

Big Horn County Planning and Zoning  
August 11, 2009  
County Courthouse  
420 West C Street, Basin, Wyoming  
7:00 p.m.

**Board members present:** Mary Russell, Ben Snyder and Casey Crosby.

**Land Planning staff present:** Jim Waller and Nick Wilson.

**Others present:** Robert Elliot, Doug Kaufman and Roy Holm.

1. Call to order by Mary Russell 7:10pm

Note: Mary Russell acting as Chair & Ben Snyder acting as Secretary.

2. June minutes approved as presented.

3. July minutes approved as presented.

4. Mary Russell suggested moving the presentation of the Dorsey Creek Final subdivision forward in the order of business as there was no representative for the Heiser simple subdivision (SS 09-001) in attendance. All approve.

5. Presentation of Dorsey Creek Final subdivision (137 Lot subdivision 6 miles west of Basin along Hwy 30).

- a. Jim Waller updated the board on the brief history of the Dorsey Creek Subdivision and information submitted since February 2009. A letter from the county attorney was presented regarding proposed Letter of Credit & Development Agreement. County attorney does not think developer's proposal is adequate.
- b. Robert Elliot presented historical background on the project's goals and the development concept. Stating multiple times his goal was to provide "needed/affordable housing" within south Big Horn County. He handed out a written summary that highlighted what he considered important points for the board to consider (ATTACHED). Mr. Elliot also expressed frustration with having to come before the Planning and Zoning for this last approval as he felt the board's job was to pass it over to the Board of County Commissioners for approval. Mary Russell stated a recommendation must be submitted to the County Commissioners and there are some major questions on the financial guarantee.
- c. Mary Russell questions Mr. Elliot on the average cost of the homes he would be building if the project was approved. Mr. Elliot stated he had not done a study on construction and marketing as of yet. Mary Russell questioned the first mortgage and Letter of Credit Proposal. What is the guarantee that the proposal would apply to any new owners of lots, neighborhoods or the entire property/ranch? Mr. Elliot stated the mortgage is the assurance for the Letter of Credit. He mentioned this will lock the property and subject it to the development agreement and plans.
  - 1) Ben Snyder asked how does this apply to transfers of the property? General discussion on agreement and the mortgage applying to future property owners prior to development. General discussion on the mortgage and assuming to new landowners.

- d. Mary Russell asked if Mr. Elliot was aware of the high number of undeveloped/vacant lots within previous approved rural subdivisions throughout the county. Mr. Elliot answered yes, he was aware of that situation.
  - e. General discussion regarding the current real estate market and housing factors impacting the county.
  - f. Jim Waller presented to the board an approval/recommendation document to be used if the board so desired. Elliot presented to the board his Real Estate Promissory Note.
    - 1) The board expressed their feelings that the concept of the county holding a first mortgage was not a satisfactory option.
      - a. Elliot stated he was willing to make any changes the board felt were necessary regarding his "Real Estate Promissory Note" and that the County Commissioners should be able to review his approach.
    - 2) Handwritten notes and clarifications were made, after which photo-copies were taken and given to the board. Elliot stated he would re-draft the promissory note and have a copy to the planning office the next day. Ben Snyder stated the Promissory Note should reflect the agreement and that excluding bulk sale of lots outside of the neighborhoods identified should not be allowed.
  - g. Mary Russell requested a motion from the board to move forward. Ben Snyder made a motion to approve the request for the Dorsey Creek subdivision pending 1. redrafting the recommendation to allow Mr. Elliot to present his agreement and financial proposal to the Board of County Commissioners, 2. adding and clarifying the Development Agreement and the attachments thereto to reflect the mortgage being assumed to transferees, assigns or heirs, etc., 3. clarifying the promissory note excluding sale of an entire neighborhood, and 4. producing a final Mylar plat consistent with all improvement plans proposed; Casey Crosby 2<sup>nd</sup> the motion. All approve.
  - h. Jim Waller stated the board will have to sign the plat and the recommendation.
6. Final Approval of Simple Subdivision 09-001. (Ray Heiser 2 lot subdivision in Lot 39-L, T56N, R96W).
- a. Jim Waller presented the history to the board and stated that everything was consistent with county subdivision regulations.
    - 1) It was commented that the site did have high ground water conditions that would impact and limit the placement of a traditional gravity style septic system. The board decided it would be best if this fact was noted on the recorded plat.
  - b. Ben Snyder made a motion to approve the simple subdivision and forward to the Board of County Commissioners pending the addition of a note regarding the ground water added to the final plat. Casey 2<sup>nd</sup>. All approve.
7. Jim Waller presented to the board the draft version of the new Land Use Plan for Big Horn County.
- a. General discussion regarding the best time to hold a public meeting on the plan.
  - b. Ben Snyder made a motion for a public meeting to be held on September 22, 2009 at 7: pm in Basin for the county Land Use Plan. Casey Crosby 2<sup>nd</sup>. All approve.
    - 1) Jim Waller stated he would get the public notices published in the local papers.

