

2. PLAN FOR THE FUTURE

This chapter is the most essential part of the plan and consists of:

- The *Vision Statement, Primary Goals, and Planning Strategies* which set the general intent, purposes, and direction of the plan.
- The *Future Land Use Map*, a geographic representation of the ideal growth pattern for Big Horn County; and
- The *Implementation Program*, which explains the specific steps the County can take to help achieve the plan.

Each of these three major components is presented and discussed in this chapter.

2.1. VISION STATEMENT, PRIMARY GOALS AND PLANNING STRATEGIES

This section presents the Vision Statement, Primary Goals, and Planning Strategies of the Big Horn County land use plan.

The plan steering committee and consultants developed the Vision Statement and Primary Goals drawing heavily on the results of the 2007 landowner survey. In the survey over 900 Big Horn County landowners expressed their views about land use and planning issues and priorities. The committee showcased a draft version of the goals at the December 2008 public meetings and invited public comment. Following the public meetings, the committee and consultants revised the goals and added the more detailed Planning Strategies.

The **Vision Statement** is the shortest, most concise statement of what the plan is all about and what the county hopes to be in the future. The Vision Statement is:

Big Horn County will be a rural county of productive farms and ranches, unobstructed pastoral and mountain scenery, clean air and water, abundant open space, and well planned communities where people can live and work enjoying small town living.

The land use plan is intended to help the County achieve this ideal.

The land use plan is formed around the Primary Goals and Planning Strategies which are more specific expressions of the vision statement. The goals provide a basic mandate for the direction of the plan and what it is supposed to achieve. The Strategies are intended to summarize the main themes of action the County should undertake to achieve the Primary Goals.

The Primary Goals and Strategies are grounded in several concepts that are common to all the goals and strategies of this plan. These are:

- The land use plan is not a regulatory document, but a guide. Any ordinances or regulations that may be used to implement the land use plan will be adopted following legal procedures and allowing for public comment prior to adoption.
- The land use plan recognizes the importance of agriculture to the overall well-being of the county. The plan seeks to “do no harm” to the county’s agricultural operations and practices. Should any question arise, the plan should be interpreted and construed in the way that is most positive and beneficial for agriculture.
- The recommended actions and projects of the land use plan are contingent on the County’s ability to pay for them. Big Horn County has a modest tax base and large increases in public spending to implement that plan are not envisioned.

PRIMARY LAND USE GOALS AND STRATEGIES

The land use plan is based on the following 11 primary goals. These goals overlap and inter-relate with each other. Goals should be considered and accomplished within the overall context. Consequently, the following goals have not been assigned any priority order.

Primary Land Use Goals

- A. Retain farming and ranching as the preferred land uses in rural areas.
- B. Sustain scenic areas, wildlife habitat, recreational areas, and other important open spaces.
- C. Ensure that development protects water resource capabilities for established and future users.
- D. Encourage development that is well planned with respect to environmental hazards and resource limitations and is compatible with established and future land uses.
- E. Ensure that development is fiscally responsible and has adequate roads and other infrastructure.
- F. Encourage residential and business development to locate close to towns and other developed areas.
- G. Support the logical expansion and improvement of the county's towns to help make the towns more attractive to new residents and businesses.
- H. Encourage mining and other industrial development at appropriate locations consistent with other land use goals but not necessarily near towns and other developed areas.
- I. Promote land uses that support the tourism economy including public and private recreational areas and tourist facilities.
- J. Reduce impacts to public health, safety, and rural scenic values from junkyards and other nuisance land uses.
- K. Encourage rehabilitation or replacement of substandard housing and/or structures and ensure that all new housing meets health and safety standards.

In the following section, the 11 primary goals are discussed separately, with background information and recommended strategies. The detailed actions to implement the goals and strategies are included in the "Plan Implementation" section later in this chapter.

GOAL A RETAIN FARMING AND RANCHING AS THE PREFERRED LAND USES IN RURAL AREAS

Strategies:

- 1. Minimize non-agricultural development on the most productive agricultural land, particularly irrigated land.
- 2. Locate rural residential development on marginal agricultural areas.
- 3. Mitigate conflicts between established agricultural operations and any new non-agricultural land uses.

Retaining farm and ranch land advances many of the primary goals. It is the basis of the "rural western lifestyle," which was ranked as an important factor by 85% of the 2007 survey respondents regarding their decision to live or own property in the county. Although the economic viability of agriculture has significantly diminished since the mid-1970s, it remains the major land use in the county.

According to the 2007 survey, 93% of county landowners felt it was important for the Big Horn County Land Use Plan to address loss of agricultural land. Survey respondents overwhelmingly saw as very important the conservation of irrigated land (76% of all responses) and grazing land (67%). Retaining agriculture also coincides closely with survey respondents' desire to retain scenic vistas and undeveloped rural open space. In fact, one might argue that undeveloped rural open space is essentially the same land used for farming and ranching.

GOAL B: SUSTAIN SCENIC AREAS, WILDLIFE HABITAT, RECREATIONAL AREAS, AND OTHER IMPORTANT SPACES.

Strategies:

1. Keep existing wildlife migration corridors open and sustain critical wildlife habitat areas.
2. Encourage development designs that compliment or blend in with recreational areas and scenic resources.
3. Encourage clustered subdivision development to protect resource areas.
4. Maintain accesses to public lands.

Scenic areas, wildlife habitat, and other areas (which might include historic, cultural, or paleontology sites) are of importance to Big Horn County residents. The majority of 2007 survey respondents saw as very important the conservation of wildlife habitats (64%), forested lands (66%), scenic vistas (65%), undeveloped rural open space (59%), and streamside vegetation (54%). There is currently no local land use mechanism to address these special spaces in Big Horn County. Landowners may be unaware of features on their property. Consequently they may inadvertently cause harm when they might otherwise have been more than willing to take steps to avoid or mitigate the problem. Development that is "clustered" on less important lands is one way to avoid development in special places. Public land is valued in the county, and approximately 91% of all survey respondents felt it was important for the plan to address loss of access to public lands.

