

Big Horn County Planning and Zoning Commission
March 24, 2016
County Courthouse
420 West C Street, Basin, Wyoming
4:00 pm

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

Commission members absent:

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

Others present: Kim Adams (County Attorney) and Greg Blenkinsop (Deputy County Attorney)

1. 4:00 pm: Meeting called to order by Alan Bair (Chairman).
2. Review and approval of the February 2016 meeting minutes. Motion to approve by David Neves. 2nd by Michael Scherman. All in favor. Approved.
3. The Chairman asked for an update on the Natural Resource Management Plan. The Land Planner indicated that we received the grant award from the Wyoming Business Council. The RFP has been posted on the County website as well as on various Facebook classifieds pages. Notice in local and regional newspapers is forthcoming. Proposals from interested consulting firms are due by May 24, 2016.
4. The Chairman summarized the accomplishments of the 2:00pm Subdivision Amendments Workshop. The Commission reviewed Access, Septic Feasibility, Water and Plat Requirements during today's session. We reintroduced mobile home court discussions.
5. The Land Planner updated the Commission on the status of the proposed amendments to the Triple Crown Vista Subdivision. Mrs. Welde has not determined what specific action she will take going forward, however she may be interested in moving forward with the amendments, minus the vacation of the easement. No action taken.
6. The Land Planner updated the Commission on the Tyra Simple Subdivision. The deed for the family exemption has been filed. Percolation test results remain as a requirement. The Land Planner presented a draft note to be placed on the plat related to the concerns voiced by the Town of Greybull regarding zoning. Michael Scherman made a motion to approve that the following note be placed on the plat:

“NOTE: THE TOWN LIMITS OF GREYBULL, WYOMING, ARE ADJACENT TO OR NEARLY ADJACENT TO THIS SUBDIVISION. ALL PROPERTIES WITHIN THE TOWN LIMITS ALONG GREYBULL RIVER ROAD HAVE BEEN ZONED AS LIGHT/MEDIUM INDUSTRIAL WITH

THE EXCEPTION OF ONE RESIDENCE. THE INTENT OF THIS ZONING DESIGNATION WAS TO PREVENT ADDITIONAL RESIDENCES FROM BEING CONSTRUCTED ON OR NEAR LAND THAT CONTAINS/CONTAINED KNOWN CONTAMINANTS FROM INDUSTRIAL USE, AS WELL AS TO PROTECT THEM FROM THE LIGHT, NOISE AND SOUND POLLUTION COMMON TO INDUSTRIAL OPERATIONS. GREYBULL PREFERS THAT FUTURE USES ALONG GREYBULL RIVER ROAD NOT INCLUDE RESIDENTIAL CONSTRUCTION.”

2nd by Cliff Alexander. All in favor. Approved.

7. The County Attorney addressed the questions posed by the Commission regarding the enforceability of the Shell Valley Zoning Regulation.
 - The County Attorney said that at this time the document is enforceable – no one has taken the steps to nullify it; currently there is no Shell Valley Zoning Committee in place. However, the document is impractical. Greg said that consistent use of the document would allow for its defensibility; however, if portions of the document were overlooked or ignored, its defensibility would be weakened.
 - The Planning Technician stated that most portions of the document have been ignored or used piecemeal, as directed by the Commissioners over the years. The Land Planner added that, in its current state, regulation is very difficult to plan to.
 - The Planning Technician asked if the document is considered spot zoning. The Deputy County Attorney said it does not appear to be so. The Planning Technician added that other committees were developed to create zoning for other areas in the County, but those plans were never adopted, unlike the Shell Zoning Regulation.
 - The Land Planner suggested that, if the plan is modified, the area should be redefined (decreased).
 - The Deputy County Attorney recommended that dissolving the resolution be the solution rather than attempting to amend it. The Chairman asked what the process needs to be to repeal the regulation. The County Attorney said that the public would need to be notified of the intention of repeal and be given the opportunity to respond. Due to the inconsistency of use of the regulation, it is suggested that it be repealed, giving the public an opportunity to provide input.
 - The Chairman added that he would like to “tiptoe” through this process and pass a resolution here that says we’ve reviewed it, engaged legal counsel and have concluded that it is unenforceable, lacking statutory support and is absent other practical items; and therefore, we recommend to the Commissioners that the people in this area be given an opportunity to revise the document. Failure to do so would lead to the elimination of the document.
 - Michael Scherman made a motion to have the Land Planner present the opinion of the Commission to put the review and comment of the Shell Valley Zoning Regulation up for public consideration. Setting a deadline for comment or hold an open house. 2nd by David Neves. All in favor. Motion carried.

8. The Land Planner introduced the Kestner 2-Lot Simple Subdivision.
 - The County learned of the intent to split upon seeing a recorded deed.
 - The Land Planner contacted the landowners to let them know that the split conducted was in violation of the subdivision regulations.
 - The landowner has submitted an application to complete a simple subdivision. Notices have already gone out. Septic feasibility was proven through recent development on both proposed lots.

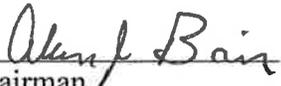
9. The Land Planner invited Commission members to attend the spring conference of the Wyoming Planning Association in Riverton on May 5-6.

10. The Chairman sought feedback from the Commission and attorney present regarding the nuisance of abandoned manufactured homes throughout the county, specifically noting observations made on Basin Garden Road between Lane 42 and the highway east of Greybull.
 - The Planning Technician identified that several of those instances may be part of permitted/licensed salvage operations. The Chairman asked how long these things are supposed to be left in place before actually being salvaged. He cited a goal from the Land Use Plan (Goal J) related to nuisance concerns.
 - The Deputy County Attorney said that there are statutory allowances for nuisance abatement procedures outside of zoning (safety, health and welfare). The nuisance resolution would have to take into account the issues. Enforcement is done as fines (\$100 per day) to abate nuisances. If the person doesn't pay, there are options of tax liens or the county doing the abatement (expensive option). See Carbon County example. The County Attorney said that people could look at this enforcement as a blessing to the landowners who can't afford abatement and would see benefits to the County taking on the expensive burden of removal.
 - The Chairman asked if the question of nuisances falls under the consideration of the Planning and Zoning Commission. How do you plan for economic development in areas with nuisances?
 - The County Attorney said that this commission is the appropriate forum to present a resolution to the Commissioners. The County must consider how extreme the conditions will be within any resolution posed. We need to avoid things that are hazardous or unsafe, but perhaps not include minimal or even moderate issues.
 - The County Attorney said that it is possible that even salvage yards could possibly be more heavily restricted. We need to be careful not to put into regulation things that we cannot enforce. We need to set standards that focus on the extreme situations. Potential funding sources were also discussed to help mitigate private owner problems.
 - The Chairman brought up the concept of collecting taxes on mobile homes as a means of revenue – very often these taxes are not paid. The Treasurer indicated that there is a process to go after those properties who have not paid – the distraint procedure. The Chairman said the Land Use Plan estimates that a 1/4 to 1/3 of residences in the county are mobile homes. He wondered if the county could perhaps make an effort to collect taxes on more of the unpaid ones and earmark if for helping others to rid their properties of nuisance mobile homes.

- Dave Neves asked about stockpiling of old agricultural equipment, cars, etc.
- The Chairman suggested that the group table the discussion until a future meeting. Cliff Alexander made a motion to table discussion on the subject of nuisance regulation. 2nd by John Fuller. All in favor. Motion passed.

11. John Fuller made a motion to adjourn the meeting at 5:34pm. 2nd by Cliff Alexander. All in favor.

Respectfully submitted;


Chairman


Secretary