8. Old Business

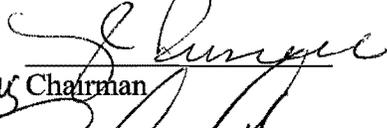
- a. Continued development within the flood plain outside of Byron was discussed.

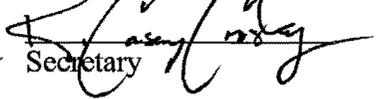
9. Old Business

- a. Moncur 2 lot simple subdivision was filed with the Planning office by GDA engineers.
- b. Welling 1 lot simple subdivision was filed with the Planning office by EA engineers.
- c. Staff report.
  - 1) James & Courtney Thomas septic leach field issue on Lots 4 & 5 Pheasant View Subdivision. A temporary easement for the leach-field with specific wording on a replacement being located entirely on Lot 4 is the simplest process for the leach field encroachment on Lot 5.

10. Adjourn 9:30pm

Respectfully submitted;

  
Acting Chairman

  
Acting Secretary

*Robert R. Elliott*

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Received  
8/11/09 JGW  
@ P&Z Meeting

## DORSEY CREEK RANCH SUBDIVISION

We are now in our fifth year of working on this 137 lot subdivision. We have been before the county since early 2006. The concept throughout has been to design a planned community within an operating ranch.

The most important points as to why approval of the Dorsey Creek Ranch Subdivision is good for the local community and for Big Horn County are:

- Young people are leaving our area due to lack of employment. New employers are needed.
- A massive amount of engineering work and processing is required to complete processing of any major subdivision not using existing public water and public sewage treatment. It has taken five years of work to produce a Subdivision meeting all State and County requirements. What this means is that when, in the future, a major subdivision is needed by the local community, it can't be done quickly. It takes years and hundreds of thousands of dollars.
- Without at least one sizeable Subdivision approved and on the books in our area, how can we attract any major new company to locate here? There is too little existing housing.
- While the current market pricing of housing makes construction in the near future problematic, that will change over time, and will change more rapidly if a major new employer locates in our area.
- People who left the area and want to retire back here cannot find attractive housing meeting their requirements and needs. This subdivision would make maintenance easy for retired persons, and would enable them to have newly constructed, attractive housing in the price range they choose.
- The concept of the land plan is unique and attractive. It was planned by award-winning architect David Salmela to create housing having views in all directions and to preserve the land around the housing as a working ranch.

- The County does not have to pay anything to provide potable water supply and sewage treatment. We, as developer, are to bear these costs.
- This Subdivision does not encumber public water capacity or public sewage treatment capacity, making them unavailable to others, since neither is available to our property.
- Unlike Cody and other booming places that have their reasons to require the types of timing conditions that they have for subdivision approvals, there is no boom in Big Horn County. Our County needs to do what is best for it. What very prosperous, growing counties do is not necessarily what is in the best interests of Big Horn County.
- Additional population would help preserve the three school systems.
- The alternative is “sprawl” which is poorly designed. By contrast, this Subdivision has the potential to be an award-winning development that will enhance the image of Big Horn County.
- Access by road to Greybull, Basin and Burlington is exceptional given the location of the Dorsey Creek Ranch Subdivision on Highway 30 six miles west of Basin.
- The average house requires 2.5 man years of work to complete. Thus, this subdivision has the potential to create about 340 man years of employment locally just for the house construction. The infrastructure will produce more employment.
- If Burlington at some time in the future seeks to have public water extended from Greybull, this Subdivision may be the key to making that possible by adding users. Our Subdivision contemplates a potable water/gray water division to conserve use of aquifer water should such water be extended from Greybull. We are fortunate to have plentiful water for wells.
- This Subdivision preserves most of the ranch land involved. Our Subdivision is an outstanding example of environmentally sound land planning.
- The sewage treatment plant approved by the State Department of Environmental Quality after exhaustive review uses artificial wetlands technology which is the most modern technology in the country.