AGENDA
CITY OF SHERIDAN
AUGUST 10, 2020
STUDY SESSION COUNCIL MEETING START 5:30 P.M.

1. Discussion of Chapter 4 City Code Amendments - City Attorney Brendon Kerns

2. City Council Update on the Beckton Hall Hydropower Generation Unit - Utilities Director Dan Roberts

3. Discussion of Bede Revocable Trust Pre-Annexation Agreement for Water Service to 109 Decker Road - Utilities Director Dan Roberts

4. Discussion of Resolution # 35-20, a Request to Vacate .24 Acres of the E College Ave Right-of-Way Between S. Carrington St and Frank St - Community Development Director Wade Sanner

5. Discussion of Ordinance #2221 for Hidden Bridge Ranch to rezone 18.55 acres from R-1 Residence District and B-1 Business District to R-2 Residence District - Community Development Director Wade Sanner

CITY OF SHERIDAN, WYOMING

55 Grinnell Street, P.O. Box 848, Sheridan Wyoming 82801
Ph (307) 674-6483 Fax (307) 674-2195

Attorney

MEMORANDUM

Project Name:	Discussion of Chapter 4 City Code Amendments - City Attorney Brendon Kerns
From:	Brendon Kerns, City Attorney
To:	Mayor and Council
CC:	
Date:	

Attachments

Ordinaince 2224 with Amendments
Memo re Amendment 11
Amendment 12
Amendment 11
Correspondence with State Liquor Div
Wyoming State Statute References
Councilman Beaver's Proposed Amendment

Ordinance 2224

AN ORDINANCE AMENDING AND UPDATING CHAPTER 4 OF THE CITY OF SHERIDAN MUNICIPAL ORDINANCES CONCERNING LIQUOR LICENSES, SPECIFICALLY;

WHEREAS, the City of Sheridan Governing Body is the liquor license local licensing authority pursuant to W.S. § 12-4-101 et.al.; and

WHEREAS, the City has identified ambiguities within the Wyoming State Statute and City Ordinance which require clarification;

WHEREAS, the City is authorized by W.S. § 12-4-504 et.al. regarding special malt beverage permits;

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SHERIDAN, WYOMING:

Ordinance 4-8 shall be repealed and restated to read and shall be retitled as follows:

4-8 Catering, Malt Beverage, Open Container

(a) *Applications*. Applications for catering permits, malt beverage permits and open container permits shall be made on a form approved and provided by the City Clerk as follows:

(1) Applications shall be submitted no less than three (3) weeks prior to the event. Applications may be submitted up to one (1) week before the event provided that a service fee is paid by the applicant. Expeditated applications shall be reviewed, approved, denied or appealed per Ordinance 4-8(c). The service fee shall be set by the Governing Body.

(2) The applicant's name, address and phone number, along with the name, date, time and location of the event;

(3) An operation plan for the event including a short summary of the reason for the request and the activities proposed for the event;

(4) A description or drawing of the area(s) in which the possession and consumption of alcoholic beverages will occur and what safeguards will be in place at the desired location to ensure that minors will not possess or consume alcoholic or malt beverages;

(5) The names and ages of the qualified persons, who are known by the applicant at the time of application, who are planned to dispense malt beverages or liquor;

(6) In addition, if the applicant is not the owner of the location where the event is proposed, the applicant shall attach a written statement from the landowner permitting the proposed activity, consumption and possession of alcoholic or malt beverages.

(b) *Catering Permits.* Catering permits can only be issued to retail and resort licensees; the applicant(s) name for each catering permit shall be the licensee's name as set forth on the retail or resort license.

(c) *City Considerations.* Applications for catering permits, malt beverage permits and open container will be reviewed by and approved or denied by the City Administrator or designee in consultation with the Chief of Police or the Chief's designee.

(1) *Catering/Malt Beverage Permit Considerations*. For catering permits, or malt beverage permits, information supplied by the applicant will be reviewed by the City Administrator or designee, in consultation with the Chief of Police, within one (1) week of the application submission, to determine if the proposed event/activity will cause a material adverse impact beyond the area described in the application. If no material adverse impact is identified, then the permit will be issued by the City Clerk.

(A) A proposed event/activity material adverse impact beyond the area described in the application may include an inability of adjacent businesses to operate, overcrowding which will impact adjacent properties, unreasonable noise and/or traffic disruption (by way of illustration only, an outdoor dance, band(s) or amplified sound or music using loudspeakers or a P.A. system, parking or vehicle traffic beyond existing capacity, or the closure of a public street). Upon a determination of a material impact beyond the area proposed in the permit, the permit application will be promptly presented to the City Governing Body for review and approval or denial at the next scheduled regular City Council meeting.

(2) *Open Container Permit Considerations.* Applications for open container permits shall include the applicants name, address, phone number, date, time(s) and location of the event. The application shall include a short summary of the reason for the permit and the proposed activities. Open container permits may be issued to allow the possession and consumption of alcoholic or malt beverages on public property. An open container permit for certain public property may include additional permits like a park permit or street closure permit.

(A) Applications will be reviewed by the Chief of Police or designee and the City Clerk or designee. Upon approval, the applicant shall post an open container sign at the event.

(3) *Appeals*. The City Administrator may submit an application for a catering permit, malt beverage permit or open container permit to the City Governing Body for consideration or any application which is denied may be appealed to the City Governing Body by the applicant. Appeals shall be set for the next regularly scheduled City Council meeting.

(d) *Fees*. Catering, open container, and malt beverage permit fees shall be set by the City Governing Body.

(e) A catering, malt beverage, or open container permit shall authorize possession and consumption of alcoholic or malt beverages in open containers only for the specific time period and within the area described in the permit application and operational place.

(f) *Suspension/Revocation*. The Chief of Police or designee may suspend or revoke any catering, malt beverage or open container permit when the licensee, permittee, or person in charge is convicted of having violated Ordinance 4-5, or is shown by clear and convincing evidence to have knowingly failed to follow the operation plan as outlined in the permit application, or creates an emergency which constitutes an actual and immediate threat to the peace, bodily security and/or property of any member of the general public, or fails to follow orders of the Wyoming Department of Health.

An additional Section of Code shall be added following Code Section 4-8 and be titled as "4-8.1 Special Malt Beverage Permit". The Section shall read as follows:

(a) Special malt beverage permits shall follow the same application, renewal, transfer and new license issuance procedure and regulations as a retail liquor license and be subject to the following:

(1) Fees for a special malt beverage permit shall be set by the Governing Body.

(2) Special malt beverage permits shall only be authorized for public auditoriums, civic centers or event centers. For purposes of this section, the following definitions shall apply.

A. *Civic Center* – a building or facility owned by the State, County municipality or division thereof, which is used for the purpose of conventions, exhibitions, sports, rodeos, concerts, public performances, carnivals or theatrical entertainment.

B. *Event Center* – a building or facility privately owned for the purpose of conventions, exhibitions, sports, rodeo, concerts, public performances, carnivals, theatrical entertainment or weddings and has a seating capacity of more than 50 people.

C. *Public Auditoriums* – a publicly owned building used for the musical performances or theatrical entertainment.

(3) A permit may be deemed operational for seasonal uses provided it has been approved as part of the plan of operation.

Ordinance 4-14 shall be repealed and restated to read and shall be retitled as follows:

LIQUOR LICENSE RENEWALS, TRANSFERS AND ORIGINAL ISSUANCE

(a) *Operational Requirements*. Enterprises holding Retail Licenses, Bar and Grill Licenses, Resort Licenses, Special Club Licenses, Golf Club Licenses, Special Mal Beverage Permits Microbrewery Permits, Restaurant Licenses and Winery Permits, shall be operational. In addition to requirements of Wyoming Statute, operational shall be determined by the following:

(1) A license or permit shall be deemed operational by offering for sale alcoholic liquor, malt beverages or wine at minimum 20 hours per week to the general public in a functional building whose primary purpose is the sale of alcoholic beverages in conjunction with other activities as approved by the operational plan or Statute.

A. A Golf Club License, Special Malt Beverage Permit, or Special Club License's determination of operational requirements shall be set per the approved the approved operational plan.

(2) Any Licensee who fails to demonstrate an operational alcoholic or malt beverage license may be declared by the City Clerk to be non-operational, also known as "parked". A license may be parked by determination of the City Clerk or request of the licensee for a period of 1 year.

A. A license shall not be declared non-operational as a result of a closure of the licensee's building due to an epidemic or as the result of a fire, flood or acts of nature. Provided, a license may be declared non-operational should a licensee fail to make reasonable efforts to reopen in a timely manner.

(3) A Licensee shall be allowed to park the license for an additional (1) year period upon a finding of good cause by the Governing Body. A third one (1) year period may be granted by the Governing Body upon the finding of extraordinary circumstances.

A. Good Cause cannot be found as a result of a failure to sell a license unless the license is subject to a written contract to sell the license within thirty (30) after the end of the first year of being parked.

B. Extraordinary Circumstances shall only be determined to exist as a result of circumstances which were not identifiable prior to their occurrence. Examples include epidemics, acts of nature, fire, flood or death of a license holder.

(4) No license shall be allowed to be parked for a second or third year if the licensee is not eligible to have a nonoperational license per Wyoming Statute or Wyoming Liquor Division decision.

(5) A license's parked date shall be the date determined by the City Clerk as the date in which the license ceased to be operational.

(6) For any license which is not operational, unless an extension as defined herein has been granted, the City shall immediately begin a revocation proceeding pursuant to Wyoming Statute or, at the City's discretion, declare a license as not eligible for renewal.

(b) *Renewals*. All applications to renew licenses shall be submitted to the City Clerk's Office no later than October 15th. Any application which the City of Sheridan Clerk or the State of Wyoming designates as insufficient may be amended, corrected or updated provided such correction, amendment or update is submitted to the City Clerk no later than November 15th. Failure to provide a completed application by November 15th, shall cause the license application to be determined to be incomplete and not available for submission to the City Governing Body. No application for renewal may be submitted to the City Governing Body until certified as complete by the City Clerk. Any license which has not been approved by the Governing Body by December 1st of each year, shall not be eligible for renewal.

(c) *Required Forms*. All applications to renew, transfer or for a new license issuance shall be made on forms provided by the City Clerk and shall provide the information required by W.S.§12-4-102. In addition to other requirements, every renewal shall include an updated plan of operation.

(d) *Transfer Forms*. In addition to the statutorily required information, when the application for the issuance of a new license or for the transfer of an existing license changes the location of the licensed premises or dispensing area, or would change the persons owning the business, or would otherwise materially change the existing plan of operation for the license sought to be transferred, the City may require additional information, including:

(1) The applicant's business plan which confirms applicant's good faith projection of sales, number of employees and payroll and describes how its use of the license is likely to contribute to the best interest of the public.

(2) Whether the location of the establishment meets current zoning requirements, is compliant with the City Code (or will be made compliant with the City Code).

(3) Whether the location of the establishment would be beneficial for liquor or malt beverage sales.

(4) How the welfare of the citizens of the City of Sheridan, particularly those residing in the vicinity of the proposed location, would be impacted.

(5) The proximity of the licensed premises from a pari-mutuel betting establishment.

(6) Confirmation that the establishment is not part of a grocery type establishment. A strip mall type building configuration with no internal doorways between the establishments may be acceptable.

(7) Confirmation that the applicant will participate in the "Safe Rides" program or an equivalent City sponsored program.

(e) *Renewal, Transfer and Issuance Considerations:* The City Governing Body shall review and act upon all such applications made to it pursuant to W.S.§ 12-4-102 and be consistent with W.S.§ 12-4-104(b), which provides that a license or permit shall not consider to be issued, renewed or transferred if the licensing authority finds from evidence presented at the hearing of any of the following:

(1) The welfare of the people residing in the vicinity of the proposed license or permit premises shall be adversely and seriously affected; or

(2) The purpose of this Title shall not be carried out by the issuance, renewal or transfer of the license or permit; or

(3) The number, type and location of existing licenses or permits meet the needs of the vicinity under consideration; or

(4) The desires of the residents of the county, City will not be met or satisfied by the issuance, renewal or transfer of the license or permit; or

(5) Any unpaid administrative fee assessed per Ordinance 4-13; or

(6) Any other reasonable restrictions or standards which may be imposed by the licensing authority.

WHEREUPON, a motion was passed and this Ordinance and was declared adopted this _____ day of_____, 2020.

