

MINUTES OF THE BOARD OF SHERIDAN COUNTY COMMISSIONERS

The Board met at 9:00 a.m., December 22, 2008, in special session in the District Courtroom of the Sheridan County Courthouse. Members present were Commissioners Robert L. Rolston, Steve Maier and Terry Cram. Chairman Rolston called the meeting to order and led everyone in the Pledge of Allegiance.

AGENDA

The Board approved the agenda, moving consideration of the Zowada road petition to the first item of business.

ANNOUNCEMENTS

Chairman Rolston advised that there is an opening on the Sheridan County Fair Board for an unexpired term to January 3, 2011, and as of now there is no set cut-off date for applications. Applications may be sent to the Board of County Commissioners.

PUBLIC COMMENTS

There were no public comments.

ZOWADA PETITION TO ESTABLISH A PRIVATE ROAD

Chairman Rolston asked County Attorney Matt Redle to report on this petition. Mr. Redle said he had met with the Commissioners individually to address the issues in the petition and he had prepared two versions of Findings for this meeting. Mr. Redle said that at the end of the contested case hearings on this matter, the Commissioners had not closed the opportunity for submitting evidence. In advance of approving the Findings in the case, the Commissioners closed submittal of evidence. Continuing, Mr. Redle commented that since the end of the hearings, Mullinax had purchased land from the Wrench Ranch property north of the Mullinax property, around the railroad spur right-of-way. He said the Board has taken notice of this purchase and the transfer of ownership.

Commissioner Cram summarized the Board's consideration of this matter which started in May 2006. He said the Board appreciated everyone's position and was favoring access for Zowada via Industrial Drive. He described the issues and why the Board is supporting certain options to balance the harm to Mullinax and to address the needs of the Zowada access. He said the Mullinax purchase allowed the Commissioners to weigh the option to cross only one portion of the Mullinax land by favoring Industrial Drive, as it is apparent that Mullinax must construct a retention pond to satisfy the Department of Environmental Quality. That pond would be most conveniently placed where the road is now. This would also eliminate the need for a gate system between the two parties. Commissioner Maier supported Mr. Cram's remarks and said the Board looked at the most reasonable route with the pond in mind. Potential development of Industrial Drive connecting to the north of Fort Road was also a consideration. Chairman Rolston said he shared these views and was concerned with the surface water discharge along the WYDOT right-of-way on Fort Road. Commissioner Cram said the Findings would include conditions to allow signage for Zowada, that the County has incurred expenses to process this petition which should be reimbursed by Zowada, and that the harm and benefit to Mullinax is balanced and that no damages would be awarded. The Board approved the Findings of Fact Conclusions of Law supporting the Board's decision to provide access to Zowada Recycling via Industrial Drive. Such Findings were directed to be mailed to all parties.

COUNTY COMPREHENSIVE PLAN

Chairman Rolston remarked that it has been a two year project to update the County's Comprehensive Plan. Commissioner Maier moved to adopt the Plan to open the item for discussion. Mark Reid, County Planner, reported that extensive public meetings have been held on the proposed Plan and that the Planning and Zoning Commission recommended approval with two suggested changes to the November 3, 2008 draft, certifying it to the Board. Mr. Reid explained the recommended changes, which would remove the Acme Future Industry site due to environmental concerns and depict the area as Agricultural/Resource; and the addition of a policy that would protect existing adjudicated agricultural water rights.

Lesli Ellis of Clarion & Associates was present and gave a short Powerpoint presentation on the Plan. Ms. Ellis said the Plan has seven themes, reflecting the values of Sheridan County citizens, and clearly defines the differences between urban and rural areas. Chairman Rolston said he was pleased with the cooperation between the County and the City, and that it has been helpful that the City has also engaged Clarion & Associates to update its Master Plan. Ms. Ellis said the City would address the joint planning area in January.

Penny Swedelius, a resident of Story, stated she and her family have inherited property on River Road near Ranchester and wished to divide that between the four of them. She was concerned that the Plan would not allow this to occur. Commissioner Cram and Mr. Reid confirmed that the Comprehensive Plan is a guide for the future and her concerns would be addressed through the Subdivision Resolution under the family exemption. Dave Paullin of the Sheridan Community Land Trust presented a letter to the Board with their comments on the proposed Plan.

The Commissioners discussed the first recommendation by the Planning and Zoning Commission to change the designation of the Acme Future Industry Site. Commissioner Maier questioned that there is definite industry use in the area now and has been in the past with an existing rail spur. The Board agreed there was no clear boundary between industry and agriculture in the area, with an active quarry and current recreational opportunities at Kleenburn. A motion to approve the change died for lack of a positive vote. The Board then approved adding the words "in close proximity to Tongue River" to the bullet on page 34 of the Plan, which would read "Near Acme (to be balanced with possible recreational objective for the area in close proximity to Tongue River)."