GOAL C: ENSURE THAT DEVELOPMENT PROTECTS WATER RESOURCE CAPABILITIES FOR ESTABLISHED AND FUTURE USERS.

Strategies:

1. Balance future water demand with available supply.
2. Ensure that new developments does not add costs, diminish the available water, or otherwise cause harm to existing agricultural irrigation and drainage systems.
3. Direct higher density residential developments to areas that can be served by central wastewater treatment systems, such as the municipal systems.
4. Limit the density of septic systems in areas that are highly susceptible to groundwater pollution.

Water is important in Big Horn County — most of the county receives only eight to 10 inches of precipitation per year. Surface water runoff from the mountains is critical for agricultural irrigation. New development can hinder access to irrigation facilities. Many areas of the county rely on water from deep wells piped for miles to supply water for residential and other purposes. Other rural residences use individual wells for their water supply. Municipal water supplies are exclusively groundwater, either provided via the pipelines or from local municipal wells. Groundwater quality can be affected by inadequate or poorly functioning waste water treatment systems, and such systems have created problems in the past in parts of the county.

GOAL D: ENCOURAGE DEVELOPMENT THAT IS WELL PLANNED WITH RESPECT TO ENVIRONMENTAL HAZARDS AND RESOURCE LIMITATIONS AND IS COMPATIBLE WITH ESTABLISHED AND FUTURE LAND USES.

Strategies:

1. Protect riparian areas, floodplains, and wetlands in the design and construction of development projects.
2. Consider wildfire, potential for flash flooding, soil capacity for proposed development, and geologic hazards in the development review process.
3. Review new developments for compatibility with existing land uses.

Flood, wildfire, soils with poor suitability for roads or construction, and geologic hazards (e.g., landslides) constitute some of the major environmental hazards in Big Horn County. Landowners may be unaware of the existence of these hazards or of their potential to create unsafe conditions or costly damages to improvements on their property. Vegetation in riparian areas functions to filter storm water and to retain banks. Development right to the edge of streams and creeks can increase erosion and potential for damage to the buildings, as well cause safety issues for downstream uses.

Currently there is no mechanism in the county to manage conflicting land uses. Consequently, it would be possible for a nuisance use to be built next to a new and costly residential development. This is not generally a problem in the county now, but is one that can negatively affect property values and which, unfortunately, is extremely difficult to take care of after a new conflicting use is established.

Respondents to the 2007 survey indicated that unplanned housing developments were very important to address in the land use plan (72% of all respondents ranked this issue as “very important”).

GOAL E: ENSURE THAT DEVELOPMENT IS FISCALLY RESPONSIBLE AND HAS ADEQUATE ROADS AND OTHER INFRASTRUCTURE.

Strategies:

1. Review new developments for adequacy of infrastructure needed to serve such new developments.
2. Require developers to fund and construct all necessary infrastructure improvements needed for their development projects.
3. Establish standards for long-term maintenance of subdivision roads and other infrastructure (e.g., bridges, culverts, drainage system, and fire protection system).
4. Limit the density of development in remote areas far from public services.

More than 90% of all respondents to the 2007 survey felt it was important for the land use plan to address infrastructure and public services in rural areas. New development generally increases property tax revenues, but those revenues can fall short of the actual costs of serving the development. Additionally, tax revenues will lag behind the costs of new infrastructure if there is no other mechanism to provide for upfront costs. New subdivisions accessed by county roads not built to the standards needed to support the new development can cause significant deterioration and inconvenience to all the persons who use the road. Roads and infrastructure within the subdivision are typically not assumed as county responsibilities, but may not be properly built or maintained and pose problems for emergency service providers. There is no current mechanism to assure that new development in the unincorporated areas of the county has adequate fire suppression facilities (e.g., water supply, etc.).

GOAL F: ENCOURAGE RESIDENTIAL AND BUSINESS DEVELOPMENT TO LOCATE CLOSE TO TOWNS AND OTHER DEVELOPED AREAS.

Strategies:

1. Locate higher density residential development and intense commercial development in defined growth areas in or near the incorporated towns.
2. Support infrastructure improvements that enable the towns to grow.
3. Support a variety of housing types in and near towns to accommodate the need for affordable housing.
4. Improve the appearance of entrance ways to towns.
4. Pursue alternative uses of state or federal lands within defined growth areas or potential growth areas around towns that supports logical expansion, such as roads and other infrastructure and new development.

The majority of respondents to the 2007 survey preferred new residential development to locate in towns or near existing development. Locating new development in this way is less costly in terms of extension of existing infrastructure. It also makes sense for commercial uses and most industrial uses (assuming adequate setbacks and other measures to reduce negative impacts from industry on other uses). Disincentives for locating within existing communities include appearance, a perceived lack of quality of life, or few amenities compared with other communities. Many of the municipalities have recently updated comprehensive plans that address future growth and where new developments may occur (much of which is in the unincorporated area of the county). Municipal and county governments will need to coordinate to implement effective plans for the future and may need to work with state and federal governments where logical expansion includes their lands or otherwise requires their assistance. Because household income in Big Horn County is significantly lower than the nation and the State of Wyoming, there is a need for a variety of housing types and price categories for those with lower incomes.

GOAL G: SUPPORT THE LOGICAL EXPANSION AND IMPROVEMENT OF THE COUNTY'S TOWNS TO HELP MAKE THE TOWNS MORE ATTRACTIVE TO NEW RESIDENTS AND BUSINESSES.

Strategies:

1. Enhance the planning capabilities of the incorporated towns.
2. Increase County-town coordination on planning near incorporated towns.
3. Support community improvement projects in the towns.

This goal is similar to Goal F, but stresses the need for municipal and county coordination and cooperation. Nationwide, It is very easy (and commonplace) for counties and municipalities to have policies that thwart shared objectives for new development close to existing communities.

