

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

IN THE MATTER OF A QUARRY PERMIT) Q-08-004
BY SUMMERFIELD JOHNSTON, JR.) Q-13-006

APPROVAL GRANTING QUARRY PERMIT

THIS MATTER came before the Board of County Commissioners ("BOCC") for public hearing on October 1, 2013, upon the application of Summerfield Johnston, Jr. ("Applicant") for a Quarry Permit pursuant to the Rules and Regulations Governing Zoning, Sheridan County, Wyoming ("Zoning Regulations"). 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 in the SE¼ SW¼ and SW¼ SE¼ of Section 21, T54N, R84W. The property is zoned Agricultural (A), consists of 1,236 acres and is accessed via Bar 13 Road southeast of Brinton Road or from Bird Farm Road. The request is to continue to operate a 10 acre quarry for 5 years.
2. On July 23, 2013, Applicant applied for a Quarry Permit.
3. Applicant paid the application fee of \$375.00.
4. Applicant submitted stamped envelopes for all property owners within ½ mile of the above-described property, and on August 12, 2013, those owners were sent a copy of the mitigation plan and notice of the public hearing before the Planning and Zoning Commission.
5. Notice of a public hearing before the Planning and Zoning Commission was published in the Sheridan Press on August 23, 2013.
6. A public hearing was held before the Planning and Zoning Commission on September 5, 2013.
7. The Planning and Zoning Commission recommended that the BOCC **GRANT** the Quarry Permit with the following four (4) conditions:
 - a. Applicant shall cooperate with the County Engineer on any matters dealing with the integrity and safety of county roads that are used from hauling.
 - b. The permit shall be effective for **five (5) years**, commencing on the date approved by the BOCC.
 - c. The hours of operation are Monday-Friday 7:30 am to 5:00 pm, Saturday 7:30 am to 1:00 pm and no hours of operation on Sunday.
 - d. That the area encompassed by previous permit Q-08-004 be covered under this permit.
8. Notice of a public hearing before the BOCC was published in the Sheridan Press on September 20, 2013.
9. At the public hearing held before the BOCC, Mark Reid County Planner) presented the written Staff Report (dated 10/31/13).

CONCLUSIONS OF LAW

10. Applicant properly applied for a Quarry Permit.
11. Applicant's mitigation plan is sufficient to protect the residences located with ½ mile of the quarry from noise, light and air impacts.
12. Negative impacts on the health, safety, or welfare of the public will be mitigated by the conditions listed below.
13. Negative impacts to public roads will be mitigated by the conditions listed below.
14. To the extent necessary, any conclusion of law herein is also deemed to be a finding of fact.

IT IS HEREBY ORDERED THAT the Quarry Permit is **GRANTED** with the following four (4) conditions:

1. Applicant shall cooperate with the County Engineer on any matters dealing with the integrity and safety of county roads that are used from hauling.
2. The permit shall be effective for **five (5) years**, commencing on the date approved by the BOCC.
3. Hours of operation are Monday-Friday 7:30 am to 5:00 pm, Saturday 7:30 am to 1:00 pm and no hours of operation on Sunday.
4. That the area encompassed by previous permit Q-08-004 be covered under this permit.

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 seek judicial review in the appropriate district court by filing a petition for review within 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 7th day of January, 2014
by Terry Cram, as Chairman of the Board of County Commissioners for Sheridan
County, Wyoming.

Eda Schunk Thompson, Sheridan County Clerk
Sue Allender, Deputy Clerk
Notary Public



Exp. 1-5-15

NO. 2014-709883 APPROVAL - BOCC
EDA SCHUNK THOMPSON, SHERIDAN COUNTY CLERK
SHERIDAN COUNTY PLANNING ANDREA