The Board approved incorporating into the Plan a policy to address adjudicated water rights. On page 49 of the Plan, the words "Policy 2.4e: Support Continuation of Adjudicated Water Rights" will be added to read: "Ensure that existing adjudicated water rights used for agricultural purposes are not diminished." In addition, on page 105 of the draft Plan, the Board added the words "Goal 2.4(a), Strategy: "Continue to require subdividers to adhere to statutory requirements regarding land subdivision and distribution of water rights.

With the above changes approved for incorporation, the Board approved Resolution 08-12-045, adopting the Sheridan County Comprehensive Plan.

RESOLUTION 08-12-045
A COMPREHENSIVE PLAN FOR SHERIDAN COUNTY, WYOMING
AS RECOMMENDED BY THE
SHERIDAN COUNTY PLANNING AND ZONING COMMISSION

WHEREAS, Wyoming Statute Section 18-5-202 enables counties to prepare comprehensive plans for promoting the public health, safety, morals and general welfare of the unincorporated areas of a county; and

WHEREAS, the Sheridan County Comprehensive Plan was developed under the process required by Wyoming State Statutes for creation of a comprehensive plan; and

WHEREAS, the Sheridan County Comprehensive Plan was prepared with extensive citizen participation: discussed at seven Citizen Advisory Committee meetings and five Technical Advisory Committee meetings; six public meetings/workshops; ten joint elected officials and Planning and Zoning Commission member study sessions; presented to various civic and business organizations; extensive media coverage including newspaper advertisements, special feature articles, editorials, radio talk shows; posters/flyers for all meetings; displays and informational brochures at the County's libraries; focused meetings with elected officials from smaller towns; statutory public hearings; and an interactive website during the entire process; and

WHEREAS, the formal thirty-day public hearing period pursuant to Wyoming Statute Section 18-5-202 was advertised on November 4, 2008 and December 8, 2008, announcing a public hearing held by the Planning and Zoning Commission on December 4, 2008 and a public hearing held by the Board of Sheridan County Commissioners on December 22, 2008; these hearings included various means for citizens to review the plan and provide comments; and

WHEREAS, the Planning and Zoning Commission held a public hearing on December 4, 2008 and accepted public comments and recommended the approval of the Sheridan County Comprehensive Plan and certified it to the Board of County Commissioners in the form of a unanimous motion with two recommended changes:

- 1) Remove the "Acme Future Industry" site and depict the area as "Agricultural/Resource" on the Future Land Use Plan; and
- 2) Add a policy that protects existing adjudicated agricultural water rights.

NOW, THEREFORE, BE IT RESOLVED that the Board of Sheridan County Commissioners do hereby adopt the presented draft Sheridan County Comprehensive Plan, including the following changes recommended by the Planning and Zoning Commission.

1. Additional wording to a bullet point on page 34 to read "Near Acme (to be balanced with possible recreational objective for the area *in close proximity of Tongue River*)."

2. Additional wording on page 49 to read "*Policy 2.4e: Support Continuation of Adjudicated Water Rights. Under that, "Ensure that existing adjudicated water rights used for agricultural purposes are not diminished."*

3. Additional wording on page 105 to read "*Goal 2.4(a), Strategy: Continue to require subdividers to adhere to statutory requirements regarding land subdivision and distribution of water rights."*

BE IT FURTHER RESOLVED that the Board of Sheridan County Commissioners do hereby rescind all previous Sheridan County Comprehensive Plans adopted in 1979 and updated in 1982; and the Vision 2020-Sheridan County Growth Management Plan of 2001.

DONE in a special session of the Board of County Commissioners this 22nd day of December, 2008.

BOARD OF COUNTY COMMISSIONERS

Sheridan County, Wyoming
/s/Robert L. Rolston, Chairman

Attest:
/s/Audrey Koltiska, County Clerk

(Signatures notarized)

SUBDIVISION RESOLUTION

Commissioner Maier moved to approve the amendment to the Subdivision Resolution to open this item for discussion. Mr. Reid explained that the amendment addresses changes to inconsistent language regarding flood hazard studies and high ground water vulnerability that would assist in the required review of applications by the Department of Environmental Quality. There being no public comment, the Board approved Resolution 08-12-044, adopting the Rules and Regulations Governing Division of Land in Sheridan County.