GOAL H: ENCOURAGE MINING AND OTHER INDUSTRIAL DEVELOPMENT AT APPROPRIATE LOCATIONS CONSISTENT WITH LAND USE GOALS BUT NOT NECESSARILY NEAR TOWNS AND OTHER DEVELOPED AREAS.

Strategies:

1. Develop performance and location standards for heavy industrial land uses.
2. Coordinate with federal agencies in the review of proposed heavy industrial land uses on federal lands.

Mining and industrial development are part of a diversified economy for the county. The goal is for such activity to occur, ideally in such a way that it does not conflict or minimally conflicts with other existing development. Mining, of course, can only occur where the mineral resource exists. Mineral development can occur in places with existing surface development because the subsurface mineral “estate” or ownership is often severed from the surface estate. Industrial development could occur throughout the county.

GOAL I: PROMOTE LAND USES THAT SUPPORT THE TOURISM ECONOMY INCLUDING PUBLIC AND PRIVATE RECREATIONAL AREAS AND TOURIST FACILITIES.

Strategies:

1. Encourage development that is compatible with adjacent or nearby recreational uses and tourist facilities.
2. Identify existing and proposed recreational areas and tourist facilities.
3. Plan for a county-wide non-motorized trail system linking recreational areas and tourist facilities.

Tourism is an important part of a broad-based economy. Tourists come to Wyoming for a variety of scenic and recreational outdoor activities. Theoretically, as part of population growth and expansion of residential housing and commercial development, these unique qualities and outdoor recreation possibilities could be impaired. To assure that the land use features that can enhance tourism are retained in the future, it is advised that Big Horn County inventory its tourism-related attributes. There is currently no local land use mechanism in place to retain these unique attributes.

GOAL J: REDUCE IMPACTS TO PUBLIC HEALTH, SAFETY, AND RURAL SCENIC VALUES FROM JUNKYARDS AND OTHER NUISANCE LAND USES.

Strategies:

1. Enforce existing laws concerning junkyards.
2. Enact specific local laws or regulations governing nuisance land uses, such as strip clubs near schools or churches or uses with excessive noise, odor, or bright lights at night.

Nearly 75% of all the 2007 survey respondents indicated it was important to address junk cars, equipment, etc. as part of the land use plan for Big Horn County. Other nuisance land uses could also be a potential problem for the future, but have not been particularly identified as a current issue.

GOAL K: ENCOURAGE REHABILITATION OR REPLACEMENT OF SUBSTANDARD HOUSING AND/OR STRUCTURES AND ENSURE THAT ALL NEW HOUSING MEETS HEALTH AND SAFETY STANDARDS.

Strategies:

1. Prevent the proliferation of substandard mobile homes in the County.
2. Encourage compliance with existing construction code requirements such as the State electrical code and the County's wastewater treatment program.

More than a third of the existing housing in the county is in badly worn or worn out condition, according to Wyoming Department of Revenue appraisal data. Mobile homes comprise one-quarter to one-third of the entire housing stock in Big Horn County, and much of the mobile home inventory is older and not up to current construction and safety standards. The intent is not to deny people the right to live in their existing homes, but to begin to phase out this stock as it is vacated and to prevent any "new" additional older mobile homes from being brought into the county.

2.2. FUTURE LAND USE MAP

2.2.1 About the Future Land Use Map

The Future Land Use Map is the County's visual guide to future planning. The map is a geographic expression of this plan's Primary Goals and Planning Strategies and is based on the information and the other maps collected in the inventory phase of the planning process. The Future Land Use Map represents an ideal land use pattern for the future but it is not a prediction of the future.

The Future Land Use Map shows six types of areas, each representing a different type of development and future land use. The six types of areas are:

- Town Expansion areas — where the County's incorporated towns are likely to annex and expand to accommodate future town growth.
- High Intensity Rural areas — where the highest densities of rural residential development, limited commercial development, and public uses should occur.
- Medium Intensity Rural areas — where moderate density rural land use patterns will occur with land uses including agriculture, rural residential, limited commercial, public uses, outdoor recreational uses, and carefully-sited industrial uses.
- Low Intensity Rural areas — where agriculture will be the predominant land use and be accompanied by low density residential use, and commercial, public uses, outdoor recreational uses, and carefully-sited industrial uses.
- Oil, Gas, and Mining areas — where oil and gas extraction and commodity mining will be the predominant land uses.
- Sensitive Groundwater areas — where groundwater resources are particularly sensitive to contamination by activities on the land surface and consequently land uses in such areas should be designed and conducted with extra care.

More detailed definitions of each of these six area types are presented in the table on page 23.

By mapping these future land use area types, the Future Land Use Map shows the ideal locations for these future land uses. There are several reasons why the location of future development is a matter of County concern:

- First, the County and other public entities can provide many public services more efficiently and at lower cost when development concentrated rather than dispersed.
- Secondly, the incorporated towns will be more prosperous when growth occurs in and near them.
- Finally, when rural areas are not disrupted by development, the county's scenic views, wildlife habitats, and agricultural lands can be retained.

Thus, the main themes of the Future Land Use Map can be summarized as follows:

- Plan to retain agriculture, scenic areas, wildlife habitats, water quality in rural areas through low density land use.
- Promote residential and commercial development in and around the incorporated towns.
- Limit the fiscal impacts of development on public budgets by having low density land uses in remote areas and higher density development in or near towns.

2.2.2 Process of Developing the Future Land Use Map

The Future Land Use Map was developed using a process called the Land Suitability Analysis (LSA). LSA is a land use planning method that compares characteristic of each land section or quarter-section in the county. Characteristics include such things whether the land is irrigated or not, the steepness of the terrain, and many other factors. LSA looks at all these characteristics and evaluates the suitability of each section or quarter-section in terms of its suitability for development and conservation.

Prior to conducting the LSA, the consultant prepared a number of maps called the Plan Map Series. The Plan Map Series provides information on characteristics of the land that can or should influence the county's future development pattern. The land characteristics included in the LSA are the same as in the Plan Map Series. (A sample of maps from the Plan Map Series is presented in Appendix D.)