CITY OF SHERIDAN, WYOMING

_____

Mayor Roger Miller

ATTEST:

_____
City Clerk

First Reading: _____
Second Reading: _____
Third Reading: _____

KERNS & BUNTING, LLC
200 W. Loucks St.
P.O. Box 6669
Sheridan, WY 82801
Telephone: 307.655.8600
Facsimile: 307.674.5000

BRENDON E. KERNS
bkerns@kernsbunting.com
Licensed in WY & MT

SHERYL S. BUNTING
sbunting@kernsbunting.com
Licensed in WY

MEMORANDUM

Date: **August 5, 2020**
To: **City of Sheridan Mayor and Council**
RE: **Amendment to Ordinance 2224**

Councilman Beaver presented Amendment 11 at the August 3, 2020 Council meeting for the second reading of Ordinance 2224. A redlined version of that amendment is included within your packet for reference. Also included within your packet is a copy of an email correspondence that I had with the State Liquor Division on this topic. The relevant statute is W.S. § 12-4-103(a)(iv) which states:

> (a) A license or permit authorized by this title shall not be held by, issued, or transferred to:…
> …(iv) Any licensee who fails to demonstrate that his licensed alcoholic or malt beverage enterprise will be operational in a planned but not physically functional building within one (1) year after a license or permit has been issued or transferred, or if holding a license, fails to open his business in a functional building within one (1) year after license issuance or transfer and remain operational thereafter.
>
> Upon a showing of good cause by the licensee and for an additional period of not to exceed one (1) year, the local licensing authority may extend the time period in which the business or enterprise of the licensee is required to become operational or open for business pursuant to this paragraph.
>
> Any license or permit in violation of this paragraph shall not be renewed by the local licensing authority and once the enterprise is operational or open for business, no licensee shall be eligible to repeat the grace periods made available by this paragraph without the consent of the local licensing authority due to extraordinary circumstances.
>
> For purposes of this paragraph "remain operational" means operational consecutively, in any license term year, for twelve (12) months or for not less than three (3) months if determined by the local licensing authority to be a seasonal operation;

State and City Relationship

There are two alcohol licensing entities that comprise a very unique but difficult system to manage. The City is the local licensing authority and has broad latitude in determining the procedure, process and requirements regarding licenses. The only prohibition on this discretion are Wyoming Statutes which preempt local authority. Most of the requirements controlling eligibility, application requirements, basic service requirements and definitions for licenses are State controlled. Wyoming statute requires that a licensee be operational by being open on a weekly basis and purchase a minimum amount of alcohol from the State on a yearly basis. Should a licensee fail to meet a State requirement, pay taxes or have their application approved, the State will refuse to allow the sale of wholesale alcohol to the licensee.

"Parked License" Problem

The major reason that Ordinance 2224 was brought before Council was to address the issue of a parked license. The City does not have any ordinances which address parked licenses, and, as you will note below, the state statute is extremely difficult and unclear.

In order for a licensee to have a parked license, the determination of being nonoperational must be made by the City and the State. Over the last three years, the City has had extreme difficulties in determining whether a license is parked, when it was parked and what the effects of being parked are specifically.

For example, a license was found to be nonoperational by the State even though the application had been approved. The licensee understood the problem and asked that the license be officially parked. The issue was whether the license had been parked for two years or one year. The State claimed that it was a second-year parked status and the applicant believed it was only a one-year status. This had significant legal consequences. If the City followed the State's determination, the license holder would have had to bring legal action to resolve the issue. If the City found it was the first year, the State could deny the renewal or sale of alcohol. Thus, it was very likely that if the license had not been sold, the City would have been involved in litigation.

Another issue arose when two different licensees did not complete their building construction within a one-year and two-year term, respectively. The issue before Council was what constituted good cause and extraordinary circumstances. Almost every Council member requested a definition of good cause and extraordinary circumstances. Council disagreed and the vote was not unanimous. Without codification, this issue becomes a moving target of uncertainty for business.

Amendment 11:

As you will note, this Statute is exceptionally difficult. Councilman Beaver's summarized interpretation, as I understand it, is that the first sentence provides the context for interpretation:

> " Any licensee who fails to … be operational in a … physically functional building within one (1) year after a license…has been issued or transferred, or if …, fails to open his business in a functional building within one (1) year after license issuance or transfer and remain operational thereafter".

Thus, a new licensee has one year to be operational in a physically functional building. A licensee would be eligible for a second year for good cause. An additional period of time would be available upon the finding of extraordinary circumstances. A licensee would not be allowed to have a parked license once it becomes operational unless the functionality of the building no longer exist. In that circumstance, an additional time period would be available upon a finding of extraordinary circumstances. The extraordinary circumstances would be limited solely to the functionality of the building and not the financial condition of the license holder. Councilman Beaver's interpretation of the Statute follows the literal language. However, it is not the interpretation historically used by the State Liquor Division and the City.

Liquor Division Interpretation:

The State Liquor Division and City historical practice allows for and supports the version approved on second reading. Specifically, a licensee is entitled to one year parked, a 2nd year for good cause and a 3rd year for extraordinary circumstances. The reason for this interpretation is that the statute routinely references failing to remain operational. " Any licensee who fails to … be operational in a … physically functional building within one (1) year after a license or permit has been issued or transferred, or if …, fails to open his business in a functional building within one (1) year after license issuance or transfer and remain operational thereafter". Thus, by failing to remain operational, the licensee may use the one-year nonoperational grace period.

Admittedly, this interpretation is creative. It is the consequence of wanting a statute to fit a desired outcome. Nonetheless, it is the official position of the State.

City Attorney Recommendation:

The Governing Body has two options: (1) Adopt the State's interpretation which will avoid conflict with the State and confusion for licensees; or (2) Adopt Amendment 11 which more strictly adheres to the language of the Statue.

Should the Governing Body adopt Amendment 11, I would strongly encourage Council to adopt language which clarifies the City's new interpretation of W.S. § 12-4-103(a)(iv) to avoid confusion for staff and licensees. Should Amendment 11 be adopted with no additional language, City staff will continue to struggle with the arbitrariness and ambiguities of state statute. Further, how a parked license is used will not change. The ability to have a parked license will continue to be controlled by the State's interpretation. The implementation and interpretation of state statute will not change without ordinance language.

If you have any questions, please contact me at your convenience.

KERNS & BUNTING, LLC

BRENDON KERNS

Amendment 12

(d) *Transfer Forms*. In addition to the statutorily required information, when the application for the issuance of a new license or for the transfer of an existing license changes the location of the licensed premises or dispensing area, or would change the persons owning the business, or would otherwise materially change the existing plan of operation for the license sought to be transferred, the City may require additional information, including:

(1) The applicant's business plan which confirms applicant's good faith projection of sales, number of employees and payroll and describes how its use of the license is likely to contribute to the best interest of the public.

(2) Whether the location of the establishment meets current zoning requirements, is compliant with the City Code (or will be made compliant with the City Code).

(3) Whether the location of the establishment would be beneficial for liquor or malt beverage sales.

(4) How the welfare of the citizens of the City of Sheridan, particularly those residing in the vicinity of the proposed location, would be impacted.

(5) The proximity of the licensed premises from a pari-mutuel betting establishment.

(7) Confirmation that the applicant will participate in the "Safe Rides" program or an equivalent City sponsored program.

AMENDMENT 11

(2) Any Licensee who fails to demonstrate an operational alcoholic or malt beverage license may be declared by the City Clerk to be non-operational, also known as "parked". A license may be parked by determination of the City Clerk or request of the licensee for a period of 1 year.

A. A license shall not be deemed non-operational as a result of a closure of the licensee's building due to an epidemic or as the result of a fire, flood or acts of nature. Provided, a license may be declared non-operational should a licensee fail to make reasonable efforts to reopen in a timely manner.

From: Thomas Montoya
To: Brendon Kerns
Cc: kelly.hunt@wyo.gov; Cecilia Good; Karl Anderson
Subject: Re: City of Sheridan - Question about non-operational license
Date: Tuesday, August 4, 2020 10:46:48 AM

Brendon:

If the local licensing authority allows it then yes.

Tom

On Tue, Aug 4, 2020 at 10:42 AM Brendon Kerns <bkerns@kernsbunting.com> wrote:

> Tom,
>
> Thank you very much. I really appreciate the help. Just to make sure I am understanding everything, If a licensee wants to sell its license, can the license be parked while trying to find a buyer and the license is nonoperational?
>
> Brendon
>
> Brendon E. Kerns
>
> Kerns & Bunting, LLC
>
> 200 W. Loucks St.
>
> PO Box 6669
>
> Sheridan, WY 82801
>
> (307) 655-8600
>
> (307) 674-5000 (fax)
>
> bkerns@kernsbunting.com
>
> CONFIDENTIALITY NOTICE: The information contained in this e-mail communication and any attached documentation may be privileged, confidential or otherwise protected from disclosure and is intended only for the use of the designated recipient(s). It is not intended for transmission to, or receipt by, any unauthorized person. The use, distribution, transmittal or re-transmittal by an unintended recipient of this communication is strictly prohibited without our express approval in writing or by e-mail. If you are not the intended recipient of this e-mail, please delete it from your system without copying it and notify the above sender so that our e-mail address may be corrected. Receipt by anyone other than the intended recipient is not a waiver of any attorney-client or work-product privilege.

From: Thomas Montoya <thomas.montoya@wyo.gov>
Sent: Tuesday, August 4, 2020 10:30 AM
To: Brendon Kerns <bkerns@kernsbunting.com>
Cc: kelly.hunt@wyo.gov; Cecilia Good <cgood@sheridanwy.net>; Karl Anderson <karl.anderson@wyo.gov>
Subject: Re: City of Sheridan - Question about non-operational license

Good Morning Brendon:

Hopefully we can clear some of the confusion on non-operational licenses. W.S. 12-4-103 (a)(iv) allows a licensee to be non-operational for a period of one year and upon showing of good cause may extend this period for an additional year. Traditionally this meant that a person would be granted a liquor license and this non-operational period would give them time to build or remodel a building for their business. Licensing authorities have used this statute to allow licensees to "park" a license for a period of time so they can sell the business. This practice was however abused on several occasions by licensees across the state so in 2017 SF0014 was passed that tightened up this law. Before a licensee could be non-operational for up to three years and the legislature took that down to two but the second year they had to have a good reason such as construction delays, financial paperwork delays etc. Now a licensee can be non-operational "parked" for one year and with good cause up to two years. This statute also allows a licensing authority to extend this grace period upon extraordinary circumstances such a fire or flood or other such things. This bill also added the definition of "operational" under W.S. 12-1-101(a)(xxi) which now states that a licensee must be open on a weekly basis. Statute or the state does not define weekly basis but leave that to the local authorities. For example the City of Cheyenne has further defined operational as weekly basis is at least 8 hours per week. Lastly, licensees are able to declare to the licensing authorities that they have a "seasonal" operation and they can be open for less than a year but must be open at least three months. This way they do not run afoul of the definition of operational.

Hopefully this helps and I can be of further service please feel free to contact me at any time.

Tom

On Mon, Aug 3, 2020 at 9:25 PM Brendon Kerns <bkerns@kernsbunting.com> wrote:

> Dear Tom and Kelly,
>
> I'm the attorney for the City of Sheridan. We are having a dispute regarding nonoperational "parked licenses". See 12-4-102(a)(iv). Specifically, the question is whether a license holder who is operational and then becomes nonoperational would they be eligible to have a parked license? If they are eligible, what specifically in statute allows them to be parked?
>
> If you would like to discuss this before you respond in writing, please feel free to contact me. I'm working from home mostly, so please call my cell at 307-752-5601.
>
> Thank you.
>
> Brendon
>
> Brendon E. Kerns
>
> Kerns & Bunting, LLC
>
> 200 W. Loucks St.
>
> PO Box 6669
>
> Sheridan, WY 82801
>
> (307) 655-8600
>
> (307) 674-5000 (fax)
>
> bkerns@kernsbunting.com
>
> CONFIDENTIALITY NOTICE: The information contained in this e-mail communication and any attached documentation may be privileged, confidential or otherwise protected from disclosure and is intended only for the use of the designated recipient(s). It is not intended for transmission to, or receipt by, any unauthorized person. The use, distribution, transmittal or re-transmittal by an unintended recipient of this communication is strictly

> prohibited without our express approval in writing or by e-mail. If you are not the intended recipient of this e-mail, please delete it from your system without copying it and notify the above sender so that our e-mail address may be corrected. Receipt by anyone other than the intended recipient is not a waiver of any attorney-client or work-product privilege.

--

Thomas J. Montoya

Chief of Enforcement

Wyoming Dept. of Revenue Liquor Division

6601 Campstool Rd.

Cheyenne, WY 82002

307-777-6453

E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

--
Thomas J. Montoya
Chief of Enforcement
Wyoming Dept. of Revenue Liquor Division
6601 Campstool Rd.
Cheyenne, WY 82002
307-777-6453

E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

W.S. 12-4-103(a)(iv)

Any licensee who fails to demonstrate that his licensed alcoholic or malt beverage enterprise will be operational in a planned but not physically functional building within one (1) year after a license or permit has been issued or transferred, or if holding a license, fails to open his business in a functional building within one (1) year after license issuance or transfer and remain operational thereafter. Upon a showing of good cause by the licensee and for an additional period of not to exceed one (1) year, the local licensing authority may extend the time period in which the business or enterprise of the licensee is required to become operational or open for business pursuant to this paragraph. Any license or permit in violation of this paragraph shall not be renewed by the local licensing authority and once the enterprise is operational or open for business, no licensee shall be eligible to repeat the grace periods made available by this paragraph without the consent of the local licensing authority due to extraordinary circumstances. For purposes of this paragraph "remain operational" means operational consecutively, in any license term year, for twelve (12) months or for not less than three (3) months if determined by the local licensing authority to be a seasonal operation;

2017 Amendment to 12-3-104(a)(iv)

- Any licensee who fails to demonstrate that his licensed alcoholic or malt beverage enterprise will be operational in a planned but not physically functional building within ~~two (2) years~~ one (1) year after a license or permit has been issued or transferred, or if holding a license, fails to open his business in a functional building within ~~two (2) years~~ one (1) year after license issuance or transfer and remain operational thereafter. Upon a showing of good cause by the licensee and for an additional period of not to exceed one (1) year, the local licensing authority may extend the time period in which the business or enterprise of the licensee is required to become operational or open for business pursuant to this paragraph. Any license or permit in violation of this paragraph shall not be renewed by the local licensing authority and once the enterprise is operational or open for business, no licensee shall be eligible to repeat the grace periods made available by this paragraph without the consent of the local licensing authority due to extraordinary circumstances. For purposes of this paragraph "remain operational" means operational consecutively, in any license term year, for twelve (12) months or for not less than three (3) months if determined by the local licensing authority to be a seasonal operation;

ORDINANCE 2224

Second Reading Amendment No. 11

Delete 4-14(a)(2) and renumber (a)(2)(A) as (a)(1)(A) with the following revision – "A license shall not be ~~declared~~deemed non-operational as a result of ..."

