all under one management; just because somebody rents a little space doesn't mean their conducting a separate business there.

Mr. Giordano stated that is what Mr. Moore is talking about is on a single property, within a single structure.

Mr. Schnobrick stated that it is a single structure.

Mr. Moore stated that it isn't a single structure; there would be all different buildings on one lot. If you rent it to two (2) different people, that's in violation of the regulations.

Mr. Schnobrich stated that it depends on what the Site Development Plan looked like.

Mr. Moore said that they did a Site Development Plan.

Mr. Giordano said that actually a mini storage facility will require a Special Review Use Permit which includes the Site Development Plan.

Chairman Piltingsrud stated that he thinks the Commission needs to do something with mini storage.

Mr. Schnobrich asked if it should be addressed separately from everything else since it does seem that it is fairly unique. He thinks that what they are talking about is where somebody has a building and they have a Domino's Pizza and a shoe store that they are sub renting but mini storage isn't the same thing. They aren't doing business as who you're renting to, their just renting space.

Mr. Giordano stated that the Department hasn't tried to enforce it through subdivision regulations but he doesn't have a problem adding mini storage; it's just saying that the applicant won't have to go through subdivision for mini storage unless they sell or lease a portion of the building.

Mr. Moore stated that according to the current regulations as long as they don't have separate tenants anywhere; in separate buildings, there can be no separate tenants, you can't lease that space.

Mr. Piltingsrud stated that two thirds (2/3) of Florence would have to shut down if they had the Counties regulations.

Mr. Giordano stated that obviously we haven't been enforcing it because we have not had an application to date.

Mr. Schnobrich asked if the Commission is going to add it.

Mr. Schnobrich asked if there is any way they can account for mini storage some other way.

Mr. Giordano stated that it is governed by the zoning regulations. All we are saying is that when you have a mini storage facility they won't have to subdivide each one of the units or buildings. We're not changing the use of it, whether we allow it or don't allow it. It just doesn't have to go through the subdivision process.

Mr. Giordano stated that the next item Section VI A is a Preliminary Plan Requirement. The intent is that a Sketch Plan shall conform in all major aspects of the Preliminary Plan. We already have this language in the regulations, where it states that the Final Plat shall conform to the Preliminary Plan. We felt that it would be consistent with the final plat and preliminary plan requirement and would not allow an applicant to completely change a preliminary plan that did not conform to the major aspects of the Sketch Plan.

Chairman Piltingsrud asked what's wrong with the Preliminary Plan being changed from what was approved in the Sketch Plan. Why can't we allow Preliminary Plans to be different from the Sketch Plan? Aren't we trying to encourage good planning here? So an applicant comes in with a Sketch Plan and then when they go forward with the Preliminary Plan, they have to continue to develop their plan and do diligence, they have to change things. Why tie it to the Sketch Plan, why not allow the Preliminary Plan to reflect something else. He feels that this hinders good planning on the part of the developer or owner.

Mr. Giordano asked Chairman Piltingsrud why even see a Sketch Plan if you don't have to conform to it. Someone could give us a Sketch Plan and say this is what it is, you give them a tentative approval and then they come in with a Preliminary Plan that is completely different. It seems it defeats the purpose of submitting a Sketch Plan if you don't have to follow it.

Chairman Piltingsrud stated that to him the Sketch Plan is more visionary. The applicant comes into Planning & Zoning with the Sketch Plan and gets it approved, they go out and see a consultant and the consultant says that it isn't going to work and makes the changes. The applicant comes back into the Department with the Preliminary Plan and the Department says "No, your Preliminary Plan is not tied to the Sketch Plan, therefore it is not allowed." Chairman Piltingsrud just thinks it's a little too strict.

Mr. Giordano asked why we would ask a developer to submit a Sketch Plan that he does not have to comply with and why would we want to approve it if it could change, it would serve no purpose in many cases. Why not wait until they submit the Preliminary Plan. Do you feel the same with the Preliminary and Final Plat?

Chairman Piltingsrud stated that presumably at the time of the Preliminary Plan there is still a long way down the road. The applicant still has to engineer drainage and there's the road analysis.

Mr. Giordano stated that the Sketch Plan gives a little more control as to what you are getting in the Preliminary Plan because you have already approved the Sketch Plan.

Mr. Schnobrich stated that he thought that the Sketch Plans were very loaded in what they portrayed. They don't go into all the other drainages and such, they are just basically looking at set backs.

Mr. Giordano stated that the set backs are already done by the zoning. It is the layout of the streets, the drainages, the number of lots, etc. How many lots are being proposed? For instance an applicant could come in with a Sketch Plan that proposes two (2) acre lots and then at the time of the Preliminary Plan the applicant decides to go with more lots; he wants to go with half ($\frac{1}{2}$) acre lots.

Mr. Piltingsrud stated that his comment was just his opinion.

Mr. Lateer stated that the applicant should have a conceptualized idea of what is going to take place, knowing that there will be alterations; any developer is going to make alterations. Mr. Lateer agrees with the Sketch Plan, knowing that it is going to be altered to some degree.