The LSA method was used to combine the maps of the Plan Map Series to produce a single composite map. The composite map shows all areas of the county rated in terms of suitability for future development and conservation.

In combining the maps, map features that support development, such as water lines and roads, were considered "positive" and their presence would raise an area's rating (higher rating meaning the area was relatively better suited for development). Map features that limit development, such as floodplain, were considered "negative" and their presence would lower an area's rating (lower rating meaning the area was relatively better suited for conservation). Map ratings for the 17 maps in the series were added together to produce the composite map.

The steering committee decided to "weight" each map theme before recombining them. The steering committee rated each map in terms of its importance to planning in Big Horn County. These weights were used to produce another composite map, a map that was significantly different than an "un-weighted" map version.

THE 17 MAPS OF THE PLAN MAP SERIES

| MAP THEME | DESCRIPTION |
|--|---|
| <i>Agricultural Themes</i> | |
| Agricultural Land Use | Land parcels used for agriculture |
| Agricultural Parcel Size | Larger agricultural parcels (100 acres or more) |
| Soil Capability - Irrigated Agriculture | The best soils for irrigated crops (capability classes 2 & 3) |
| Irrigated Lands | Irrigated lands according to State Engineer |
| <i>Infrastructure Themes</i> | |
| Road Network | Federal, state highways, and county roads |
| Services Efficiency | Efficiency in providing essential public services -- distance from schools hospitals, law enforcement, fire protection, and hospitals |
| Water Systems | Water lines of the various public drinking water supply systems |
| <i>Land Use Limitation Themes</i> | |
| Big Game Habitats | Antelope, Big Horn Sheep, Elk, and Mule Deer |
| Floodplains | 100 year floodplains |
| Geohydrologic Setting | Availability of groundwater |
| Groundwater Sensitivity | Sensitivity of aquifers to surface pollution |
| Slope of Land | Steepness of land |
| Wetlands | National wetlands inventory |
| <i>Land Status Themes</i> | |
| Current Land Use | Current use of land parcels |
| Land Surface Management | Deeded and various state and federal agency management |
| Parcel Density | Number of land parcels and subdivision lots per quarter section |
| Population Density | Number of residents per quarter section (year 2000) |

STEERING COMMITTEE MAP WEIGHTS

Weighted on a Scale of 1 to 5

Higher Number Equals Greater Map Importance

| | |
|--|------|
| Geohydrologic Setting (Groundwater Availability) | 4.20 |
| Groundwater Sensitivity | 4.20 |
| Current Land Use | 4.10 |
| Water Systems | 4.10 |
| Agricultural Land Use | 4.00 |
| Irrigated Lands | 3.80 |
| Land Surface Management | 3.80 |
| Road Network | 3.60 |
| Services Efficiency | 3.60 |
| Agricultural Parcel Size | 3.50 |
| Floodplains | 3.50 |
| Soil Capability - Irrigated Agriculture | 3.30 |
| Big Game Habitats | 3.20 |
| Parcel Density | 3.20 |
| Slope of Land | 3.20 |
| Wetlands | 3.00 |
| Population Density | 2.50 |

The final result of the Land Suitability Analysis is the weighted combination of all the maps included in the Plan Map Series. This composite map represents development/conservation suitability for the entire county. The composite map rates all land in the county in a very consistent and relatively objective way.

Using this method, the “land speaks for itself” in terms of its suitability for development/conservation. This map became the basis for the Future Land Use Map.

The last steps in making the Future Land Use Map were to add “overlays” showing oil, gas, and mining areas and sensitive groundwater areas. Expansion areas for each incorporated town were also added.

2.2.3 USING THE FUTURE LAND USE MAP

In reading and interpreting the Future Land Use Map, it is necessary to view the map together with the table on page 23 entitled “Definitions of Future Land Use Area Types.” The map shows the geographic locations of the various future land use area types. However, the map does not explain the differences between the different types of areas. The table on page 23 completes the picture by providing definitions for each of the future land use area types.

The Future Land Use Map and definitions are not the same as zoning. Zoning addresses similar topics, such as the density of housing and what land uses are appropriate for different areas of the county. However, zoning is a law or regulation that directly controls land use while the Future Land Use Map is only a general recommendation or guideline and is not regulatory.

Two examples of how to read and use the Future Land Use Map follow below:

A Town Example: In looking at land near the Town of Cowley, the Future Land Use Map shows the future land use area type “Town Expansion” immediately adjoining the town. Turning to the definition of this future land use area type in the table on page 2-12, more specification about this area is found—namely that the land uses and densities in this area should be like those of the town and supported by town utility service (public water and sewer). The definition of “Town Expansion” also notes that the town and County should further define the specifications for this area through an inter-governmental agreement.

A Rural Area Example: In looking at the Shell Valley, the valley is shown as having a mixture of High, Moderate, and Low Intensity Rural land uses. The definitions for each of these area types can be found in the table on page 2-12. The map and definitions would be used together as a basis for revising the current zoning for the Shell Valley.

This would mean, for example, that the zoning regulations should be revised to set the density for new subdivisions in the range of 35 to 50 acres per housing unit for “Low Intensity Rural” areas, 10 to 20 acres for the “Medium Intensity” areas, and 2 to 3 acres for the “High Intensity” areas.

Note that in the Shell Valley, there is a large amount of land in the “Sensitive Groundwater Overlay”. This means that future land use in overlay should be carefully reviewed to ensure the protection of groundwater and subdivisions in the overlay should have larger lots to limit development in this sensitive area.

In revising the current Shell Valley zoning, it is important to remember that the Future Land Use Map is not the same as a zoning map. The Future Land Use Map is quite general. A Shell Valley zoning map would be more precise. The zoning map would be drawn at a larger scale and would seek to have large, contiguous areas with the same zoning. The zoning map should avoid having small, isolated areas with different zoning than surrounding areas.