Delete 4-14(a)(3) in its entirety; delete (a)(4); delete (a)(5).

CITY OF SHERIDAN, WYOMING

55 Grinnell Street, P.O. Box 848, Sheridan Wyoming 82801
Ph (307) 674-6483 Fax (307) 674-2195

Utilities

MEMORANDUM

Project Name:	City Council Update on the Beckton Hall Hydropower Generation Unit - Utilities Director Dan Roberts
From:	Dan Roberts, Utilities Director
To:	Mayor and Council
CC:	
Date:	08/05/2020

Background:

The City of Sheridan's Beckton Hall Hydropower Generation Unit (Unit) is housed in the Beckton Hall pressure reducing station located 6 miles west of town on Beckton Hall Road ¼ mile south of HWY 337 (see map). This Unit uses a hydro turbine to convert the potential energy (elevation pressure) and kinetic energy (energy due to flow) in our 30" raw water line to mechanical energy. The generator part of the Unit converts the mechanical energy to electrical energy where it is metered before being directly distributed into MDU's electrical grid for use.

The Unit was sized and designed to operate within a flow range of 1.6 MGD (Million Gallons Per Day) on the low end to 6 MGD on the high end where it will operate at maximum efficiency and produce the highest power output near the Unit's 260 kilowatt rated capacity.

The City has a 20-year Power Purchase Agreement (executed in September 2016) with MDU which outlines the terms and conditions by which MDU will purchase the power generated from our Unit. Within the Agreement, MDU agrees to make monthly payment to the City for each kilowatt (kW) of energy produced at $.02164/kW and $15.68 for each kW the Unit produces during MDU's monthly, peak hour demand up to a maximum of its rated 260 kW. The latter is referred to as a "Capacity Payment" which, during our peak water usage months, will generate more revenue than the energy payments.

The Unit was fully funded utilizing a DWSRF loan in the amount of $1,256,000. The loan terms set forth were 0% interest over 20 years with 50% principal forgiveness upon completion of the project. Based on the final amortized loan amount of $628,000, the City's annual loan payments are $31,121 which we began paying in 2019. It has been the intent of the City to pay back the loan and the Unit's operational costs using the revenues generated from the Unit's power generation. Initial projections were to be able pay the loan off within 12 years or by 2031.

The City (Utility Maintenance Division) took over operating and maintaining the unit towards the middle of 2018 after construction of the unit was completed and certified fully operational. To date, we have spent a total of $9,800 or $4,900/yr to operate and maintain the unit. Combined with our annual loan payment, we should be generating $36,000/yr in revenue from the Unit to break even. The past 2 years of full operation, have produced revenues of $17,700 in 2018 and $22,500 in 2019 (see attached spreadsheet) where the Unit has not been operating to its fullest potential. Based on what we have learned over this time, staff feels that we can now operate and maintain the Unit to run optimally and consistently. Considering the data we collected on the Unit's actual power output during our fluctuating annual water flows, we project that moving forward we can consistently operate the Unit to produce annual revenues of $31,000. These projections show an annual net revenue of ($5,100) and will

require the approximately 17 years to pay off the loan (see attached projections). This is the best we feel we can expect with our current set-up.

As mentioned above, the operating range of the turbine is between 1.6 MGD to 6 MGD with the low end barely making any power to the upper range making max power. In the warmer months (May thru September), we approach the max range consistently, but during the colder months (October thru April) we move to the lower end and produce very little to no power at all in the dead of winter and the unit shuts down. Maintaining optimal flow is the key to generating more power and revenue. With that in mind, staff has developed and proven a concept that would provide more flow year round through the Unit. It's a simple concept that would, from the City's water intake facility, divert more available water than is needed for community consumption, through the 30" raw water line, run it through the Beckton Hall Hydropower Unit, make more power, and then discharge the excess water back into the Goose Creek once it leaves the Beckton Hall Hydroturbine/PRV Station. We have named this the "Hydropower Diversion Concept" (Project). It would involve the installation of some new valves, a new vault, water pipe connections, and discharge piping with energy dissipating rip rap to facilitate discharge of raw water back into the creek. Preliminary construction estimates are $175,000.

During the Study Session, staff would like to update the Mayor and City Council on how the Hydropower Unit is performing to date and introduce this Project for discussion and possible funding. A layout of the Project as well as cost estimates for installation are attached. In addition, staff has prepared projections on the additional power and revenue this Project could generate to include a projection on return on such an investment (attached).

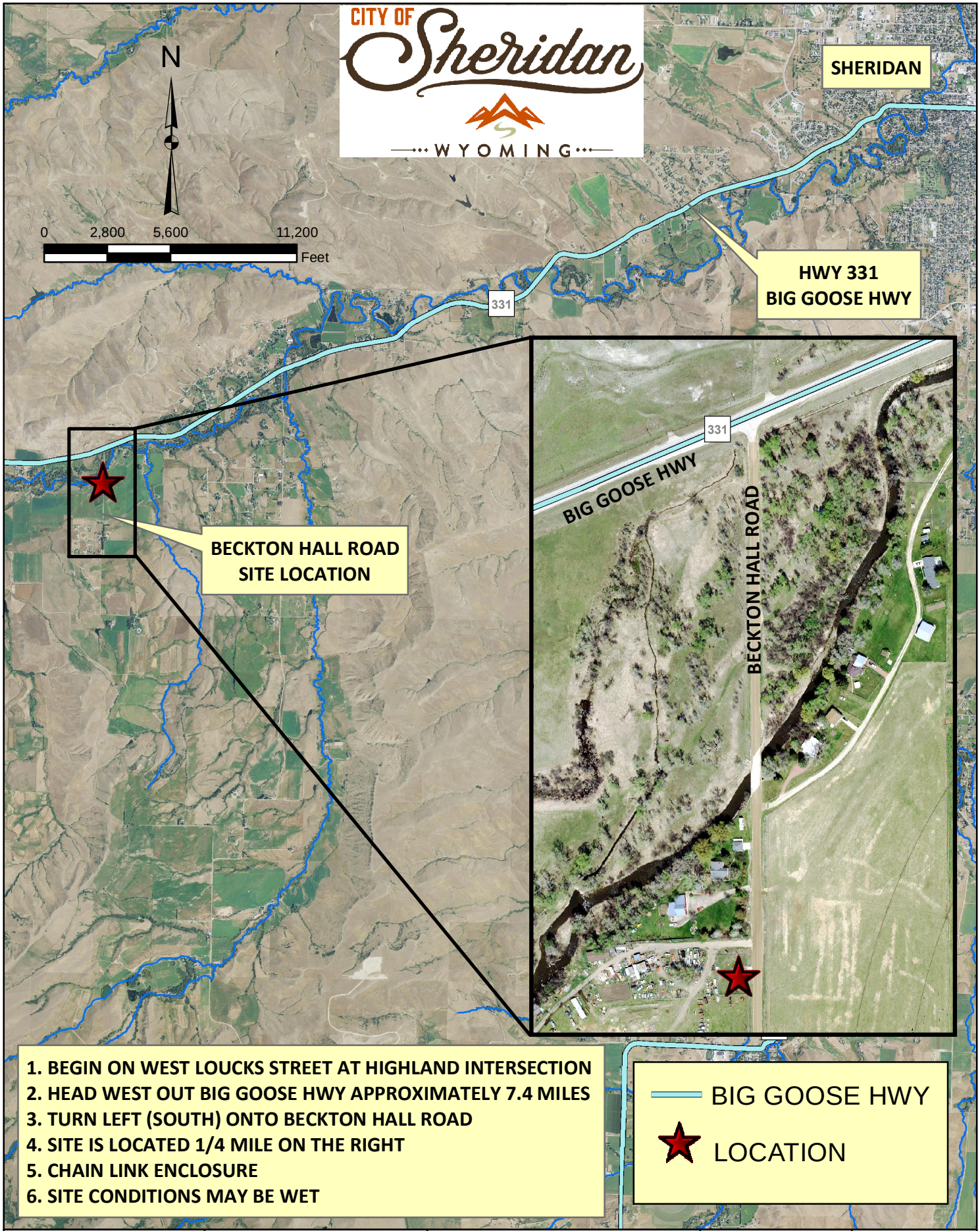
Attachments

Map of Beckton Hall Hydropower Unit

Revenues_Projections_kWh Readings

Projected Financial Analysis

Hydropower Diversion Concept Map_Cost Estimate



EnTech Inc. Professional Engineers	HDR	*BECKTON HALL ENERGY RECOVERY PROJECT*	*LOCATION MAP*	*FIG. 1.0*

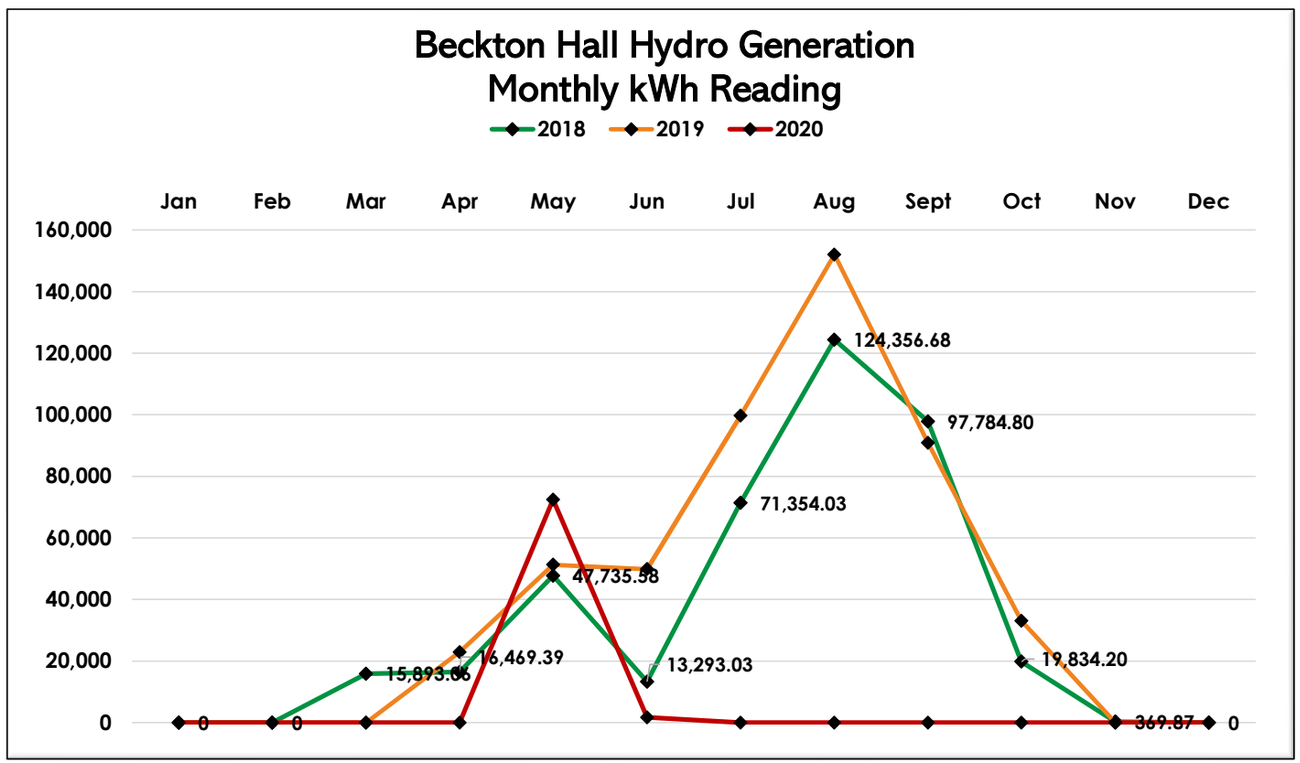
MDU Remittance Revenues				
	2018	2019	2020	2021 Projected
Jan	0	0	0	0
Feb	0	0	0	0
Mar	705	0	0	0
Apr	513	496	0	336
May	2,821	2,160	4,704	3,228
Jun	288	1,080	37	6,629
Jul	1,544	5,811	*TBD*	6,629
Aug	6,125	7,132	*TBD*	6,629
Sept	4,672	5,071	*TBD*	6,629
Oct	994	715	*TBD*	854
Nov	8	0	*TBD*	0
Dec	0	0	TBD	0
Totals:	**$17,669**	**$22,465**	**$4,741**	**$30,934**

Current Projections		
Annual Loan Paymnet	$	(31,121)
Annual O&M	$	(4,900)
Projected Gross Revenues	$	30,934
Projected Net Revenues	**$**	**(5,087)**

Hydropower Diversion Projections	
	2021
Jan	3,315
Feb	4,972
Mar	4,972
Apr	6,629
May	6,629
Jun	6,629
Jul	6,629
Aug	6,629
Sept	6,629
Oct	6,629
Nov	4,972
Dec	3,315
Total:	**$67,944**

Hydropower Diversion Projections		
Annual Loan Paymnet	$	(31,121)
Annual O&M	$	(4,900)
Projected Gross Revenues	$	67,944
Projected Net Revenues	**$**	**31,923**

Monthly kWh Reading			
	2018	2019	2020
Jan	0	0	0
Feb	0	0	0
Mar	15,893	0	0
Apr	16,469	22,931	0
May	47,736	51,278	72,442
Jun	13,293	49,891	1,705
Jul	71,354	99,684	*TBD*
Aug	124,357	152,051	*TBD*
Sept	97,785	90,888	*TBD*
Oct	19,834	33,026	*TBD*
Nov	370	0	*TBD*
Dec	0	0	*TBD*
Totals:	**407,091**	**499,749**	**74,147**



