

Big Horn County Planning and Zoning Commission  
January 10, 2017  
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

**Commission member absent:**

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

**Others present:** John Hyde (County Commissioner) – Noon Workshop

1. 2:03pm: Meeting called to order by Alan Bair.
2. The Commission selected officers for the coming year.
  - Following nominations, Michael Scherman made a motion to retain Alan Bair as Chairman. 2<sup>nd</sup> by David Neves. All in favor. Approved.
  - Following nominations, David Neves made a motion to retain Cliff Alexander as Vice-Chairman. 2<sup>nd</sup> by Michael Scherman. All in favor. Approved.
  - Following nominations, Cliff Alexander made a motion to retain Michael Scherman as secretary. 2<sup>nd</sup> by John Fuller. All in favor. Approved.
3. The Commission discussed the schedule for regular meetings through January of 2018. Regular meetings will now be held on the fourth Thursday of each month at noon in the Commissioners' chambers in the courthouse in Basin. The commission agreed that any time there are action items and a regular meeting, a 10am workshop will be held to continue working on the subdivision regulation amendments until the work is complete. David Neves made a motion to accept the schedule below. 2<sup>nd</sup> by John Fuller. All in favor. Michael Scherman abstained. Approved.
  - January 26, 2017
  - February 23, 2017
  - March 23, 2017
  - April 27, 2017
  - May 25, 2017
  - June 22, 2017
  - July 27, 2017
  - August 24, 2017
  - September 28, 2017
  - October 26, 2017
  - November 23, 2017
  - December 28, 2017
  - January 25, 2018
4. Review and approval of the October 2016 meeting minutes. Motion to approve by Cliff Alexander. 2<sup>nd</sup> by John Fuller. All in favor. Approved.


5. Review and approval of the November and December 2016 meeting cancellations. Motion to approve by John Fuller. 2<sup>nd</sup> by David Neves. All in favor. Approved.
6. The Chairman summarized the discussion that occurred at the noon subdivision regulation amendment workshop. The primary topics of discussion were the use of a consultant to assist with review and research on the document, mobile home court subdivisions and definitions.
7. The Commission discussed the Solar Access Rights regulation of the county which was brought to the attention of the Board in late 2016 after it was “unearthed” by the Land Planning Department. The Land Planner is concerned about enforcement of the resolution as well as the undertone of necessary zoning to support it – which does not currently exist in the County. Discussion primarily focused around the lack of need at this time for the resolution as we do not have high development density like the towns do. Cliff Alexander made a motion to recommend the repeal of the Solar Access Rights Resolution to the Board of Commissioners. 2<sup>nd</sup> by Michael Scherman. All in favor. Approved.
8. The Land Planner introduced the Johnson 1-Lot Simple Subdivision approximately 4 miles southeast of Burlington. The subdivision process is moving along very rapidly. We anticipate the plat will be ready for review and consideration at the next meeting in late January. Septic feasibility is not required for this parcel because we have recent records on the permitted septic system existing on the parcel.
9. Commissioner Hyde addressed the Commission at their noon workshop regarding amendments to the Land Planning Department fee schedule, specifically for retroactive permits.
  - Commissioner Hyde shared examples of non-compliant development/septic system installation in the county and how up to now these individuals pay the same amount for an after-the-fact permit as someone who has gotten a permit before-the-fact as required. He feels that non-permitted development and after-the-fact permits should require additional fees. He indicated that a massive public relations effort will be required to inform the public and allow them to weigh in on the issue. He is seeking the Commission’s thoughts on proposed changes.
  - The Land Planning Technician is not in favor of penalizing people for a late permit. He is just glad that we hear from people and get the information that we can. He is afraid that additional fees will deter people from coming in after-the-fact. Cliff Alexander essentially agreed in that he fears people will just hide things instead of communicating with us about know violations.
  - The Land Planner added that she supports the fee changes, but realizes it may not be looked upon favorably by some. We have had plenty of examples of non-compliant development in recent years in development, floodplain development and septic installations.
  - Alan Bair added that he knows many people are unaware of our regulations and he agrees that outreach is going to be very important.
  - John is seeking a recommendation from this Commission regarding these added fees.
  - Michael Scherman added that he felt if the Board of Commissioners are fully on board with the additional fees, then it would seem as if a recommendation from the

Commission is needed. John said that he would really like the Commission to take it into consideration and form a response before it goes forward because they represent the public.

- Alan added that he didn't feel the fees were excessive, similar to speeding tickets and unpaid registration fines.
- Michael Scherman asked if the County Attorney was supportive of the recommended changes. The Land Planner indicated that Kim Adams supports the changes as mentioned in recent Board meetings.
- Alan Bair added that he thought during the public outreach effort, the public should be given the opportunity to report non-permitted development and such. Perhaps a time-window to come into compliance would be useful. Alan added that it really isn't fair to the guy who followed the rules to pay the same as the guy who didn't.
- At the regular meeting, further discussion ensued. Michael Scherman made a motion to recommend that the Board impose the fees as of a set date and do not impose the additional fees on construction/installation that occurred before the effective date of the resolution. 2<sup>nd</sup> by Cliff Alexander. All in favor. Approved.

10. John Fuller made a motion to adjourn the meeting at 3:30pm. 2<sup>nd</sup> by Michael Scherman. All in favor.

Respectfully submitted;

  
Chairman

  
Secretary

