

**FREMONT COUNTY COMMISSIONERS WORK MEETING MINUTES**  
September 30, 2009

Present for the meeting were Commissioners Paul Romrell, Skip Hurt, and Lee Miller.

Also attended by: Deputy Prosecuting Attorney Blake Hall, Planning & Building Administrator Kurt Hibbert, Planner II Joshua Chase, Assessor Kathy Thompson, Chief Deputy Treasurer Barbara Hirschi, Treasurer Patricia McCoy, Chief Deputy Treasurer J'Lene Cherry, and Clerk Abbie Mace

Commissioner Romrell called the meeting to order to discuss lot and property splits.

Commissioner Romrell reviewed the steps that take place in splitting property and the different ways in which they can be done.

Planning & Building Administrator Kurt Hibbert explained the current language in our development code on how to split property. He is concerned with a parallel process happening with just individuals recording deeds. He doesn't like that his office has to address this after the fact.

Attorney Hall explained that most counties address this through subdivision ordinances.

Planner Joshua Chase stated that the code exempts agriculture divisions and court ordered divisions.

Attorney Hall referred to State Statute on what a subdivision is. The county can't adopt something broader than the state statute. The county can adopt something narrower than statute. He referred to Bonneville County's Ordinance. He gave an example of how Bonneville County addresses this issue.

Commissioner Hurt questioned what is the description of an original parcel. The board will have to establish this. Our current ordinance was established as of 1992 when our development code was adopted.

Commissioner Romrell questioned at what point do we bring to the attention of the county that a split has taken place or is going to take place.

Attorney Hall stated the clerk does not have the authority to refuse to record any document when presented. He does not feel that is the place to present the review.

Mr. Hibbert feels that the recorder has the right to refuse to record an illegal document.

Attorney Hall stated that the issue is can you get a building permit on the division of the lot. The recorder does not have the authority to determine if the division conforms to development code. Traditionally the determination is at the Planning & Zoning Department along with the Commissioners. He gave an example that happened in Bannock County.

They reviewed several examples.

Commissioner Romrell stated that we will not change the current recording processes.  
Mr. Hibbert stated that we will have people who come in upset after the fact when individuals split property without going through the subdivision process.

Attorney Hall reviewed what happens with a forced plat and gave court decision examples of this. The county can't force roads and easements. That results in a takings. Someone has to put in the roads and pay for the improvements.

Commissioner Hurt stated he sees three problems. People have been given or bought small parcels of property. We don't have the verbage in our plan to address these parcels. We need to address these. He still has a problem with the original parcel also. How to address splits that have been done in good faith.

Mr. Hibbert would like to see a separate map to track these good faith splits.

Mr. Chase stated we tell people you need a permit to divide property. Then we allow them to divide without a permit.

Attorney Hall does not understand the problem with dividing property. The problem is a building permit.

Attorney Hall stated the board of commissioners can review ordinances before review. They can't make changes for specific people. They must stay on broad overview.

They had general discussion on language for the proposed development code in dealing with property splits.

Mr. Hibbert feels he has the direction he needs to go forward with the language in the development code.

There being no further business to come before the board, the meeting was adjourned.

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Paul Romrell, Chairman  
Fremont County Commission

Attest: \_\_\_\_\_  
Abbie Mace, Clerk