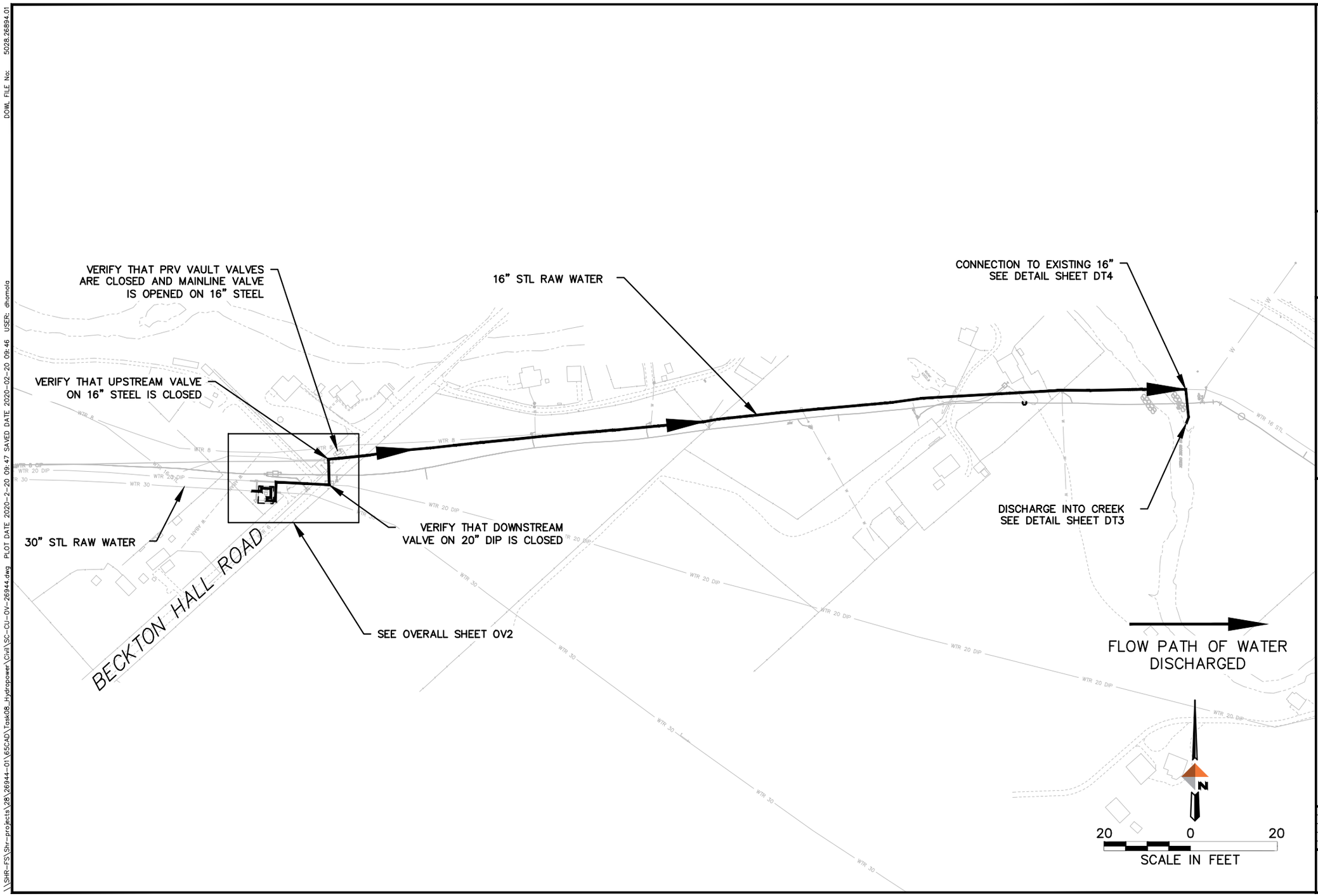
Beckton Hall Hydro Generation Unit
Projected Financial Analysis

	Status Quo Scenario					*Hydropower Diversion Concept*					
Year	Gross Revenues	O&M	Loan Payment	Loan Balance Starting at $628K	Cumulative Net Revenue	Gross Revenues	O&M	Loan Payment	Loan Balance Starting at $628K	Cumulative Net Revenue	
2021	$ 30,934.00	$ (5,048.10)	$(31,121.00)	$ 534,637.00	$ (10,395.60)	$ 67,944.00	$ (5,048.10)	$(31,121.00)	$ 534,637.00	$ 63,624.40	
2022	$ 30,934.00	$ (5,123.82)	$(31,121.00)	$ 503,516.00	$ (15,706.43)	$ 67,944.00	$ (5,123.82)	$(31,121.00)	$ 503,516.00	$ 95,323.57	
2023	$ 30,934.00	$ (5,200.68)	$(31,121.00)	$ 472,395.00	$ (21,094.11)	$ 67,944.00	$ (5,200.68)	$(31,121.00)	$ 472,395.00	$ 126,945.89	
2024	$ 30,934.00	$ (5,278.69)	$(31,121.00)	$ 441,274.00	$ (26,559.80)	$ 67,944.00	$ (5,278.69)	$(31,121.00)	$ 441,274.00	$ 158,490.20	
2025	$ 30,934.00	$ (5,357.87)	$(31,121.00)	$ 410,153.00	$ (32,104.67)	$ 67,944.00	$ (5,357.87)	$(31,121.00)	$ 410,153.00	$ 189,955.33	
2026	$ 30,934.00	$ (5,438.24)	$(31,121.00)	$ 379,032.00	$ (37,729.91)	$ 67,944.00	$ (5,438.24)	$(31,121.00)	$ 379,032.00	$ 221,340.09	
2027	$ 30,934.00	$ (5,519.81)	$(31,121.00)	$ 347,911.00	$ (43,436.73)	$ 67,944.00	$ (5,519.81)	$(31,121.00)	$ 347,911.00	$ 252,643.27	
2028	$ 30,934.00	$ (5,602.61)	$(31,121.00)	$ 316,790.00	$ (49,226.34)	$ 67,944.00	$ (5,602.61)	$(31,121.00)	$ 316,790.00	$ 283,863.66	
2029	$ 30,934.00	$ (5,686.65)	$(31,121.00)	$ 285,669.00	$ (55,099.99)	$ 67,944.00	$ (5,686.65)	$(31,121.00)	$ 285,669.00	$ 315,000.01	**Payoff Loan**
2030	$ 30,934.00	$ (5,771.95)	$(31,121.00)	$ 254,548.00	$ (61,058.94)	$ 67,944.00	$ (5,771.95)	$ -	$ -	$ 29,331.01	
2031	$ 30,934.00	$ (5,858.53)	$(31,121.00)	$ 223,427.00	$ (67,104.47)	$ 67,944.00	$ (5,858.53)	$ -	$ -	$ 91,416.48	
2032	$ 30,934.00	$ (5,946.41)	$(31,121.00)	$ 192,306.00	$ (73,237.87)	$ 67,944.00	$ (5,946.41)	$ -	$ -	$ 153,414.08	**Recover $175K Capital Investment**
2033	$ 30,934.00	$ (6,035.60)	$(31,121.00)	$ 161,185.00	$ (79,460.48)	$ 67,944.00	$ (6,035.60)	$ -	$ -	$ 215,322.47	
2034	$ 30,934.00	$ (6,126.14)	$(31,121.00)	$ 130,064.00	$ (85,773.61)	$ 67,944.00	$ (6,126.14)	$ -	$ -	$ 277,140.34	
2035	$ 30,934.00	$ (6,218.03)	$(31,121.00)	$ 98,943.00	$ (92,178.64)	$ 67,944.00	$ (6,218.03)	$ -	$ -	$ 338,866.31	
2036	$ 30,934.00	$ (6,311.30)	$(31,121.00)	$ 67,822.00	$ (98,676.94)	$ 67,944.00	$ (6,311.30)	$ -	$ -	$ 400,499.01	
2037	$ 30,934.00	$ (6,405.97)	$(31,121.00)	$ 36,701.00	$(105,269.91)	$ 67,944.00	$ (6,405.97)	$ -	$ -	$ 462,037.04	
2038	$ 30,934.00	$ (6,502.06)	$(31,121.00)		$(111,958.97)	$ 67,944.00	$ (6,502.06)	$ -	$ -	$ 523,478.98	**Payoff Loan**
2039	$ 30,934.00	$ (6,599.59)	$ -	$ -	$ (87,624.56)	$ 67,944.00	$ (6,599.59)	$ -	$ -	$ 584,823.39	
2040	$ 30,934.00	$ (6,698.58)	$ -	$ -	$ (63,389.14)	$ 67,944.00	$ (6,698.58)	$ -	$ -	$ 646,068.81	
2041	$ 30,934.00	$ (6,799.06)	$ -	$ -	$ (39,254.20)	$ 67,944.00	$ (6,799.06)	$ -	$ -	$ 707,213.75	
2042	$ 30,934.00	$ (6,901.05)	$ -	$ -	$ (15,221.25)	$ 67,944.00	$ (6,901.05)	$ -	$ -	$ 768,256.70	
2043	$ 30,934.00	$ (7,004.56)	$ -	$ -	$ 8,708.18	$ 67,944.00	$ (7,004.56)	$ -	$ -	$ 829,196.13	
2044	$ 30,934.00	$ (7,109.63)	$ -	$ -	$ 32,532.55	$ 67,944.00	$ (7,109.63)	$ -	$ -	$ 890,030.50	
2045	$ 30,934.00	$ (7,216.28)	$ -	$ -	$ 56,250.28	$ 67,944.00	$ (7,216.28)	$ -	$ -	$ 950,758.23	

Beckton Hall Hydro Generation Unit
Projected Financial Analysis

	Status Quo Scenario					*Hydropower Diversion Concept*				
Year	Gross Revenues	O&M	Loan Payment	Loan Balance Starting at $628K	Cumulative Net Revenue	Gross Revenues	O&M	Loan Payment	Loan Balance Starting at $628K	Cumulative Net Revenue
2046	$ 30,934.00	$ (7,324.52)	$ -	$ -	$ 79,859.75	$ 67,944.00	$ (7,324.52)	$ -	$ -	$1,011,377.70
2047	$ 30,934.00	$ (7,434.39)	$ -	$ -	$ 103,359.37	$ 67,944.00	$ (7,434.39)	$ -	$ -	$1,071,887.32
2048	$ 30,934.00	$ (7,545.90)	$ -	$ -	$ 126,747.46	$ 67,944.00	$ (7,545.90)	$ -	$ -	$1,132,285.41
2049	$ 30,934.00	$ (7,659.09)	$ -	$ -	$ 150,022.37	$ 67,944.00	$ (7,659.09)	$ -	$ -	$1,192,570.32
2050	$ 30,934.00	$ (7,773.98)	$ -	$ -	$ 173,182.39	$ 67,944.00	$ (7,773.98)	$ -	$ -	$1,252,740.34
2051	$ 30,934.00	$ (7,890.59)	$ -	$ -	$ 196,225.80	$ 67,944.00	$ (7,890.59)	$ -	$ -	$1,312,793.75
2052	$ 30,934.00	$ (8,008.95)	$ -	$ -	$ 219,150.85	$ 67,944.00	$ (8,008.95)	$ -	$ -	$1,372,728.80
2053	$ 30,934.00	$ (8,129.08)	$ -	$ -	$ 241,955.77	$ 67,944.00	$ (8,129.08)	$ -	$ -	$1,432,543.72
2054	$ 30,934.00	$ (8,251.02)	$ -	$ -	$ 264,638.75	$ 67,944.00	$ (8,251.02)	$ -	$ -	$1,492,236.70
2055	$ 30,934.00	$ (8,374.78)	$ -	$ -	$ 287,197.97	$ 67,944.00	$ (8,374.78)	$ -	$ -	$1,551,805.92
2056	$ 30,934.00	$ (8,500.41)	$ -	$ -	$ 309,631.56	$ 67,944.00	$ (8,500.41)	$ -	$ -	$1,611,249.51
2057	$ 30,934.00	$ (8,627.91)	$ -	$ -	$ 331,937.65	$ 67,944.00	$ (8,627.91)	$ -	$ -	$1,670,565.60
2058	$ 30,934.00	$ (8,757.33)	$ -	$ -	$ 354,114.32	$ 67,944.00	$ (8,757.33)	$ -	$ -	$1,729,752.27
2059	$ 30,934.00	$ (8,888.69)	$ -	$ -	$ 376,159.63	$ 67,944.00	$ (8,888.69)	$ -	$ -	$1,788,807.58

\\SHR-FS\Shr-projects\28\26944-01\65CAD\Task08_Hydropower\Civil\SC-CU-OV-26944.dwg PLOT DATE 2020-2-20 09:47 SAVED DATE 2020-02-20 09:46 USER: dhomola
DOWL FILE No: 5028.26894.01