The Future Land Use Map is a general guideline representing the pattern of land use and development that will best achieve the goals of this plan. Those goals include retaining agricultural lands, scenic areas, wildlife habitats, water quality in rural areas and promoting residential and commercial development in and around the incorporated towns. The Future Land Use Map is not a prediction of what will happen in the future. Instead, achieving the pattern suggested by the map and the plan’s goals is dependent on further action by the County.

DEFINITIONS OF THE FUTURE LAND USE MAP AREA TYPES

| Town Expansion | |
|---|---|
| Uses, densities, and locations | Town density and uses; public water and sewer required; specific uses and densities per Intergovernmental Agreement with towns; exact extent of areas per agreement with towns. |
| High Intensity Rural | |
| Uses | Rural residential uses; limited commercial uses at key locations (such as at major road intersections); and public uses. |
| Base Residential Density | 1 housing unit per 2-3 acres. |
| Where Coincident with Sensitive Groundwater Overlay | Base density reduced to 1 housing unit per 5 acres; heightened review of water and wastewater treatment plans. |
| Medium Intensity Rural | |
| Uses | Agricultural and related uses; rural residential uses; limited commercial uses at key locations (such as at major road intersections); public uses; recreational uses; and industrial uses carefully sited to avoid conflicts with other land uses. |
| Base Residential Density | 1 housing unit per 10-20 acres. |
| Where Coincident with Sensitive Groundwater Overlay | Heightened review of water and wastewater treatment plans; housing densities should be at the lower end of the base density range (1 housing unit per 20 acres). |
| Low Intensity Rural | |
| Uses | Agriculture and related uses; agriculture-related commercial uses; low density residential uses; public uses; recreational uses; and industrial uses carefully sited to avoid conflicts with other land uses. |
| Base Residential Density | 1 housing unit per 35-50 acres. |
| Where Coincident with Sensitive Groundwater Overlay | Heightened review of water and wastewater treatment plans. |
| Oil, Gas, & Mining | |
| Uses | Energy uses predominate; non-energy developments designed to minimize conflicts with energy development. |

2.3. PLAN IMPLEMENTATION

Planning is a continuous process. It involves implementation (the action steps to get things done), monitoring (regular review of progress), and evaluation (how are we doing, what is working and what is not, and how can we better achieve goals), and then as needed, revision to update goals and objectives. As new information becomes available and circumstances change, it is important to assess how actions might also need to change. Such adaptive learning leads to more effective implementation. Actual *realized* strategies and effective actions are a blend of what is *intended* (through planning) and what *emerges* in practice.

2.3.1. IMPLEMENTATION ACTIONS

This section of the plan addresses what actual actions could be taken to achieve the Big Horn County Land Use Plan. The Plan Steering Committee and consultants reviewed about 50 potential actions that the County could use to carry out the land use plan.

Many of the other 50 potential actions may have merit. However, before proceeding further, the committee wants to obtain public comment on which actions should be used and which should not be used. The committee intends to consider such public comments before recommending a final list of specific actions for carrying out the plan.

There are five general categories of actions considered here:

- New regulatory actions,
- Revisions of current regulations,
- Spending/infrastructure action,
- Coordination with towns and other entities, and
- Informational/planning actions.

All the 50 potential actions reviewed by the committee and consultants are listed in the table on page 34. In addition, more detailed information on each of the 50 actions is presented in Appendix C of this plan.

2.3.1.1 Revision of Current Regulations

Update Shell Valley Zoning

The Shell Valley has had zoning since 1976. The Shell Valley zoning limits the overall number of permits for new homes in the valley. The wording of the zoning implies that the limit on permits was temporary until more detailed planning could be completed. Big Horn County has had 30 years to complete this planning but has not done so. With adoption of a new plan, it would be very appropriate to update the zoning for the Shell Valley.

Revise Subdivision Regulations

In Wyoming, all counties are required to have subdivision regulations governing how large tracts of land are divided into smaller lots for sale and development. Modification of the County's current subdivision regulations can help achieve some goals of the land use plan. In the process of developing the land use plan, the County's consultants have identified at least 17 potentially beneficial changes to Big Horn County's subdivision regulations. These potential changes are of four types:

- Changes concerning financial aspects of subdivision construction and long-term maintenance. These changes are intended to make sure the developer completes construction of all necessary roads and utilities. These changes also are intended to make sure the subdivision lot owners maintain roads and other features so that the County will not be asked to maintain them.
- Changes to require more careful analysis of the subdivision during the review and approval process. Examples include adding "transportation impact analysis" and hazard inventories.
- Changes that set improved requirements for the design and construction of subdivisions. These include such items as agricultural impact mitigation, irrigation standards, fire protection standards, and visual impact mitigation.
- Changes that provide incentives to developers to design or construct their subdivisions in better ways that are not expressly required.

There are many different possible actions that can be taken to improve the County subdivision regulations. Additional actions in the "revise existing regulations" category are presented in the plan appendix.

It should be understood that subdivision regulations only address how land is broken up into smaller lots for sale and development. Subdivision regulations cannot be used to control nuisance land uses or specify the locations for various types of developments and land uses. By themselves, subdivision regulations are fairly limited in their ability to help the county achieve the goals of this plan.

Other County Regulations

Big Horn County presently has other land use regulations, including flood plain development regulations and airport protection regulations. No changes to these regulations have been identified that would be needed to implement the land use plan.

2.3.1.2 Potential New Regulatory Actions

Zoning Generally

Zoning is probably the single most effective tool available to counties for managing land use. Big Horn County presently does not have zoning, except in the Shell Valley. Most Wyoming counties (14 out of 23) use zoning to help achieve the goals of their land use plans.

One reason zoning is so often used is that it can address a number of issues that are difficult to address through any other means. Zoning can include rules for salvage yards, commercial signs, outdoor lighting, adult bookstores, and strip clubs. Zoning can include standards for mobile homes, including electrical and fire safety standards, foundation or anchoring standards, and appearance standards. Each of these issues is difficult or impossible to control without zoning. Zoning is also the only tool available to Wyoming counties which can set the minimum acreage size for subdivision lots.

