

Big Horn County Planning and Zoning Commission  
May 10, 2016  
County Courthouse  
420 West C Street, Basin, Wyoming  
2:00 pm

**Commission members present:** Alan Bair (Chairman), Cliff Alexander (Vice-Chairman), Michael Scherman (Secretary), David Neves and John Fuller

**Land Planning staff present:** Joy Hill (Land Planner) and Nick Wilson (Planning Technician)

**Commissioners present:** Jerry Ewen (Board Chairman) and John Hyde

**Others present:** Mike Whaley, Bill Hayes, Karen Hayes, Fred Barnett, Jan Barnett, Tim Mills, John Ed Anderson, Mary Russell and Sonya Jones

1. 2:00 pm: Meeting called to order by Alan Bair (Chairman). Alan welcomed everyone to the meeting and introduced the commissioners, commission members and planning staff present.
2. Review and approval of the March 2016 meeting minutes. Motion to approve by Cliff Alexander. 2<sup>nd</sup> by Michael Scherman. All in favor. Approved.
3. Review and approval of the April 2016 meeting cancellation. Motion to approve by David Neves. 2<sup>nd</sup> by John Fuller. All in favor. Approved.
4. The Chairman welcomed the guests in attendance to discuss the Zoning Resolution for Shell Valley. Alan shared that the document has been adopted but is essentially unenforceable in its current state. The Land Planner added that it is her responsibility to oversee development in the county and it is nearly impossible to regulate development in the large area of the Shell Valley Watershed using the document as it exists. In recent years, she has asked the Commission and the Board for guidance regarding the rewrite or repeal of the document.
  - John Ed Anderson – (Beaver Creek resident) He has known for a long time that the Zoning Resolution is unenforceable and feels that it should be repealed. He is not supportive of more regulation in light of existing regulation from the state and federal government. He provided an example of a reservoir that he is trying to build but has been held up by various government requirements.
  - Fred Barnett – (Shell Valley resident) He feels that a lot of the concerns with sewage, water quality, etc., are taken care of through other government regulations. He feels the Zoning Resolution should be repealed.
  - Mary Russell – (Wyoming Realty) She was on the Planning and Zoning Commission for 12 years. Many issues were brought to the Commission from residents of the Shell Valley over the years. She would like to see the document rewritten; the aesthetics of the valley should be taken into consideration. She is against repeal of the document and feels that maintaining the aesthetic values of the valley is important to the residents.

- Mike Whaley – (Shell Valley resident and president of the BHC Farm Bureau) Historically, he has been opposed to land use/zoning. He feels that regulations are restrictions on landowner rights. He addressed several items of concern in the opening portion of the document – basically saying that the county wants to have the right to have a say over almost anything a landowner could propose. He read an excerpt from the Farm Bureau policy about land ownership and land planning (achieved at the local government level) which urges agricultural land owners to be a part of the process and oppose government involvement. It encourages access to court review for any land owner adversely affected by land use planning and supports reduced government control over private lands. He argued that when you're trying to get a project done, how many rules and regulations are already in place to slow the project down...we need less vs. more. He added that if the county is looking for public comment, this time of day is not ideal. He noted that landowners are worried about uses listed in the document – if the county seeks economic development in the county and the valley, the document stands in the way.
- Tim Mills – (Shell Valley landowner) He has seen what happened in North Fork of Cody and Jackson with the concentration of wealthy people. He said people should have the right to farm. His feelings are mixed between tossing the document and rewriting it. He pointed out examples of people taking water and building dams (Horse Creek), noting that the document can help to protect people (from the wealthy). He believes in preserving the right to farm. He noted that development (population) in the valley has already exceeded what the original document (1979) identified as acceptable. He suggested revising the document to protect rather than restrict.
- Bill Hayes – (new Shell resident) He came from a very restrictive city – you don't want all those laws. He said it appears that the document needs revisions to protect the valley. If it is not enforceable, it needs to be revised. He wants to protect the status quo and allow for growth, but protect the area's agricultural aesthetics.
- Tim Mills – added that he worked in Jackson in the early 90s and worked on a water line project. A person was taxed out of his farm – valuation increases so much which could tax people out of their retirement homes. He doesn't want to see that happen in Big Horn County.
- Jan Barnett – (Shell Valley resident) She was here in 2009 when personal property rights should have been taken into consideration. She read a letter to the editor from a 2009 local newspaper in regards to the Big Horn County Land Use Plan (presented concerns to private land owners). People live here because we have more freedoms than others have in big cities. Over time, people who escaped areas with rules start to ask for rules here. Cited existing regulations. Feels that the zoning infringes upon personal rights. There is no such thing as a "little bit of zoning." We don't want to see Shell Valley change either, but we want to be able to do what we want to do. Felt this meeting would be better attended if held in the evening.