REVISIONS			
REV	DATE	DESCRIPTION	BY

DOWL
WWW.DOWL.COM
16 West 8th Street
Sheridan, Wyoming 82801
307-672-9006

BECKTON HALL ROAD VAULT HYDROPOWER DISCHARGE
SHERIDAN, WY

OVERALL SHEET - DISCHARGE FLOW PATH

PROJECT 5028.26944.01
DATE 02/12/2020

©DOWL 2020

SHEET
OV1

Hydropower Discharge Cost Estimate

Engineers Estimate (Includes Materials, Installation, Labor, Equipment, and Incidentals)					
	Item	**Quantity**	**Unit**	**Unit Cost**	**Extended Cost**
GENERAL	MOBILIZATION	1	LS	$ 20,000	$ 20,000
	CONTRACT BOND AND INSURANCE	1	LS	$ 5,000	$ 5,000
	FORCE ACCOUNT	1	LS	$ 10,000	$ 10,000
VAULT	CONNECT TO EXISTING 24' (STEEL TO DUCTILE ADAPTER)	1	EA	$ 7,000	$ 7,000
	24" X 8" REDUCER	1	EA	$ 3,000	$ 3,000
	8" BUTTERFLY VALVE	1	EA	$ 2,500	$ 2,500
	8" RESTRAINED FLANGE ADAPTER (EBAA 2108 OR A.E.)	2	EA	$ 1,000	$ 2,000
	8" FLOW METER	1	EA	$ 5,000	$ 5,000
	8" 90 DEGREE BEND	1	EA	$ 1,000	$ 1,000
	8" CLA-VAL VALVE WITH FILTER AND CONTROLLER	1	EA	$ 5,000	$ 5,000
	CONNECT TO EXISTING 12" STEEL (12" X 12" X 8" TEE OR SADDLE)	1	EA	$ 4,000	$ 4,000
	8" SPOOL PIECES	8	LF	$ 1,000	$ 8,000
	ADJUSTABLE PIPE STAND	2	EA	$ 500	$ 1,000
DISCHARGE	CONNECT TO EXISTING 16"	1	LS	$ 8,000	$ 8,000
	16" X 12" TEE OR SADDLE	1	EA	$ 5,000	$ 5,000
	16" BUTTERFLY VALVE	1	EA	$ 7,000	$ 7,000
	16" RESTRAINED FLANGE ADAPTER (EBAA 2116 OR A.E.)	1	EA	$ 3,000	$ 3,000
	16" DUCTILE IRON SPOOL PIECES	6	LF	$ 1,000	$ 6,000
	12" GATE VALVE	1	EA	$ 4,000	$ 4,000
	12" 45 DEGREE BEND	1	EA	$ 1,500	$ 1,500
	12" DUCTILE IRON MANIFOLD - 4 LEGS	1	EA	$ 15,000	$ 15,000
	12" IN-LINE ELASTOMERIC CHECK VALVE (PROFLEX STYLE 790)	4	EA	$ 2,500	$ 10,000
	12" PVC PIPE DR18	80	LF	$ 80	$ 6,400
OTHER	SCADA	1	LS	$ 7,000	$ 7,000
	SYSTEM INTEGRATION	1	LS	$ 5,000	$ 5,000
	FINAL GRADING, RECLAMATION, AND SEEDING	1	LS	$ 5,000	$ 5,000
	TEMPORARY CONSTRUCTION PERMIT	1	LS	$ 1,000	$ 1,000
	RIPRAP AND RECONSTRUCTION OF TRENCH BANK	1	LS	$ 15,000	$ 15,000
				Total	**$ 172,400**

CITY OF SHERIDAN, WYOMING

55 Grinnell Street, P.O. Box 848, Sheridan Wyoming 82801
Ph (307) 674-6483 Fax (307) 674-2195

Utilities

MEMORANDUM

Project Name:	Discussion of Bede Revocable Trust Pre-Annexation Agreement for Water Service to 109 Decker Road - Utilities Director Dan Roberts
From:	Dan Roberts, Utilities Director
To:	Mayor and Council
CC:	
Date:	08/05/2020

Recommendation:

Staff recommends that City Council approve and authorize the Mayor to sign the attached Pre-Annexation Agreement between Mark Bede and Katherine Bede, Trustees of the Bede Family Revocable Trust Agreement dated January 28, 2016, and the City of Sheridan, to serve as authorization for Mark and Katherine Bede to tie into the City of Sheridan's water system to serve lands outside the City limits located at 109 Decker Road.

Background:

The proposed property is located Northeast of Decker Road and Northeast of I-90. The property is contiguous to the City. The landowners,Mark and Katherine Bede, desire to be served from the City of Sheridan through the City's water system located along the West side of Decker Road (see attached map). The property is within the planned Urban Services Area boundary which means it is intended to receive City services at some point in the future. As such, this property should receive water service from the City of Sheridan.

Resolution 73-07 establishes policy and requirements that must be met before the City Council can authorize the extension of Sheridan's water and/or sewer system to serve lands outside the city limits. Staff has confirmed the requirements are satisfied by this application which are listed as follows:

1. Land is within the Urban Services Area.

2. The water and/or sewer service extensions appear to be economically feasible.

3. The property to be served can be made to conform to City ordinances related to subdivisions and construction of Improvements.

4. The property to be served can be reasonably expected to be annexed within the foreseeable future and provided with other basic services available to City residents.

5. The water and/or sewer service extensions will promote orderly growth and welfare to the City.

6. The landowner will obtain the required permits from the City prior to proceeding with construction.

7. The property to be served is not currently served by City water, or sewer system.

In accordance with Resolution 73-07, City Council may authorize the extension of the City's water or sewer system to serve lands outside the city limits provided the landowner signs a Pre-Annexation Agreement and that agreement is filed at the courthouse to run with the land. The property at 109 Decker Road is outside the city limits; therefore, a prepared Pre-Annexation Agreement is being presented for City Council consideration.

Attachments

Pre-Annexation Agreement
Map for 109 Decker Road

PRE-ANNEXATION AGREEMENT AND PETITION

This Pre-Annexation Agreement and Petition, hereinafter referred to as AGREEMENT, made this 23rd day of July, 2020, by and between Mark Bede and Katherine Bede, Trustees of the Bede Family Revocable Trust Agreement dated January 28, 2016, and their heirs, successors in interests and assigns, hereinafter referred to as LANDOWNER, and the City of Sheridan, Wyoming, a municipal corporation and City of the First Class, hereinafter referred to as CITY.

WHEREAS, the LANDOWNER is the record owner of a certain tract of land, described as follows: See Exhibit "A" attached hereto and incorporated herein

This tract of land, or any smaller part or parcel which may be conveyed as a separate tract, whether or not subdivided, shall hereinafter be referred to as the LAND.

WHEREAS, the LAND is currently contiguous to the CITY; and

WHEREAS, the LANDOWNER desires to receive certain CITY services in exchange for a commitment to annex, at the direction of the CITY; and

NOW, THEREFORE, the parties above named have decided to set forth all of their agreements concerning the annexation of the property as follows:

1. The parties acknowledge that the LAND is currently contiguous to the City limits of the CITY and is within the natural growth area of the CITY. The LANDOWNER agrees and covenants for himself and his heirs, assigns and successors in interest to take all remaining actions at any time, and at the sole discretion of the CITY, to comply with State annexation law and to complete the annexation of the LAND into the CITY. The LANDOWNER, or any successor in interest, shall incorporate this requirement to annex into the CITY on each and every deed for any parcel of land existing or created within the LAND. The LANDOWNER shall adhere to the **City Comprehensive Plan**, appropriate restrictions pertaining thereto, and the **2001 City of Sheridan Traffic Study,** and all amendments thereto. All lands existent at the time of this AGREEMENT, if subdivided and approved by Sheridan County, along with any agreements, covenants, restrictions or zones, shall be submitted to the City Council for approval prior to the recording of the subdivision plat or a sale of any parcel. A commitment or restriction shall be included in every deed or land sale contract executed by the LANDOWNER, whether or not presently platted or subdivided, subsequent to the date of approval of this AGREEMENT, noting that the parcel "shall annex to the CITY without protest, at the discretion and direction of the Sheridan City Council". The commitment to annex shall be recorded as part of each deed and is a covenant running with the property known as the LAND, enforceable by the CITY.

2. This AGREEMENT does not relieve the LANDOWNER, or any successor in interest, from any requirements of the City of Sheridan Subdivision Regulations, when the LAND is further subdivided, and that the subdivision shall be in accordance with all relevant CITY ordinances and other regulations in effect at this time.

3. The LANDOWNER shall construct any and all new buildings or structures on the property in complete conformity with the current building codes and all other codes, as adopted by the City of Sheridan, and the LANDOWNER shall certify such compliance to the Building Official of the City of Sheridan.

4. Upon annexation to the CITY, the CITY shall provide municipal services on the same level as provided to other areas of the CITY, according to state statutes and local ordinances.

5. The parties acknowledge that all CITY utilities and services are required to service lands annexed to the CITY. The parties further acknowledge that this AGREEMENT is a petition to create a local improvement district, as specified in §15-6-203 W.S., 1977, and therefore, constitutes a waiver of the LANDOWNER's right to file protests and remonstrances, as provided by Wyo. Stat. Ann. §15-6-202(d) and §15-6-203. It is expressly understood that this AGREEMENT obligates the inclusion of the LAND, after annexation, in a district or districts which provide for the installation and construction of the following listed improvements, until all the improvements are constructed in compliance with City ordinances then in effect and accepted by the City Council. The improvements required are as follows:

LANDOWNER shall be required to install, at LANDOWNER'S sole cost, all water infrastructure and sewer infrastructure for the LAND required under City ordinances in effect at the time of such installation for the benefit of the LAND so annexed. LANDOWNER further agrees to pay all costs and fees associated with the annexation and installation (eg., costs of producing required drawings, exhibits, maps, etc.; filing and review fees; and other typical fees charged in similar processes. If a district(s) is formed which includes lands in addition to LANDOWNER'S LAND, then the LANDOWNER shall pay the cost of any infrastructure assessed to the property as part of the local improvement district in addition to any costs described above.

6. The parties further agree to the following specific items: None

7. The LANDOWNER hereby petitions the Sheridan City Council to accept this AGREEMENT as a petition to annex all of the LAND previously described above into the CITY limits of the City of Sheridan. LANDOWNER is the owner of all LAND described above. LANDOWNER and CITY agree that this petition may be filed with the City and/or County Clerk at any time, and at the sole discretion of the CITY.

8. LANDOWNER agrees to sign any other petition or petitions or to take any other action whatsoever to comply with State annexation law as they may be required by the CITY to facilitate the annexation. LANDOWNER further waives any irregularities in the annexation process and specifically waives his right to protest the said annexation. The parties acknowledge that the CITY may choose not to complete the annexation of LANDOWNER's LAND until additional logical and adjacent properties may be annexed simultaneously. LANDOWNER agrees to provide an annexation plat, prepared by a Wyoming registered land surveyor, at his sole cost and expense, upon the request of the CITY. The LANDOWNER specifically agrees and acknowledges that the timing of the annexation is within the sole discretion of the CITY. The CITY may initiate the annexation of the LAND described above at any time and without notice to LANDOWNER.

9. The CITY agrees to allow the LANDOWNER'S installation of water and/or sewer service line(s) and connection to the CITY's water and/or sewer main(s) at such a time the mains become available.

10. LANDOWNER agrees that any sidewalk currently in existence on any portion of the LAND or any sidewalk constructed on the LAND in the future shall be maintained by LANDOWNER and snow/ice shall be removed by LANDOWNER per City of Sheridan Ordinance.

11. This AGREEMENT, and every part thereof, shall constitute a covenant running with the LAND described above and may be enforced by the CITY by an action at law or equity.

12. This AGREEMENT shall inure to the benefit of, and be binding upon the parties hereto, their respective heirs, successors in interest and assigns. This AGREEMENT shall bind each and every successor in interest to the LAND or any portion or parcel thereof.

13. This AGREEMENT shall be governed by the laws of the State of Wyoming. The District Court of the Fourth Judicial District in Sheridan County, Wyoming, shall have venue and jurisdiction exclusively for any action in law or equity which may be instituted to enforce the terms of this AGREEMENT.

14. If any legal action is instituted to enforce any of the terms of this AGREEMENT, the unsuccessful party shall pay the successful party's reasonable attorneys' fees and all costs of the action including court costs, expert witness fees and all other actual expenses incurred in the prosecution of the action.

15. If any section, subsection, sentence, clause, phrase or portion of this AGREEMENT is for any reason held invalid or unconstitutional by any Court or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions hereof, which shall remain in full force and effect.

DATED This 23rd day of July, 2020.

LANDOWNER:

Bede Family Revocable Trust

Mark Bede, Trustee

Mark Bede, Trustee

Bede Family Revocable Trust

Katherine Bede, Trustee

Katherine Bede, Trustee

STATE OF WYOMING)
)ss.
COUNTY OF SHERIDAN)

On JULY 23, 2020, before me, J. RIZER, personally appeared Mark Bede and Katherine Bede, whom I know personally, to be the signer(s) of the above and hereby acknowledge his/her/their signature(s).

J RIZER - NOTARY PUBLIC
COUNTY OF SHERIDAN STATE OF WYOMING
MY COMMISSION EXPIRES AUGUST 2, 2022

Notary Public
My Commission Expires: 8.2.2022

CITY OF SHERIDAN:

Roger Miller, Mayor

ATTEST:

Cecilia Good, City Clerk

STATE OF WYOMING)
)ss.
COUNTY OF SHERIDAN)

On _____, 20___, before me, _____, personally appeared _____, whom I know personally, to be the signer(s) of the above and hereby acknowledge his/her/their signature(s).

Notary Public
My Commission Expires:


City limits in hatched area
109 Decker Rd

CITY OF SHERIDAN, WYOMING

55 Grinnell Street, P.O. Box 848, Sheridan Wyoming 82801
Ph (307) 674-6483 Fax (307) 674-2195

Planning

MEMORANDUM

Project Name:	Discussion of Resolution # 35-20, a Request to Vacate .24 Acres of the E College Ave Right-of-Way Between S. Carrington St and Frank St - Community Development Director Wade Sanner
From:	Wade Sanner, Community Development Director
To:	Mayor and Council
CC:	
Date:	08/03/2020

Discussion:

The applicant, Brett Sayer, is requesting the vacation of 0.24 acres of the East College Avenue right-of-way between Carrington Street and Frank Street. The applicant is seeking the street vacation as part of the Cottonwood Subdivision.

