

MINUTES OF THE BOARD OF SHERIDAN COUNTY COMMISSIONERS

The Board met at 9:00 a.m., April 9, 2009, in special session at the Sheridan County Courthouse, Sheridan, Wyoming. Chairman Rolston called the meeting to order and led everyone in the Pledge of Allegiance. Members present were Commissioners Terry Cram, Steve Maier, Mike Nickel, Tom Ringley and Robert L. Rolston.

ANNOUNCEMENTS

There were no public announcements.

PUBLIC COMMENTS

There were no public comments.

FREEZE ON SUBDIVISION OF LANDS, SOUTHWEST OF DAYTON WY

Chairman Rolston stated that on April 7, 2009 the Board had directed the Planning Office to take appropriate steps to initiate the process whereby a temporary freeze on subdivision of land could be imposed on certain lands southwest of Dayton, Wyoming. He said these lands are currently zoned Urban Residential and are proposed to be re-zoned to Agricultural. The Planning and Zoning Commission should address the rezone issue on May 6, 2009 before it comes to the Board of County Commissioners.

County Planner Mark Reid said the Planning and Zoning Commission met last night to review the possible freeze and recommended the Board favor a temporary freeze to prevent any subdivision applications being filed for this area.

Commissioners Maier and Nickel noted that the Sheridan County Comprehensive Plan sets priority actions and that taking steps to preserve the natural and scenic resources in the Bighorn Mountains foothills is one. Commissioner Maier said it is important for people to realize the Board is following up on the Plan.

Deputy County Attorney Lynn Smith suggested an additional clause to be inserted into the draft resolution before the Board indicating the Planning and Zoning Commission had reviewed and recommended this action.

Commissioner Ringley asked Mr. Reid to clarify for all the landowners in the area what the Board's rezone action would mean. Mr. Reid said existing tracks of land smaller than 35 acres, legally configured before the rezone to Agricultural, would be interpreted as non-conforming in the Agricultural zone. He said those tracts would be eligible for residential use with a zoning permit.

The Board approved Resolution 09-04-018, authorizing a temporary freeze on any subdivision of land in the area described in Exhibit A to the resolution, for the time period required to process the Board's separately initiated rezone of this area.

RESOLUTION 09-04-018

“RESOLUTION GIVING PUBLIC NOTICE AND ENACTMENT OF SHERIDAN COUNTY'S IMPOSITION OF A TEMPORARY FREEZE OF SUBDIVISION OF LAND FOR CERTAIN AREAS LOCATED SOUTHWEST OF DAYTON, WYOMING CURRENTLY ZONED URBAN RESIDENTIAL”

WHEREAS, Wyo. Stat. §§ 34-12-101 to 34-12-115; 18-5-101 to 18-5-107; 18-5-201 to 18-5-207; 18-5-301 to 18-5-317 authorize Sheridan County, in promoting the public health, safety, morals and general welfare of the county, to regulate the subdivision of land in unincorporated Sheridan County; and

WHEREAS, Wyo. Stat. §§ 18-5-101 to 18-5-107; 18-5-201 to 18-5-208 authorize Sheridan County to promote the public health, safety, morals and general welfare of the county by regulating and restricting the location and use of buildings and structures and the use, condition of use or occupancy of lands for residence, recreation, agriculture, industry, commerce, public use and other purposes in the unincorporated area of the county; and

WHEREAS, the Board of County Commissioners on December 22, 2008 did adopt a Comprehensive Plan for the unincorporated portions of Sheridan County containing a Future Land Use Plan; and

WHEREAS, changing Urban Residential zoning in the Big Horn Foothills where it is inconsistent with goals for foothills and surrounding agricultural areas, is identified as a top priority action in said plan; and

WHEREAS, said Plan generally designates certain areas southwest of the Town of Dayton as “Agricultural/Resource,” but the current Official Zoning Map indicates certain areas in the same vicinity as “Urban Residential”; and

WHEREAS, those lands in T56N, R86W; and T56N, R87W; and T57N, R86W; 6th P.M., Sheridan County, Wyoming, more particularly described in Exhibit “A” herewith, are presently zoned “Urban Residential,” but the same lands are indicated as “Agricultural/Resource” in the Comprehensive Plan; and

WHEREAS, pursuant to Section 27.C. of the Sheridan County Zoning Resolution, and Resolution 09-03-015, the Board of County Commissioners did initiate proceedings to amend the Official Zoning Map.

WHEREAS, the Planning and Zoning Commission did consider on April 8, 2009 and recommended to impose a temporary freeze on the described lands.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF SHERIDAN COUNTY, WYOMING that to avert a rush of land division contrary to the goals of the Comprehensive Plan, and to promote and protect the public health, safety, morals and general welfare of the citizens of Sheridan County, there is hereby imposed a temporary freeze on the subdivision of land for the area described in Exhibit “A”. This freeze shall continue in full force and effect for a period sufficient to allow consideration of the current Board initiated rezone for the described area.

ADOPTED this 9th day of April, 2009.

BOARD OF COUNTY COMMISSIONERS
Sheridan County, Wyoming
/s/Robert L. Rolston, Chairman
(Signature notarized.)

Attest:
/s/Audrey Koltiska, County Clerk

EXHIBIT “A”

Sheridan County Board of County Commissioners TEMPORARY SUBDIVISION FREEZE AREA

T. 56 N., R. 86 W.

Sec. 6- The SW ¼, excepting there from the northerly 1,844'.
Sec. 7- The W ½.
Sec.18-The W ½.
Sec.19- the W ½.

T. 56 N.,R. 87 W.

Sec. 1- All; except for a certain parcel described in Bk. 386 Pg. 371
Sec. 11- All
Sec. 12-All
Sec. 13- All
Sec. 14-All; except for a certain parcel described in Bk. 354 Pg. 489
Sec.23-NE ¼
Sec.24- All; except the SW ¼

T. 57 N.,R. 86 W.

Section 31- the W ½ of the SW ¼; the SE ¼ SW ¼ except for parcels described in Bk. 217 Pg. 546 and in Bk.460 Pg. 373; those portions of the NE ¼ SW ¼ described in Bk. 336 Pg. 460, Bk. 374 Pg. 108 and Bk. 481 Pg. 608; that portion of the SW ¼ SE ¼ situated south and east of the Tongue River; that portion of the SW ¼ SE ¼ described in Bk. 336 Pg. 460; that portion of the N ½ SE ¼ SE ¼ situated south of the Tongue River; and that portion of the NE ¼ SE ¼ situated south and east of the Tongue River.

Note: All Book and Page references are from
Sheridan County Clerk's Deed Records

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at
9:22 a.m.

BOARD OF COUNTY COMMISSIONERS
Sheridan County, Wyoming

Attest:

Robert L. Rolston, Chairman

Audrey Koltiska, County Clerk