Another advantage of zoning is that it can be highly customized—zoning can be very stringent and complex, it can be very simple with few requirements, or it can be something in between. A county with little or no zoning experience might choose to have a very simple set of zoning rules, addressing a few topics of concern, such as salvage yards and the condition of mobile homes, and including basic lot size rules such as a one- or two-acre minimum for subdivision lots. On the other hand, some counties have adopted “agricultural zoning” where the zoning rules limit the subdivision of agricultural land usually by requiring large acreages for new subdivision lots (such as 40 to 160 acres or even 640 acres). Details about various forms of zoning are presented in the plan appendix.

Conservation Design Process

A new state law (House Bill 9 of 2009) gives counties the option of allowing clustering in land divisions made pursuant to the 35-acre exemption. In Wyoming, this is called the Conservation Design Process. Landowners often resort to dividing up land into 35-acre parcels because county subdivision approval is not required when the parcels are this large. However, this can be wasteful of land resources. The new law authorizes counties to allow twice as many lots as the 35-acre division process would yield if 65% of land is preserved as open space. The resulting lots would each be considerably smaller than 35 acres. The new law allows counties to waive many of the relatively expensive and time-consuming steps of normal subdivision review process. Zoning is not necessary to use this process.

Large Acreage Subdivisions

This action is based on new state enabling legislation (Senate File 11 of 2008) that gives counties limited authority to control 35-acre divisions—land divisions where all parcels created are larger than 35 acres were previously not subject to county review. The new law gives counties the option to require full subdivision review of developments consisting of 10 or more lots of larger than 35. For developments of fewer than 10 lots, the new law lets counties require a survey, water rights and irrigation review, and water supply study but not the full subdivision review process.

Nuisance Abatement Regulations

In 2008, a new law was passed (Senate File 27 of 2008) that set new limits on regulations counties may enact concerning nuisances. The new law limits such regulations to matters that threaten health and safety. After adopting such regulations, county can issue orders requiring abatement of nuisances. Recipient of an order can force a court hearing before county’s order is final. A fine of \$100 per day can be levied for violations of the county regulations.

Transfer of Development Rights

This is a concept that allows landowners in rural areas to be compensated for restricting development potential on their land. Under a transfer of development rights program, “development rights” on rural land can be bought by developers and transferred to areas where more development is wanted; this increases development in “receiving areas” over what is normally allowed. To start the program, the county first needs zoning to set base densities in sending and receiving areas. Usually this program is only successful when development pressure is intense. The program can be technically challenging and complex for the county to administer.

2.3.1.3 Spending and Infrastructure Actions

The County can take non-regulatory actions to help achieve the goals of the plan. Spending actions include decisions of the County to provide funding for specific programs or projects. Specific actions that the County could use to implement the plan include the following:

- Purchase of development rights — A voluntary program in which a landowner sells the development rights of his or her land to the County.
- Funding assistance for affordable housing projects — The County can potentially assist in the financing of affordable housing, particularly in helping provide the publicly-owned infrastructure (utilities and roads) to support such projects.
- Countywide road and bridge assessment — A cataloging of condition of all county roads and bridges that can serve as a baseline for determining if the highway system can support a new development project.
- Fund expansion of town infrastructure in growth areas — The County can potentially assist towns in improving their infrastructure to support future development. The “consensus funding process” may be a means for funding such projects.
- Fund public amenities in and around towns — As with infrastructure funding, the County could potentially assist with town parks, trails, and other amenities to help make the towns more attractive locations.
- Planning technical assistance for towns — None of the towns in Big Horn County have their own planning staff. The County could help the towns by pooling resources and providing a “circuit rider” planner to assist the towns better organize for growth.

2.3.1.4 Coordination with Other Entities

Coordination actions are actions where the County can accomplish goals of the plan by working with other entities.

Towns

Coordinating with the *incorporated towns of Big Horn County* will be important in helping direct more development projects to the towns and nearby areas. The County and towns can work together to make the towns more desirable as places to live and do business:

The County could help the towns improve the appearance of the main routes into each town. Lands immediately outside the towns can harbor nuisance land uses (salvage yards, deteriorate building, and etc.) that are not allowed in town. The County can work with the towns to help address these situations.

The County can work with the towns in the area of organizing infrastructure (including streets and utilities) to support future development. This could involve working together on drainage projects, road and street paving, bridge reconstruction, and other such projects where working town and County working together are more efficient and cost-effective.

The County and towns should work out cooperative agreements for reviewing developments that are proposed in the county but next to town. By state law, town approval is required of any county subdivision within one mile of town. [Wyoming Statute §18-5-308 (b)]. The County and towns should work out in advance specific procedures and standards for such projects. Topics to include in an agreement would include review procedures, development standards (standards for streets, sidewalks, street lights, drainage, and utilities), and annexation procedures.

Federal Land Management Agencies

The County can also achieve goals of this land use plan through coordination with *federal land management agencies*. Seventy-seven percent of Big Horn County is federal land. Federal land management practices have long been a concern of similar, rural, Western counties with large amounts of federal land.

Various legal approaches have been developed with the intent of giving counties more say in federal land management. The county comprehensive plan has been identified as the venue for stating county positions on federal land issues with the expectation that federal agencies are required to consider these positions in the decision making process. In the decision making process, federal agencies have acknowledged such county positions but this is not the same as accepting or adopting the county positions. No Western county has been able to claim that it has been able to make federal land management consistently accede to local concerns and priorities, regardless of the legal approach employed by the county.