Background:

The College Avenue right-way was dedicated as part of the original Cottonwood Point Subdivision recorded in April 2009. At the time, the developer tried to continue the existing grid network of streets to the west. However, the portion of College Avenue between Carrington Street and Frank Street proved to be problematic as there is a significant grade change. Between Frank Street and Carrington street there is an abrupt 42 feet change in grade constituting a 15% slope. Per Appendix B, Section 503(D) of the Sheridan City Municipal Code, the minimum slope allowed for local streets is 8%. The applicant recently purchased the property to finish the Cottonwood Development. Staff and the applicant do not see the feasibility of finishing this portion of the College Avenue right-of-way. The applicant has reached an agreement with the adjacent property owner to acquire all of the vacated right-of-way and incorporate the land into the new Cottonwood Subdivision currently being developed.

Potential Findings of Fact:

The vacation of platted right-of-way is governed by Sheridan City Code Appendix B §205. That section requires that in the case of a public right-of-way vacation, not associated with a subdivision plat, must be in accordance with the following findings:

1. Public rights-of-way or public easements which are dedicated under the provisions of these regulations, or laid out under any prior law of the State of Wyoming regulating plats, may be altered or vacated by resolution of the City Council, or in the case of an administrative replat, by action of the Public Works Director following a public hearing for which public notice has been given in a newspaper of general circulation at least seven days prior to the hearing.

2. When any streets and alleys are vacated, the area vacated shall be conveyed to all lots or parcels adjacent to the street or alley being vacated in equal proportions or as prescribed by the petitioners. When public grounds are vacated, the area vacated shall be disposed of in accordance with Wyoming Statutes.

Note: There are other requirements contained in this section which apply to situations when the vacation request involves vacating lots and right-of-way in a subdivision.

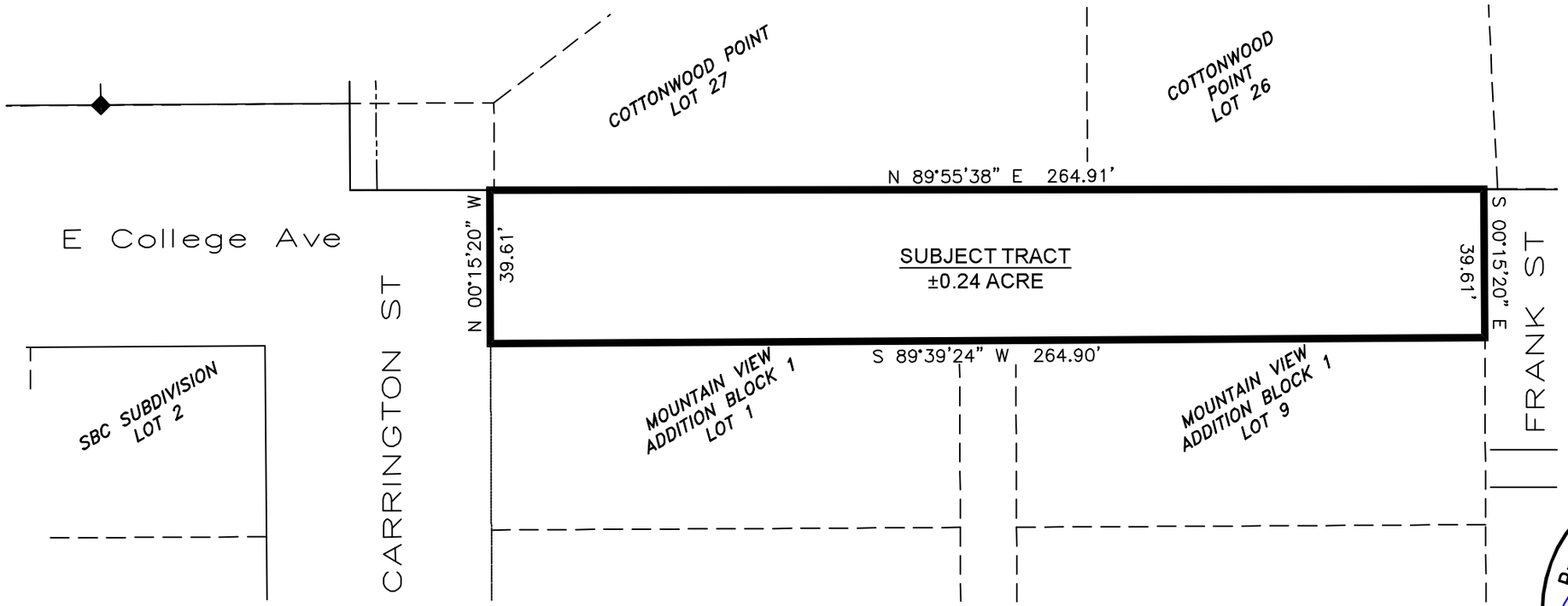
Attachments

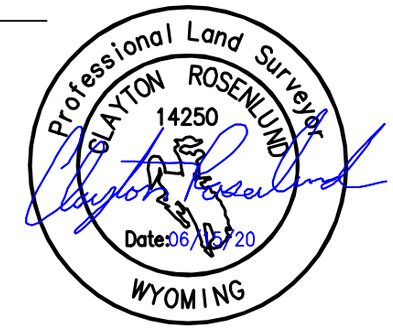
Exhibit
Aerial
Utility Letter
Utility Letter
Resolution

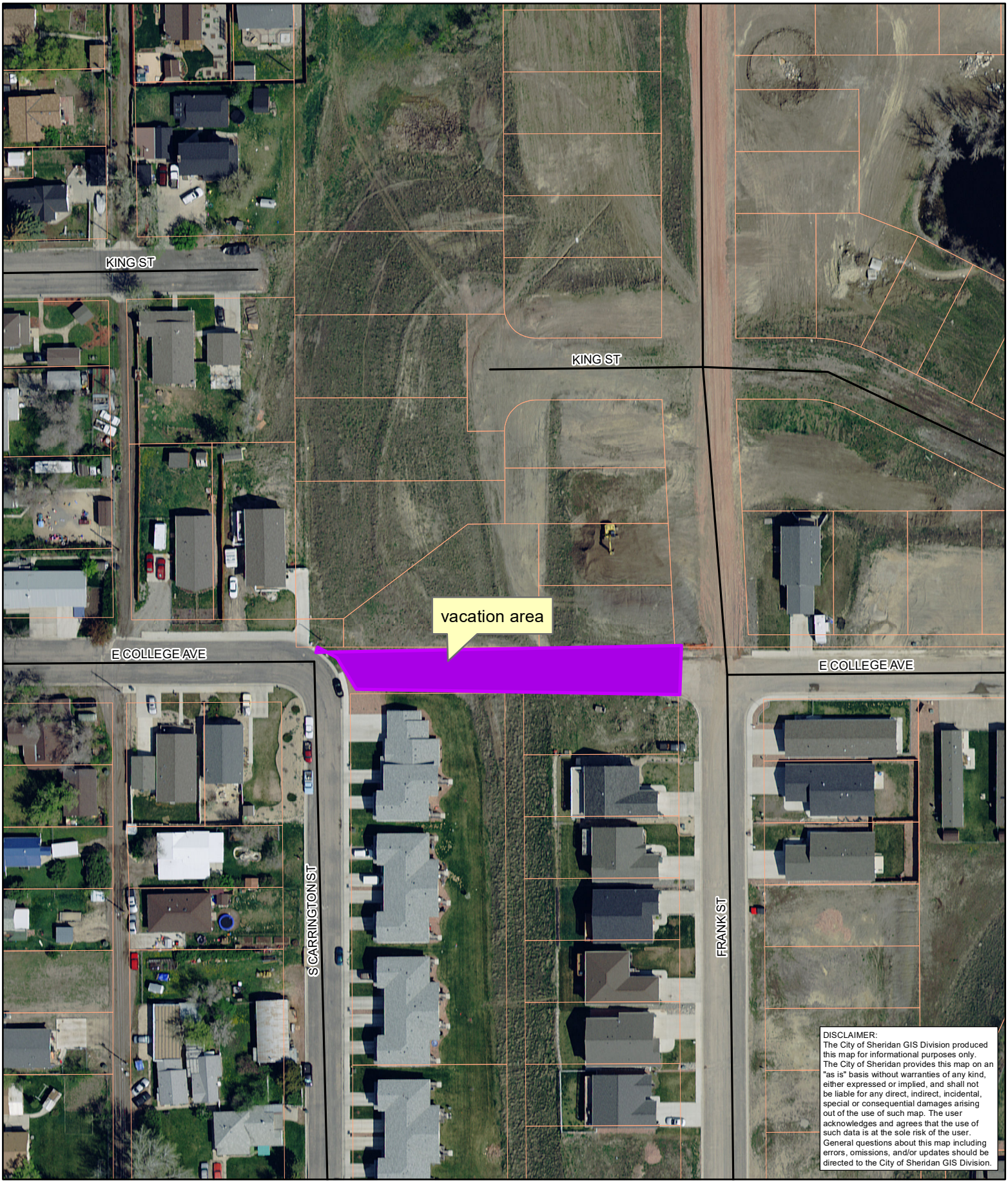
RIGHT OF WAY VACATION EXHIBIT A

COLLEGE AVENUE RIGHT-OF-WAY PER MOUNTAIN VIEW ADDITION AND THE WOODS SUBDIVISION OF BLOCK NO. 9 OF WOODS ADDITION, CITY OF SHERIDAN, LOCATED IN THE SW1/4SE$\frac{1}{4}$ OF SECTION 26 AND THE NW1/4NE$\frac{1}{4}$ OF SECTION 35, TOWNSHIP 56 NORTH, RANGE 84 WEST, 6TH P.M., SHERIDAN COUNTY, WY
CONTAINING +/- 0.24 ACRES

SUBJECT TRACT: THAT PORTION OF COLLEGE AVENUE LYING NORTH OF BLOCK 1 OF MOUNTAIN VIEW ADDITION
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT NORTHWEST CORNER OF SAID BLOCK 1 OF MOUNTAIN VIEW ADDITION, SAID POINT BEING THE TRUE POINT OF BEGINNING OF SUBJECT TRACT;
THENCE N00°15'20"W, 39.61 FEET TO THE SOUTH LINE OF THE FINAL PLAT OF THE COTTONWOOD POINT SBC DEVELOPMENT, LLC; THENCE ALONG SAID SOUTH LINE N89°55'38"E, 264.91 FEET TO THE WEST LINE OF FRANK STREET; THENCE S00°15'20"E, 39.61 FEET TO THE NORTHEAST CORNER OF SAID BLOCK 1; THENCE S89°39'24"W, 264.90 FEET ALONG THE NORTH LINE OF SAID BLOCK 1 TO THE POINT OF BEGINNING.
SUBJECT TRACT CONTAINING 0.24 ACRES MORE OF LESS AND IS SUBJECT TO ANY PREVIOUS RECORDED EASEMENTS, EXCEPTIONS, VACATIONS, CONDITIONS AND CONVEYANCES OF RECORD.







CITY OF Sheridan WYOMING

E College

N

0 0.005 0.01 0.02 Miles

Name: sgoodman Date: 06/05/2020

June 29, 2020

City of Sheridan
Attn: Sue Goodman

Dear Sue:

Charter/Spectrum Communications has no objection of the proposed easement vacate the .24 acre of the East College Ave right of way between South Carrington St and Frank St in Sheridan, WY.

If you have any questions, please contact me at 763-1375.

Thanks,

Tom Legerski
Construction Supervisor
Charter/Spectrum Communications
Thomas.Legerski@Charter.com

Sue Goodman <sgoodman@sheridanwy.net>

FW: RE: E College - Right of Way vacation

1 message

Maxted, Melvin <melvin.maxted@mdu.com> Wed, Jul 1, 2020 at 9:01 AM
To: "sgoodman@sheridanwy.net" <sgoodman@sheridanwy.net>
Cc: "Lawler, Christopher" <Christopher.Lawler@mdu.com>

City Planning Division

After review of the above request to vacate a portion of the East College Avenue Right of Way, Montana-Dakota Utilities Co. has no objection to the proposed vacation. If additional information is required please contact us.

Regards,

Melvin Maxted

Engineering Associate – Electric

Montana-Dakota Utilities Co.

2324 Dry Ranch Road,

Sheridan, Wyoming 82801

307-674-3544

melvin.maxted@mdu.com

CITY OF SHERIDAN
RESOLUTION 35-20

A RESOLUTION vacating .24 acres of the East College Avenue right-of-way, located in the Cottonwood Point Subdivision.

Whereas, the property owner adjacent to the East College Avenue ROW has petitioned the City Council requesting that East College Avenue right-of-way be vacated; and

Whereas, this request for a right-of-way vacation meets the requirements of Sheridan City Code §205;

Now, therefore, be it resolved by the City Council of the City of Sheridan:

That East College Avenue, located in the Cottonwood Point Subdivision to the City of Sheridan, is hereby vacated.

Passed, approved and adopted this _____day of _____, 2020

_____
Roger Miller, Mayor

Attest:

_____
Cecilia Good, City Clerk

State of Wyoming)
)SS
County of Sheridan)

Subscribed and sworn to (or affirmed) before me this _____day of

_____, 2018 by _____.

_____
Notary Public

My commission expires _____.