Mr. Giordano stated that the last sentence in the proposed amendment, "The Commission can review and the Board can approve a Preliminary Plan application which has been modified to reflect improvements in design or changes which have occurred in its natural surroundings and environment since the time of Sketch Plan review and approval." We weren't trying to make it so hard fast that the applicant couldn't change anything. Basically we would at least like to see the Sketch Plan because if they tell us they're going to have fifty (50) lots, it doesn't turn out to be one hundred (100) lots. We are trying to give some authority back to the Commission so that if the plan isn't in compliance with what was brought in originally you can deny it.

Mr. Schnobrich stated that if somebody comes in with a fifty (50) lot plan and changes it to a one hundred (100) lot plan then that's pretty much changing the application. Is it possible to detail what the Department wants to see in a Sketch Plan, like listing five (5) or six (6) topics that you want to have covered?

Mr. Giordano confirmed that the information required is already listed in the regulations.

Mr. Schnobrick stated that if that's the case then there shouldn't be any significant changes.

Mr. Giordano stated that is what the Department is trying to eliminate from happening.

Mr. Jackson stated that if the applicant doesn't comply with the Sketch Plan with regard to the Preliminary Plan, if there's no requirement for them to stay with the Sketch Plan and they go ahead with their Preliminary Plan and they put all the money into the plan and then they come in and things don't fit the Sketch Plan; that's not to their advantage.

Chairman Piltingsrud stated that he thinks that the Commission and the Department is over controlling.

Mr. Jackson stated that he thinks it's to the developer's advantage to put forth the Sketch Plan.

Chairman Piltingsrud stated that the Sketch Plan does not require drainage study so the applicant puts together their Sketch Plan then they hire an engineer and he puts together the

drainage study. Then the applicant doesn't have a say in the layout that they did have because the drainage study won't support it.

Mr. Giordano stated that the layout pertains to the number of lots more than anything. As far as street layout and things like that, whether those get changed or not, he's not sure it matters, unless the standards are to be changed. That's the kind of things that get changed because of topographic constraints, etc.

Chairman Piltingsurd stated that it says in the Sketch Plan (IV B 11) "A lot and street layout are indicating general scaled dimensions to the nearest foot." That's pretty detailed; that's before a drainage study.

Mr. Giordano asked Chairman Piltingsurd if he would think it would be a major modification if an applicant came in with fifty (50) lots and the street plans were changed or they came in with one hundred (100) lots and the street plan was basically the same. It really comes down to the number of lots; that's what we're really looking at.

Mr. Schnobrich suggested that the wording be changed to "shall significantly conform..." that would give a little bit of wiggle room if there is something that needs to change. "...the Preliminary Plan application shall significantly conform in all major aspects to the Sketch Plan..."

Mr. Giordano stated that the Department talked about "major aspects" which may be a key word. Of course then we get into the debate of what's substantial and what's major.

Mr. Schnobrich stated that is what the role of the Planning Commission is, to get into that; whether we're looking at somebody trying to... **too many people talking at the same time.**

Mr. Giordano stated that he thinks it's more of a guide to help the applicant because the Commission has the right to deny it if the plan isn't compliant. He thinks that from the applicants stand point if they come in with a Sketch Plan with fifty (50) lots and the Commission is agreeing to it and everyone knows there's going to be streets and a drainage plan then the applicant has to know that they can't come back with any surprises of seventy-five (75) or one hundred (100) lots.

Mr. Schnobrich stated that's why he thinks "significantly" would be a good choice of wording.

Mr. Giordano stated that the Commission has the control no matter what because the Commission has the right to deny the Preliminary Plan. It's just letting everybody know where they stand; don't come in and tell us that you (the applicant) are going to do a Sketch Plan with fifty (50) lots when the real intent is one hundred (100) lots, the Commission approves it and they come back in with the one hundred (100) lots, by then there's really no authority for the Department to stop it.

Chairman Piltingsrud asked what would happen if an applicant came in with a Sketch Plan of one hundred (100) lots and it doesn't work so they have to scale back to fifty (50) lots.

Mr. Giordano stated that he would not consider it a major change because fifty (50) lots is less impact and you already have agreed to one hundred (100) lots so what would be the problem. If one hundred (100) lots is ok then why wouldn't fifty (50) be ok, since it will have less of an impact and that is what regulations are for, to address impacts on neighborhoods.

Mr. Schnobrich asked Chairman Piltingsrud if it is the drainage issue.

Chairman Piltingsrud stated that the applicant has to conform to the Sketch Plan.

Mr. Schnobrich asked if they were not going to add significantly to the wording. He thinks that would solve most of the problems.

Mr. Giordano stated that if the Commission has a problem with the Sketch Plan to remove it if they do not think it is appropriate to the concerns.

Chairman Piltingsrud asked what everybody thought.