Effective county intervention in federal decision making requires a comprehensive strategy that would include:

- Documented research into impacts of federal land management practices on the local economy, local industries including agriculture, customary local activities, and on the local tax base, such as has been conducted by the University of Wyoming and private consultants for other public lands counties.
- A reasoned and well-articulated statement of county priorities and concerns regarding specific federal land management practices by each agency in the county, such as the Hot Springs County Natural Resource Plan.
- Creation of a county advisory board to assist the County in monitoring and intervening in federal land management decision making and for preparing a natural resources plan.
- Staff to monitor, research, and publicize proposed federal land management actions.
- County participation and intervention in the decision making processes, including filing comments on proposed federal actions.
- Legal staff or special counsel for the purpose of appealing unfavorable decisions. In Big Horn County, first steps could include organizing an advisory committee and creating a natural resources plan. Some or all of the additional actions as listed above could be undertaken depending on the level of concern about present federal land management decisions.

County Agencies

An important action the County can take is to coordinate with several county departments to address the problem of illegal subdivisions. Various county officials have observed that illegal subdivisions are a significant problem. Illegal subdivision occur when a land parcels is divided in to one or several parts, typically by deeds containing a legal description and lacking a survey, and without obtaining the required County approval. By state law, the County is obligated to prevent illegal subdivision. Big Horn County should have a more comprehensive process to prevent illegal subdivisions (or at least catch them as early as possible).

POTENTIAL ACTIONS FOR IMPLEMENTATION OF THE LAND USE PLAN

REVISION OF CURRENT REGULATIONS

- ◆ **Update Shell Valley Zoning**
- ◆ **Subdivision Regulations**
 - Financial guarantees
 - Property owners' associations
 - Improvement and service districts
 - Subdivision covenants
 - Minor subdivision process
 - Impact fees
 - Infrastructure extensions in town growth areas
 - Transportation impact analysis
 - Hazards/environmental inventory
 - Agricultural impact mitigation
 - Wildlife impact mitigation
 - Visual impact mitigation
 - Fire protection standards
 - Irrigation standards
 - Enhanced wastewater treatment standards
 - Right-to-farm/ranch
 - Incentives

NEW REGULATORY ACTIONS

- ◆ **Zoning**
 - Zoning - Generally
 - Zoning - Large lot
 - Zoning - Agricultural
 - Zoning - Sliding scale
 - Zoning - Performance zoning
 - Zoning - Cluster zoning
 - Zoning - Overlay zones
 - Zoning - Design controls

NEW REGULATORY ACTIONS continued

- Zoning - Sign controls
- Zoning - Mobile/manufactured home standards
- Zoning - Nuisance land uses
- ◆ **Conservation design process** (HB 9 of 2009)
- ◆ **Large lot subdivisions** (SF 11 of 2008)
- ◆ **Nuisance abatement regulations** (SF 27 of 2008)
- ◆ **Transfer of development rights**

SPENDING/INFRASTRUCTURE ACTIONS

- ◆ **Purchase of development rights**
- ◆ **Funding assistance for affordable housing projects**
- ◆ **Countywide road and bridge assessment**
- ◆ **Fund expansion of town infrastructure in growth areas**
- ◆ **Fund public amenities in and around towns**
- ◆ **Planning technical assistance for towns**

COORDINATION WITH OTHER ENTITIES

- ◆ **Town-County agreements regarding annexation and growth planning**
- ◆ **County to coordinate with towns to improve entryways**
- ◆ **County to work with towns on infrastructure extensions**
- ◆ **County to coordinate with federal land agencies**
- ◆ **Subdivision regulations enforcement**

INFORMATION/PLANNING ACTIONS

- ◆ **Developer's handbook**
- ◆ **Preferred (non-regulatory) standards**
- ◆ **Scenic resources assessment**
- ◆ **Evaluate cumulative effects of development on water supply**
- ◆ **Fund public amenities in and around towns**
- ◆ **Planning technical assistance for towns**

A comprehensive approach to preventing illegal subdivisions should include education, monitoring of recorded deeds, and timely enforcement. The cooperation of many county offices, including the assessor, attorney, clerk, and planner, is necessary to have an effective strategy. Enlisting the support of local real estate professionals (surveyors, lawyer, lenders, real estate agents, and title insurers) is also important. Big Horn County will need to develop its own unique approach to this problem. However it is accomplished, the objective should be to prevent most illegal subdivisions preemptively before there is an attempt to record them. An equally important objective is to have swift enforcement against illegal subdivisions that slip through the system and are discovered after they are recorded.

It is necessary to stop illegal subdivisions if the County hopes to improve the quality of subdivisions. It is very discouraging to the honest subdivider to see the competition bypass the review process. This undermines public confidence in county government. Ultimately, the result is uncontrolled growth.

2.3.1.5 Information and Planning Actions

There are a number of non-regulatory actions the County could potentially take to collect or provide information that could help achieve some of the County's goals. These include:

- Publishing a “developer’s handbook” — a guide to County regulations presented in a more user-friendly format than typical regulations; intended to explain County requirements in a more understandable format; does not take the place of formal regulations; should include information on other related regulatory requirement of the state and other jurisdictions.
- Develop “preferred (non-regulatory) standards” — informational/educational booklets that may help people voluntarily plan better projects; design guidelines for rural development (subdivisions, home building, etc.) are a common example; “Code of the West” from Larimer County, Colorado has been adapted to many Western counties and addresses what to expect when moving to a rural location.
- Conduct a “scenic resources assessment” — a systematic inventory and evaluation of the scenic resources of an area; reduces subjectivity and injects local values in prioritizing scenic resources; can be the basis for justifying decisions about the visual impact of development projects; much more defensible than ad-hoc decision making about visual impacts; would be a significant undertaking in terms of cost and effort.
- Evaluate cumulative effects of development on water supply — hydrologic and geologic information can be used to develop estimates of available water supplies and anticipated demand; could be used to identify areas where water may be or become a limiting factor on development; would be a significant undertaking in terms of cost and effort.