CITY OF SHERIDAN, WYOMING
55 Grinnell Street, P.O. Box 848, Sheridan Wyoming 82801
Ph (307) 674-6483 Fax (307) 674-2195

Planning

MEMORANDUM

Project Name:	**Discussion of Ordinance #2221 for Hidden Bridge Ranch to rezone 18.55 acres from R-1 Residence District and B-1 Business District to R-2 Residence District - Community Development Director Wade Sanner**
From:	Wade Sanner, Community Development Director
To:	Mayor and Council
CC:	
Date:	06/19/2020

Recommendation:

Staff recommends the City Council approve the rezone of 18.55 acres of the two properties in the 700 block of Mydland Road, South of West 5th Street (Parcels: 56842830000533, 56842910600233), which would include rezoning of the properties from B-1 Commercial District and R-1 Residential District, to the R-2 Residential District.

Potential Findings of Fact:

Neither state statute nor city code contains required findings that must be made in changing a property's zoning designation. State stature does provide some requirements for zoning regulations in general, which the Planning Commission should be aware of:

WS §15-1-601(d)

d) All regulations shall be made:

In accordance with a comprehensive plan and designed to:

A. Lessen congestion in the streets;
B. Secure safety from fire, panic and other dangers;
C. Promote health and general welfare;
D. Provide adequate light and air;
E. Prevent the overcrowding of land;
F. Avoid undue concentration of population; and
G. Facilitate adequate provisions for transportation, water, sewerage, schools, parks and other public requirements.
H. With reasonable consideration, among other things, of the character of the district and its peculiar suitability for particular uses;
I. With a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city or town; and
J. With consideration given to the historic integrity of certain neighborhoods or districts and a view to preserving, rehabilitating and maintaining historic properties and encouraging compatible uses within the neighborhoods or districts, but no regulation made to carry out the purposes of this paragraph is valid to the extent it constitutes an unconstitutional taking without compensation.

The Preamble of the City's Zoning Ordinance (Appendix A) states that the purpose of the zoning ordinance is to, *"promoting the health, safety, morals and general welfare of the inhabitants of the City of Sheridan by lessening congestion in the streets; securing safety from fire, panic and other dangers providing adequate light and air; preventing the overcrowding of land; avoiding the undue concentration of population, facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements."*

Background:

The applicant, Andy McFaul for Excalibur Construction, Inc., is requesting a rezone for future development of the two properties located in the 700 block of Mydland Road, South of West 5th Street (Parcels: 56842830000533, 56842910600233), which would include rezoning of the properties from B-1 Commercial District and R-1 Residential District, to the R-2 Residential District. Associated with the proposed rezoning the applicant is proposing a subdivision of 18.55 acres into 89 lots (86 residential lots and 3 open space lots), with the details contained in a separate staff report.

The subject property consists of two lots in the 700 block of Mydland Road, South of West 5th Street the southwest corner of 5th Street and Mydland Road. The northern lot is a 9.04 acre vacant property that is a lot of record. The property is addressed as 2066 West 5th Street. The property is zoned B-1 Commercial District. The northern lot has a narrow extension to the northwest providing access on to 5th Street. The lot is accessed to the east on to Mydland Road.

The southern lot is a 9.51 acre vacant lot that is listed as Lot B of the Hidden Bridge Minor Subdivision. The property does not have an address assigned to the property. The property is accessed by Mydland Road to the east. The property is split zoned, a small sliver of the western portion of the lot is zoned B-1 Commercial District, and the rest of the lot is R-1 Residential District.

The surrounding properties are a mixture of vacant properties, a golf course, multi-family, and office uses. The three properties to the north, abutting 5th Street to the north, are a multi-family apartment complex (2 Lots), and an office building (1 Lot) are both zoned B-1. The property to the west is a vacant property zoned B-1. The properties to the east across Myldland Road, are vacant properties zoned B-1, and large lot single-family homes zoned PUD R-3, and part of the Sheridan Links PUD. The properties to the south are vacant zoned R-1.

Staff has received a number of comments pertaining to the rezone and Hidden Bridge Subdivision. These ahve been included with this staff report.

Attachments

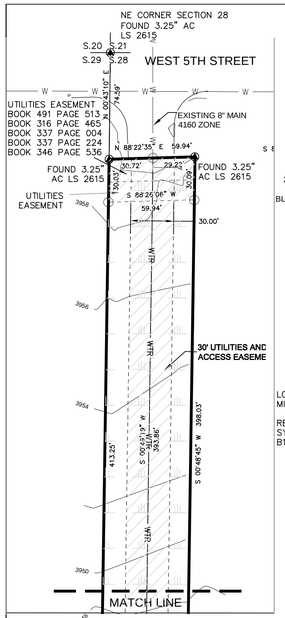
Preliminary Plat
Ordinance
Aerial
Neighbor Letters
Exhibits

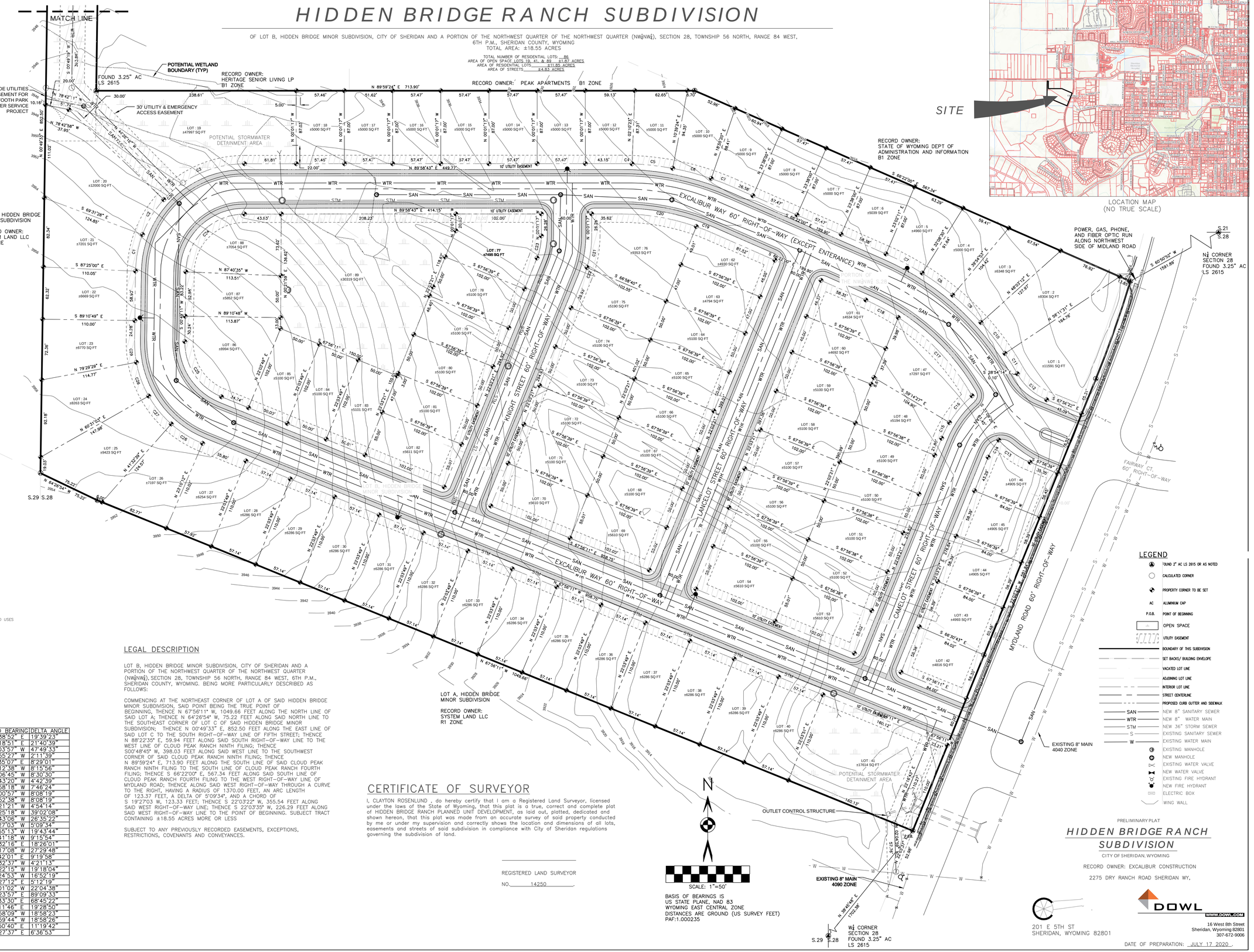
PRELIMINARY PLAT OF

HIDDEN BRIDGE RANCH SUBDIVISION

OF LOT B, HIDDEN BRIDGE MINOR SUBDIVISION, CITY OF SHERIDAN AND A PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW¼NW¼), SECTION 28, TOWNSHIP 56 NORTH, RANGE 84 WEST, 6TH P.M., SHERIDAN COUNTY, WYOMING
TOTAL AREA: ±18.55 ACRES

TOTAL NUMBER OF RESIDENTIAL LOTS: 86
AREA OF OPEN SPACE LOTS 19, 41, & 89 ±1.67 ACRES
AREA OF RESIDENTIAL LOTS ±11.85 ACRES
AREA OF STREETS ±4.83 ACRES





LOCATION MAP
(NO TRUE SCALE)

NOTES:

CONTOURS ARE AS OF 4/21/20 AND MAY HAVE CHANGED

EXISTING ZONING:
MAJORITY OF THIS DEVELOPMENT IS IN THE B-1 ZONE,
A LARGE PORTION OF LOT B IS IN THE R-1 ZONE

PROPOSED ZONING:

RESIDENTIAL AND OPEN SPACE LAND USE TO BE R-2 RESIDENCE DISTRICT LAND USES

TYPICAL STREET SECTION: 36'
TYPICAL STREET SECTION ENTRANCE: 24' BOC (ONE-WAY)
SIDEWALK: 5' CONCRETE ATTACHED

OPEN SPACE: 54,531 SQ. FT. (6.75% OF TOTAL DEVELOPMENT)

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	130.00'	44.60'	44.38'	N 10°38'52" E	19°39'23"
C2	130.00'	49.18'	48.89'	N 31°18'51" E	21°40'39"
C3	130.00'	108.51'	105.39'	S 66°03'57" W	47°49'33"
C4	330.00'	12.64'	12.64'	N 88°55'27" W	2°11'39"
C5	330.00'	48.86'	48.82'	S 83°35'07" E	8°29'01"
C6	330.00'	47.61'	47.57'	N 75°12'38" W	8°15'56"
C7	330.00'	49.00'	48.96'	N 62°06'45" W	8°30'30"
C7	330.00'	27.13'	27.13'	N 68°43'20" W	4°42'39"
C8	330.00'	44.77'	44.74'	N 53°58'18" W	7°46'24"
C9	330.00'	46.88'	46.84'	N 46°00'57" W	8°08'19"
C10	330.00'	46.87'	46.84'	N 37°52'38" W	8°08'19"
C11	330.00'	28.24'	28.24'	N 31°21'21" W	4°54'14"
C12	70.00'	47.69'	46.77'	N 48°25'18" W	39°02'08"
C13	99.49'	46.17'	45.76'	N 54°43'06" W	26°35'22"
C13	1370.00'	123.37'	123.33'	S 19°27'03" W	5°09'34"
C14	70.00'	24.10'	23.98'	S 31°55'13" W	19°43'44"
C15	130.00'	21.02'	21.00'	S 26°41'18" W	9°15'54"
C16	130.00'	41.82'	41.64'	N 40°32'16" E	18°26'01"
C17	270.00'	129.58'	128.34'	N 43°17'08" W	27°29'48"
C18	270.00'	43.98'	43.93'	S 61°42'01" E	9°19'58"
C19	270.00'	20.52'	20.51'	N 68°32'37" W	4°21'13"
C20	270.00'	90.95'	90.52'	N 80°22'15" W	19°18'04"
C21	130.00'	38.28'	38.14'	S 08°24'53" W	16°52'19"
C22	130.00'	11.81'	11.81'	N 19°27'12" E	5°12'19"
C23	70.00'	26.97'	26.81'	S 11°01'02" W	22°04'38"
C24	70.00'	108.93'	98.27'	N 45°23'57" E	89°09'33"
C25	70.00'	84.00'	79.05'	S 33°33'30" E	68°45'22"
C26	130.00'	44.20'	43.99'	S 58°11'46" E	19°28'50"
C27	130.00'	43.05'	42.85'	N 38°58'09" W	18°58'23"
C28	130.00'	43.05'	42.85'	N 19°59'44" W	18°58'26"
C29	130.00'	25.70'	25.66'	S 04°50'40" E	11°19'42"
C30	130.00'	15.01'	15.00'	N 45°27'37" E	6°36'53"

LEGAL DESCRIPTION

LOT B, HIDDEN BRIDGE MINOR SUBDIVISION, CITY OF SHERIDAN AND A PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW¼NW¼), SECTION 28, TOWNSHIP 56 NORTH, RANGE 84 WEST, 6TH P.M., SHERIDAN COUNTY, WYOMING. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT A OF SAID HIDDEN BRIDGE MINOR SUBDIVISION, SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE N 67°56'11" W, 1049.66 FEET ALONG THE NORTH LINE OF SAID LOT A; THENCE N 64°26'54" W, 75.22 FEET ALONG SAID NORTH LINE TO THE SOUTHEAST CORNER OF LOT C OF SAID HIDDEN BRIDGE MINOR SUBDIVISION; THENCE N 00°49'33" E, 852.50 FEET ALONG THE EAST LINE OF SAID LOT C TO THE SOUTH RIGHT-OF-WAY LINE OF FIFTH STREET; THENCE N 88°22'35" E, 59.94 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE WEST LINE OF CLOUD PEAK RANCH NINTH FILING; THENCE S00°49'45" W, 398.03 FEET ALONG SAID WEST LINE TO THE SOUTHWEST CORNER OF SAID CLOUD PEAK RANCH NINTH FILING; THENCE N 89°59'24" E, 713.90 FEET ALONG THE SOUTH LINE OF SAID CLOUD PEAK RANCH NINTH FILING TO THE SOUTH LINE OF CLOUD PEAK RANCH FOURTH FILING; THENCE S 66°22'00" E, 567.34 FEET ALONG SAID SOUTH LINE OF CLOUD PEAK RANCH FOURTH FILING TO THE WEST RIGHT-OF-WAY LINE OF MYDLAND ROAD; THENCE ALONG SAID WEST RIGHT-OF-WAY THROUGH A CURVE TO THE RIGHT, HAVING A RADIUS OF 1370.00 FEET, AN ARC LENGTH OF 123.37 FEET, A DELTA OF 5°09'34", AND A CHORD OF S 19°27'03 W, 123.33 FEET; THENCE S 22°03'22" W, 355.54 FEET ALONG SAID WEST RIGHT-OF-WAY LINE; THENCE S 22°03'35" W, 226.29 FEET ALONG SAID WEST RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING. SUBJECT TRACT CONTAINING ±18.55 ACRES MORE OR LESS

SUBJECT TO ANY PREVIOUSLY RECORDED EASEMENTS, EXCEPTIONS, RESTRICTIONS, COVENANTS AND CONVEYANCES.