RESOLUTION 08-12-044 RULES AND REGULATIONS GOVERNING DIVISION OF LAND IN SHERIDAN COUNTY

WHEREAS, the Board of County Commissioners, observing a need to amend its regulations governing division of land, expressed its intent on October 21, 2008 to amend the regulations, cited as the Sheridan County Subdivision Resolution, last amended October 7, 2008 and filed on October 10, 2008 with the Sheridan County Clerk; and

WHEREAS, the proposed amendment to the regulations was made available to the public by hard copy and on the County's website; and

WHEREAS, the proposed amendment to the regulations was advertised on October 25, November 11, and December 4, 2008, giving notice of a public hearing to be held on December 19, 2008; and that subsequent notice was given on December 8 and 13, 2008 postponing that hearing to a special session on December 22, 2008; and

WHEREAS, the Board gave proper notice according to the Wyoming Administrative Procedures Act, and held a public hearing on December 22, 2008, to receive public comment on the following proposed language changes specified in its Notice of Intent Resolution 08-10-041:

- 1) amend Section 2.7 b. xi. and xii. to reflect current statutory provisions of W.S.18-5-306 (a) (iv) (D) and (vi) (D) regarding proper notification where individual on-lot sewage and/or wells are proposed;
- 2) add paragraph xxii. to Section 2.7 c. providing for studies evaluating the water supply system proposed for subdivisions and the adequacy and safety of the system, DEQ review of such studies, exemption from such studies and review, and minimum study content;

- 3) add paragraph xxiii. to Section 2.7 c. providing for studies evaluating the sewage system proposed for subdivisions and the adequacy and safety of the system, DEQ review of such studies, exemption from such studies and review, and minimum study content;
- 4) add Appendix G (Sheridan County, Wyoming – Special Flood Hazard Areas) and Appendix H (Sheridan County, Wyoming – Class 5 Groundwater Vulnerability Areas); and
- 5) Change title of the Sheridan County Subdivision Resolution to Rules and Regulations Governing Division of Land in Sheridan County, Wyoming and all references to “Sheridan County Subdivision Resolution” and/or “SCSR” within the document shall be exchanged to read “Rules.”

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners approves the incorporation of the revised language into the Sheridan County Subdivision Resolution, which shall henceforth be known as the Rules and Regulations Governing Division of Land in Sheridan County, Wyoming.

BE IT FURTHER RESOLVED that the Board of County Commissioners hereby adopts the Rules and Regulations Governing Division of Land in Sheridan County, Wyoming.

BE IT FURTHER RESOLVED that the adopted Rules be filed with the County Clerk pursuant to the Wyoming Administrative Procedures Act.

DONE in a regular meeting of the Board of County Commissioners this 22nd day of December, 2008.

BOARD OF COUNTY COMMISSIONERS
 Sheridan County, Wyoming
 /s/Robert L. Rolston, Chairman

ATTEST:
 Audrey Koltiska, County Clerk

(Signatures notarized)

COUNTY AIRPORT

The Board, wishing to honor Senator Malcolm Wallop’s achievements to Sheridan County, approved the naming of the Airport terminal building as the “Malcolm Wallop Terminal Building”. Chairman Rolston introduced Kendall Hartman and Evelyn Ebzery who have been instrumental to bringing this about.

**RESOLUTION 08-12-047
 SHERIDAN COUNTY AIRPORT
 MALCOLM WALLOP TERMINAL**

WHEREAS, the Honorable Malcolm Wallop has spent his career in public service, including service of eight years in the Wyoming State Legislature, eighteen years in the United States Senate and as a member of the U.S. Army Artillery; and

WHEREAS, he represents a frontier ranching family whose involvement in and passion for Sheridan and Sheridan County spans nearly 120 years and includes efforts which helped establish the Bighorn National Forest and the creation of Wyoming’s Game and Fish laws; and

WHEREAS, he and his family have provided generations of support, financial and otherwise, for valued institutions in Sheridan County including, among others, Sheridan County Memorial Hospital, the Big Horn post office, the Sheridan County Fulmer Public Library, St. Peter’s Episcopal Church and the Sheridan County Airport.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Sheridan County, Wyoming that Malcolm Wallop should be recognized for his achievements to Sheridan County, and that the Board desires the Sheridan County Airport terminal to be henceforth known as the "Malcolm Wallop Terminal".

BOARD OF COUNTY COMMISSIONERS

Sheridan County, Wyoming
/s/Robert L. Rolston, Chairman

Attest:
/s/Audrey Koltiska, County Clerk

(Signatures notarized)

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 10:00 a.m.

BOARD OF COUNTY COMMISSIONERS
Sheridan County, Wyoming

Attest:

Robert L. Rolston, Chairman

Audrey Koltiska, County Clerk