Mr. Lateer stated that a Sketch Plan is not a major financial issue, it's not going to stop anybody from moving forward but it gives the Commission a better idea. He doesn't feel that it retards business growth because certainly we all want that. We need to encourage business and he is a great believer in making things as simple as possible but on the other side of the coin; why wait until somebody has come in and has spent all kinds of money on drainage plans, etc. We know things are going to change. Let's just let them change and we can make the final situation, if they went from one hundred (100) to fifty (50), no big deal. But if it went from fifty (50) to one hundred (100) then we have a serious discussion coming up.

Chairman Piltingsrud asked if anyone else had a comment on VI A. Hearing none he asked for Mr. Giordano to move on.

Section VI H- Mr. Giordano stated that what the Department did was instead of relisting the Drainage Plan requirements in each section it referenced it to one section, Section XXI A of the regulation.

Section VI S - Roadway Impact Analysis, we did the same way; we made reference to the section.

Section IX- Site Specific Right Development Plan, we have too many references to site specific, site development, site plan, etc. and it becomes very confusing. Actually, this section should be Vested Property Right. All we have done is changed any reference to "site specific right" to "Vested Property Right". There is no change to the requirements, etc., in the entire section other than just that wording. It's really an editorial change.

Chairman Piltingsrud stated that in the definitions of the Subdivision Regulations site specific does not require a Site Development Plan but vested property rights are defined as "A right to undertake and complete the development and use of the property under the terms and conditions of approval of a site specific development plan." He asked if that means that all subdivisions now will have to do a Site Development Plan because they are vested property right developments.

Mr. Giordano stated that this section allows only the developer to request a vested right for a period of 3 years, to develop the subdivision; otherwise they only have 12 months to develop the subdivision as per the final plat requirements.

Chairman Piltingsrud stated that Site Specific Development Plan, definition BB "A recorded final plat and supporting documents, which includes but is not limited to financial guarantees,

(Escrow Agreement) and Subdivision Improvement Agreement. In the case of phasing..." it doesn't say anything about a Site Development Plan. Then in definition KK "A right to undertake and complete the development and use of the property under the terms and conditions of approval of a site specific development plan."

Mr. Giordano stated that if we changed that to a Vested Property regulation then we may actually have to eliminate the other definition.

Chairman Piltingrud asked if then by definition it would be including all subdivisions requiring Site Development Plan.

Mr. Giordano stated that it would be up to the developer if he wanted to file for a vested property right.

Mr. Giordano stated that he would have to review the definitions and that they may need to be added to this amendment since they also talk about site specific right. He asked if the Commission wanted to just drop that section out of this amendment and it can be put in the next one. He stated that he will have to review it.

Mr. Schnobrich asked if in "vested property right" if vested is a specific term in Planning; what does it mean.

Mr. Giordano stated that "vested property right" is state statute driven. It allows the developer to request for a vested right up to three (3) years to develop the subdivision instead what is allowed by the final plat, which is twelve (12) months.

Section X – Utilities & Improvements- The only change was adding "or other independent professionals."

Section XII - Minor Subdivisions; again we eliminated the listing of the drainage requirements and referenced them.

Mr. Jackson asked what "other independent professionals" entails.

Mr. Moore stated that it is like a geologist.

Chairman Piltingsrud asked if we just have a simple two (2) lot subdivision are we requiring a drainage report from an engineer.

Mr. Giordano answered yes to the question.

Chairman Piltingsrud asked for a simple two (2) lot split.

Mr. Giordano stated that the applicant could request a waiver. That was the way we set that up and Mr. Moore is probably thinking the same way. In some cases it's not warranted to require the full blown process.

Mr. Moore stated that the waiver process wasn't included in the drainage regulations.

Mr. Giordano asked Mr. Moore if he wanted the waiver option in the drainage regulation.

Mr. Moore stated yes, that someone in the middle of nowhere splitting a ten (10) acre lot into two (2) five (5) acre lots shouldn't have to spend an extra two thousand (\$2,000.00) dollars to tell us the size of the bathtub hole.

Mr. Giordano stated that it will be included.

Chairman Piltingsrud asked if a waiver was going to be added to the Roadway Impact Analysis section for a traffic study.

Mr. Giordano stated that it isn't a requirement for a minor subdivision.

MOTION

Chairman Piltingsrud moved to table any further discussion or decisions on the Proposed 3rd Amendment to the Subdivision Regulations until the October 6, 2009 meeting, at which time the Department can provide a final draft document with the discussed changes.

SECOND

Mr. Lateer seconded the motion.

Chairman Piltingsrud called for a roll call vote, and the motion passed unanimously.

5. OTHER ITEMS FOR DISCUSSION

Chairman Piltingsrud called for any other items for discussion. No other items were raised.

6. ADJOURNMENT

With no other items for discussion, Chairman Piltingsrud adjourned the meeting at 8:15 p.m.

7. WORKSHOP – 2nd AMENDMENT TO THE FREMONT COUNTY MASTER PLAN

The Planning Commission members continued with the Workshop regarding the second amendment to the Fremont County Master Plan.

CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION

DATE