2.3.1.6 GOALS ACHIVEMENT MATRIX

The Goals Achievement Matrix on page 36 is a graphic that compares the land use plan goals with the potential actions for implementing the plan. Each potential action is intended to help achieve one or more of the plan goals. For each potential action, the matrix shows which goal or goals the action is primarily intended to help achieve. The matrix is intended to help explain how the various potential actions can help achieve the plan goals.

2.3.1.7 RECOMMENDED ACTIONS

The consultants and steering committee have identified twelve potential actions (listed below) that should be taken. These actions were selected because they are relatively small steps that are expected to be inexpensive and likely to be generally acceptable to county citizens, yet will have a beneficial effect on planning and development in the county.

Respondents to the 2007 public opinion survey overwhelmingly (85% of all respondents) indicated they thought it was very important for the land use plan to address loss of property rights. To identify actions most likely to be generally acceptable, the planning committee considered how various actions would affect property rights. This is a balancing act — weighing how an action might change individual property rights with the effectiveness of the action to achieve plan goals. And there are at least two sides to the property rights discussion—what one landowner may do could affect the range of possible land uses on their neighbor’s property.

RECOMMENDED ACTIONS

Revision of Subdivision Regulations

- Specify acceptable *developer financial guarantees*
- Require establishment of *service & improvement districts*
- Require *hazards/environmental inventory*
- Develop and implement *fire protection standards*
- Develop and implement *irrigation standards*
- Establish *right to farm/ranch provisions*
- Specify and implement *agriculture impact mitigation*

Revision of Other Regulations

- Revise *Shell Valley Zoning*

New Regulatory Actions

- Implement *zoning to control nuisance land uses*

Coordination with Other Entities

- Create *county-town agreements on annexation and development reviews*
- Implement *improved subdivision regulations enforcement*

Information/Planning Actions

- Create a *developer’s handbook*

2.3.2. PRIORITIES, TIMETABLE, RESOURCES NEEDED

This plan has identified twelve recommended actions that should be taken to improve planning and development in the county. These actions were selected from the 50 potential actions because the twelve actions are relatively small steps that are expected to be inexpensive and likely to be generally acceptable to county citizens.

Many of the remaining 38 actions have merit and may actually be better at helping the County achieve its land use planning goals. The County may decide to carry out some of these other actions in the future. This plan is not intended to discourage the County from doing so. Instead, the plan has emphasized the most readily achievable actions with the expectation that efforts would first focus on accomplishing these actions first.

In order to accomplish the twelve recommended actions, the County will need to organize its personnel and resources for the tasks. The following table, Summary of Action Implementation, identifies the lead agencies, coordinating entities, and a time schedule for accomplishing the twelve recommended actions.

Many of the actions require the lead of the County Planning & Zoning Commission which means the County Planner's Office will be responsible for much of the work. The County Planner's Office would do the staff work to support the Planning & Zoning Commission's to accomplish the twelve recommended actions. Many of the actions can be accomplished together, such as the revisions of the County Subdivision Regulations which can be developed as a package. Other actions, such as revising the Shell Valley Zoning and the developer's handbook, are stand-alone projects.

Planning and land use in the county would be appreciably improved if all twelve of the recommended actions are accomplished in a timely manner.

2.3.3. HOW PLAN WILL BE REVIEWED AND UPDATED

The Big Horn County Land Use Plan is intended to be a long-term document. It may take five or more years to accomplish some of the goals. Specific strategies are more likely to be accomplished in a shorter period of time, assuming needed resources are available.

The timetable for implementing specific strategies is included in the table entitled, Summary of Recommended Actions Implementation (next page). Each of the recommended actions is listed with an implementation time frame. The table suggests the primary implementing agency for each action and other entities who would be involved in implementation. The table also includes a column indicating "Status" of implementation. This column has been left blank so that it may be used to track progress of implementation.

The resources needed to implement a particular action will vary. At a minimum all actions will require some kind of coordination and/or staffing. Other actions will require coordination with other entities and financial resources. It is assumed that those actions requiring additional staffing and financial resources beyond existing budgets will require upfront work to plan for and obtain needed resources. Local assistance to identify and obtain additional funding may include local groups, state agencies (e.g., Wyoming Business Council), federal agencies (HUD, Department of Commerce), and non-profit organizations.

SUMMARY OF RECOMMENDED ACTIONS IMPLEMENTATION

| Action | Implementing Agency | Coordinate with (Agency, Organization) | Year 1 | Year 2-5 | Status |
|--|---|---|--------|----------|--------|
| Specify acceptable developer financial guarantees | County Planning & Zoning Commission | County Commissioners, County Attorney | X | | |
| Require establishment of service and improvement districts | County Planning & Zoning Commission | County Commissioners, County Attorney | | X | |
| Require hazards/environmental inventory | County Planning & Zoning Commission | County Commissioners, Conservation Districts | X | | |
| Develop and implement fire protection standards | County Planning & Zoning Commission | County Commissioners, Fire Districts, Emergency Services | X | | |
| Develop and implement irrigation standards | County Planning & Zoning Commission | County Commissioners, Irrigation Districts, Conservation Districts | X | | |
| Establish right to farm/ranch provisions | County Planning & Zoning Commission | County Commissioners, County Attorney, Conservation Districts, Farm and Ranch Community | X | | |
| Specify and implement agriculture impact mitigation | County Planning & Zoning Commission | County Commissioners, Conservation Districts, Farm and Ranch Community | X | | |
| Revise Shell Valley Zoning | County Planning & Zoning Commission | County Commissioners, Shell Valley Residents | | X | |
| Implement zoning to control nuisance land uses | County Planning & Zoning Commission | Board of County Commissioners, County Attorney | | X | |
| Create county-town agreements on annexation/development | County Planning & Zoning Commission, Incorporated Towns | Incorporated Towns, County Commissioners, County Attorney | | X | |
| Implement improved subdivision regulations enforcement | County Clerk, County Planner | County Attorney, Board of County Commissioners, and Planning Commission | X | | |
| Create a developer's handbook | County Planner | Planning & Zoning Commission, Board of County Commissioners | X | | |