Alan thanked the guests for their input. He mentioned that the Planning and Zoning Commission is not considering zoning for the county. He reiterated that the Shell Valley has a zoning resolution, but the rest of the county does not have zoning. The document purports to do some zoning and the commission wants to know what to do with it. Some are for it, some are against it. We also have an obligation to upgrade our county-wide land plan to bring it up to date. We want to know what the public of the Shell Valley wants the Commission to do about the zoning document.

Commissioner Ewen said the Board is seeking a recommendation from the Planning and Zoning Commission regarding the document before any action will be taken.

Tim Barnett sought information about a vote on the document. Nick Wilson mentioned that the Clerk's office researched and never found that a vote occurred.

Cliff Alexander shared his feelings on the existing document, noting that it is important to take into consideration the existing conditions of the valley while also keeping in mind the freedoms and lack of heavy restrictions; some progress isn't pretty.

Jan Barnett mentioned that most of the large landowners in the area are not in support of subdivisions and tower building. She feels that sometimes the little landowners want to tell the large landowners what to do.

Alan Bair reminded the group that the question on the table is whether the Zoning Resolution should be revised or repealed. It appears that the majority in attendance would prefer to repeal the document.

The Land Planner added that the Land Use Plan is not a regulatory document. It is simply a document that allows for a community to identify favorable and unfavorable land uses and develop a plan for future development that takes the wishes of the majority into consideration.

Michael Scherman thanked everyone for coming. He added that there are people with agricultural interests on the Commission. He mentioned that he heard the comment about holding an evening meeting and that there is no one on the Commission that has strong feelings towards zoning or regulation.

Sonya Jones lives near Trapper Creek. She mentioned that even if we have zoning, enforcement is an issue. She is not in favor of more zoning.

Alan Bair recommended that the Commission propose the repeal of the document to the Board and allow the people to provide input on a county-wide plan. Should the Board proceed with the repeal of the document, the public will be allowed a chance to provide input once again. He asked that the issue of the Zoning Resolution for Shell Valley be placed on the agenda for the next meeting when a decision will be made.

5. The Chairman summarized the accomplishments of the 12:00pm Subdivision Amendments Workshop. The Commission discussed mobile homes and mobile home parks/courts.
6. The Land Planner updated the Commission on the status of subdivisions in progress.
  - Amendments to the Triple Crown Vista Subdivision – no news to report.
  - Tyra Simple Subdivision – on hold until the landowner communicates with their surveyor/engineering firm.
  - Kestner Simple Subdivision – awaiting draft of final plat; could be ready for review at the June meeting.
7. The Land Planner introduced the Tucker Simple Subdivision east of Cowley. Landowner proposes to split a parcel into one 12-acre lot and one 8.7-acre lot. Application received without down payment.
8. The Land Planner introduced the Gifford Simple Subdivision. Landowner proposes to split 1.5 acres out of a large parcel south of Cowley. No down payment received with application.
9. The Land Planner attended the spring conference of the Wyoming Planning Association in Riverton on May 5-6.
10. Michael Scherman made a motion to adjourn the meeting at 3:07pm. 2nd by John Fuller. All in favor.

Respectfully submitted;

  
Chairman

  
Secretary