

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
SHERIDAN COUNTY, WYOMING**

IN THE MATTER OF A QUARRY PERMIT WAIVER) QW-12-001
BY LOMAX LAND & LIVESTOCK, LLC / JAMES LOMAX) Q-10-003

APPROVAL OF QUARRY PERMIT WAIVER

THIS MATTER came before the Board of County Commissioners ("BOCC") for public hearing on February 21, 2012 upon the application of James Lomax ("Applicant") for a Quarry Permit Waiver. The BOCC heard public comment and considered the written submissions, and being fully advised herein, finds as follows:

FINDINGS OF FACT

1. Applicant owns property located on portions of:

Lots 1 & 2 of Section 2, T56N, R87W

The property is zoned Agricultural, consists of 880 acres of which 10 acres is used for the quarry and is accessed off of Amsden Creek Road (CR#90).

2. On January 26, 2012, Applicant applied for a Quarry Permit Waiver to amend condition #10 of Item Q-10-003: Lomax Land & Livestock Quarry to permit the applicant to mine in two acre increments instead of the approved one acre increment.
3. Applicant submitted stamped envelopes for all property owners within ½ mile of the above-described property, and those owners were notified of this application for a Quarry Permit Waiver, by letters mailed on February 3, 2012.
4. Notice of a public hearing before the BOCC was published in the Sheridan Press on February 8, 2012.
5. Joe and Julie Feeley submitted written comments regarding the Quarry Permit Waiver.
6. At the public hearing held before the BOCC:
 - a. Robin DeBolt, Land Development Coordinator provided a summary of the written Staff Report.
 - b. Applicant was present.

CONCLUSIONS OF LAW

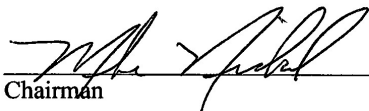
1. Applicant properly applied for a Quarry Permit Waiver to amend condition #10 of Item Q-10-003: Lomax Land & Livestock Quarry to permit the Applicant to mine in two acre increments instead of the approved one acre increment.
2. Any negative impact on the health, safety, or welfare of the public will be mitigated by the conditions granted in the original quarry permit Q-10-003 and those listed below.
3. The granting of this waiver prevents undue hardship to the Applicant by decreasing the duration and costs association with operation of the quarry.
4. To the extent necessary, any conclusion of law herein is also deemed to be a finding of fact.

NOW THEREFORE, THE BOCC HEREBY GRANTS the Quarry Permit Waiver and amends condition 10 of Q-10-003: Lomax Land & Livestock Quarry (all other conditions of shall remain in effect) to state as follows:

10. The Applicant shall submit a phasing plan showing development in two acre increments to the Public Works Department showing the extent of excavation, stockpiles, roads and machinery prior to starting any quarry operations. Written notification of any changes to the plan shall be given to the Public Works Department.

Pursuant to W.S. 16-3-114 and Rule 12 of the *Wyoming Rules of Appellate Procedure*, any person aggrieved or adversely affected by this decision may see judicial review in the appropriate district court by filing a petition for review within in 30 days of the date of this Order.

**BOARD OF COUNTY COMMISSIONERS
SHERIDAN COUNTY, WYOMING**

BY: 
Chairman

STATE OF WYOMING)
)
County of Sheridan)

This instrument was acknowledged before me on the 10th day of April, 20 12
by Mike Nickel, as Chairman of the Board of County Commissioners for Sheridan
County, Wyoming.
Eda Schunk Thompson, Sheridan County Clerk
Sue Allender, Deputy Clerk
Notary Public

Expires:
1-5-15



NO. 2012-695555 APPROVAL - BOCC
EDA SCHUNK THOMPSON, SHERIDAN COUNTY CLERK
PLANNING - ANDREA