CERTIFICATE OF SURVEYOR

I, CLAYTON ROSENLUND , do hereby certify that I am a Registered Land Surveyor, licensed under the laws of the State of Wyoming, that this plat is a true, correct and complete plat of HIDDEN BRIDGE RANCH PLANNED UNIT DEVELOPMENT, as laid out, platted, dedicated and shown hereon, that this plat was made from an accurate survey of said property conducted by me or under my supervision and correctly shows the location and dimensions of all lots, easements and streets of said subdivision in compliance with City of Sheridan regulations governing the subdivision of land.

REGISTERED LAND SURVEYOR

NO. 14250 .

SCALE: 1"=50'

BASIS OF BEARINGS IS
US STATE PLANE, NAD 83
WYOMING EAST CENTRAL ZONE
DISTANCES ARE GROUND (US SURVEY FEET)
PAF:1.000235

LEGEND

- FOUND 2" AC LS 2615 OR AS NOTED
- CALCULATED CORNER
- PROPERTY CORNER TO BE SET
- AC ALUMINUM CAP
- P.O.B. POINT OF BEGINNING
- OPEN SPACE
- UTILITY EASEMENT
- BOUNDARY OF THIS SUBDIVISION
- SET BACKS/ BUILDING ENVELOPE
- VACATED LOT LINE
- ADJOINING LOT LINE
- INTERIOR LOT LINE
- STREET CENTERLINE
- PROPOSED CURB GUTTER AND SIDEWALK
- SAN NEW 8" SANITARY SEWER
- WTR NEW 8" WATER MAIN
- STM NEW 36" STORM SEWER
- S EXISTING SANITARY SEWER
- W EXISTING WATER MAIN
- EXISTING MANHOLE
- NEW MANHOLE
- EXISTING WATER VALVE
- NEW WATER VALVE
- EXISTING FIRE HYDRANT
- NEW FIRE HYDRANT
- ELECTRIC BOX
- WING WALL

PRELIMINARY PLAT

HIDDEN BRIDGE RANCH SUBDIVISION

CITY OF SHERIDAN, WYOMING

RECORD OWNER: EXCALIBUR CONSTRUCTION

2275 DRY RANCH ROAD SHERIDAN WY,

201 E 5TH ST
SHERIDAN, WYOMING 82801

DOWL
WWW.DOWL.COM
16 West 8th Street
Sheridan, Wyoming 82801
307-672-9006

DATE OF PREPARATION: JULY 17 2020 .

ORDINANCE NO 2221

AN ORDINANCE amending Ordinance No. 826, the Zoning Ordinance of the City of Sheridan, to zone the entirety of the land more particularly described in Appendix A Section 1., and shown on the attached Exhibit A, from an R-1 Residence District and B-1 Commercial District to a R-2 Residence District; for the two properties in the 700 block of Mydland Road, South of West 5th Street (Parcels: 56842830000533, 56842910600233).

WHEREAS, the owner of the following described land has petitioned the City Council to rezone the same from an R-1 Residence District and B-1 Business District to a R-2 Residence District, and a public hearing having been held thereon by the City Council; THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF SHERIDAN, WYOMING:

Section 1.
The following described land is hereby rezoned from an R-1 Residence District to a B-1 Business District, to wit:

A tract of land situated in the NW1/4 NW1/4 of Section 28 and in the Section 28, Township 56 North, Range 84 West of the Sixth Principal Meridian, Sheridan County, Wyoming. Thereto, City of Sheridan, Wyoming.

Section 2.
That Ordinance No. 826, The Zoning Ordinance of the City of Sheridan is hereby amended to conform herewith.

Section 3.
If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, than all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 4.
That this ordinance shall be in full force and effect immediately upon its passage and publication as provided by law.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2020

_____
Roger Miller, Mayor

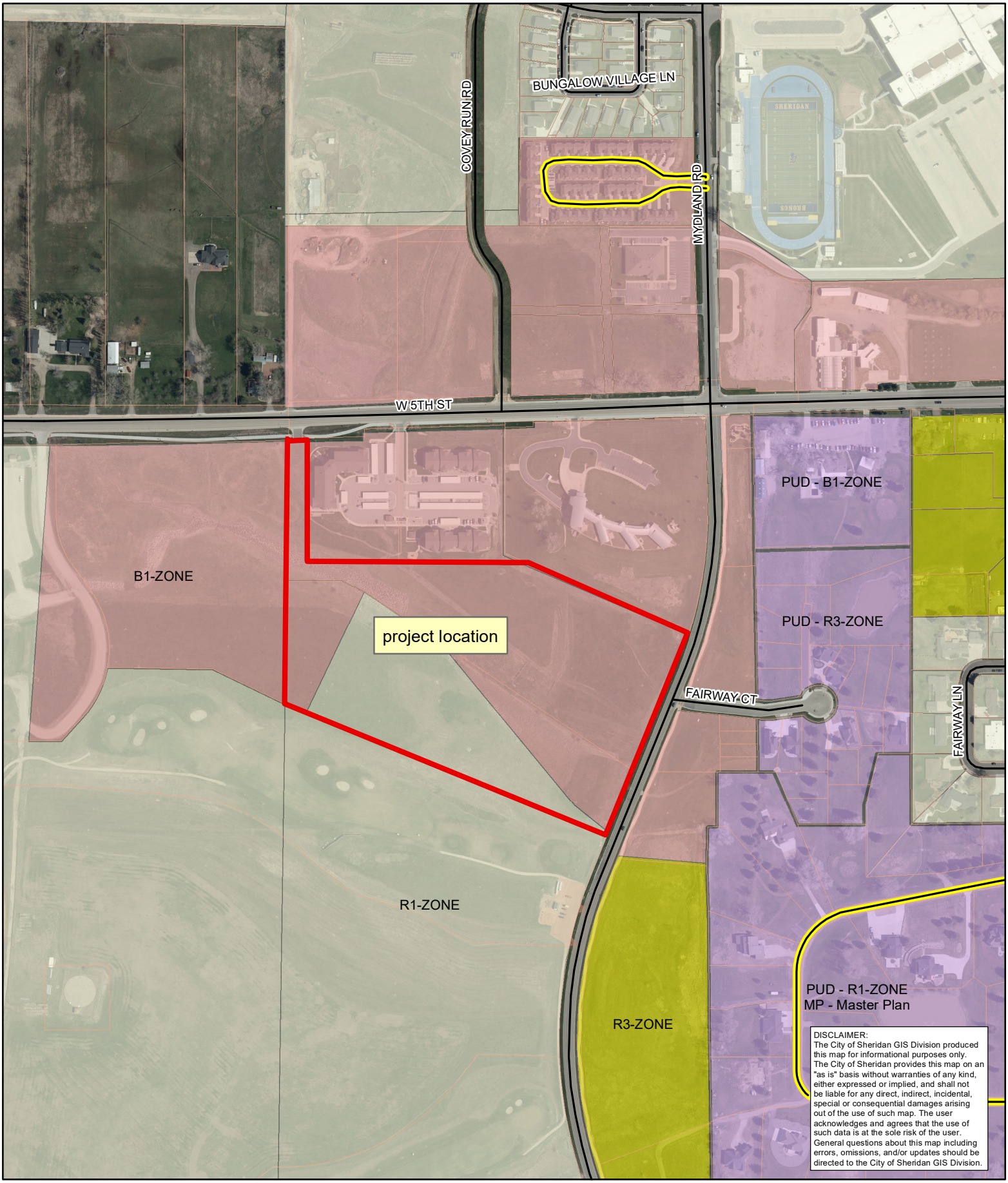
ATTEST:

_____
Cecilia Good, City Clerk
State of Wyoming)
)SS
County of Sheridan)

Subscribed and sworn to (or affirmed) before me this _____day of

_____, 2020 by _____.

_____
Notary Public
My commission expires _____.



CITY OF Sheridan WYOMING

Hidden Bridge rezone

N

0 125 250 500 Feet

Name: sgoodman Date: 06/15/2020

Cloud Peak Ranch

1511 Mydland Road #4
Sheridan, WY 82801
307.752.0798

June 16, 2020

Mr. Sanner
City of Sheridan
Sheridan, WY 82801

Mr. Sanner,

The Cloud Peak Ranch Homeowner's Association is made up of 147 home owners in Sheridan's premier subdivision. The control and uniformity of the very well thought-out and implemented covenants and design standards has provided the residents with increased property values and satisfaction.

Hidden Bridge Ranch PUD is subject to these same covenants, but the average lot size of the 169 lots platted in Cloud Peak Ranch is approximately 9800 square feet. The HOA strongly feels that the lots as represented are too small for this area and don't fit the character or design of Cloud Peak Ranch.

Also, rental storage units are not allowed by the filed covenants and should not be approved by the City.

Sincerely,

Renee Steinhorst

Renee Steinhorst
CPR Property Management
cprpropertymgmt@gmail.com

City of Sheridan
55 Grinell Plaza
Sheridan, WY 82801

April 24, 2020
Re: Hidden Bridge Ranch Development

To Whom It May Concern,

My wife and I recently purchased lot 33, of filing 17, in the Cloud Peak Ranch Subdivision, partly because we understood the covenants would not allow over-building or construction shortcuts that would seriously compromise the feel of the neighborhood and ultimately property values.

As part of the Cloud Peak Ranch HOA, we don't feel the sketch plat for Hidden Bridge Ranch will comply with the covenants required with that property. Homes are supposed to be single family dwellings and rental storage units are definitely not allowed. It is important that plans include infrastructure build-out, building plans, and architectural design that are pre-approved by the HOA for each unit prior to construction. This is the requirement for other properties within Cloud Peak Ranch and should be the same for this development.

In addition, the Hidden Bridge Ranch layout seems extremely dense with 95 building lots. It seems that 70 lots of at least 5000 square feet would be more in line with the area and would not over-build that property.

We felt it necessary to share our concerns, and request that you share them with the Planning Commission and anyone else involved in the approval process of Hidden Bridge Ranch. It's not that we are against development of that property. We just wish to see it done correctly and fairly.

Sincerely,

Jim & Cheryl Schellinger

June 10, 2020

Julie A. Ream
100 Sunrise Lane
Sheridan, Wyoming 82801
307-751-7002
julie.ream1@outlook.com

City of Sheridan, Wyoming
City Council
Planning Commission
55 Grinnell Plaza
Sheridan, Wyoming 82801

RE: HIDDEN BRIDGE RANCH DEVELOPMENT

Dear Sheridan City Councilors and Planning Commissioners:

I am a concerned citizen living in a Cloud Peak Ranch Subdivision governed by the HOA rules that would also govern this new subdivision. It appears by making this a PUD it could bypass many of the setbacks and other requirements typical in the other Cloud Peak Ranch Subdivision Filings. This would be unfortunate if it would be approved, in my opinion, as it would not be compliant with the areas already built and place a regrettable burden on the surrounding area.

This being said the density of 95 homes, each built on a 5100 square foot lot or less, would make it very difficult to build a house with the square footage required by the HOA rules. In my opinion, the total number of houses allowed in this area would need to be about half the number shown. These proposed lots are just too small. In addition, it does not appear the drainage area required for this density of hard surfaces has been met, as well as open spaces.

Nor are commercial endeavors allowed by the HOA rules and I would hope the City would also have a restriction not allowing such in a residential development.

I am not opposed to development, but it needs to be planned to work with the surrounding existing development and not be in conflict with existing property values. Please consider requiring this development to conform to a more standard approach so this area continues to be an attractive area to live.

Thank you for allowing me this opportunity to voice my concerns.

Sincerely,

Julie Ream

Julie A. Ream

Sue Goodman <sgoodman@sheridanwy.net>

Fwd: City Planner & Hidden Bridge Ranch

1 message

Roger Miller <rmiller@sheridanwy.net> Tue, May 5, 2020 at 2:35 PM
To: Mike Jackson <mjackson@sheridanwy.net>, "Lane Thompson - Public Works Director." <lthompson@sheridanwy.net>, Wade Sanner <wsanner@sheridanwy.net>, Sue Goodman <sgoodman@sheridanwy.net>

Mike,

Here is the email that I referred to in our meeting.

Thanks
Mayor Roger Miller

---------- Forwarded message ---------
From: **Riesen Family** <tdriesen@charter.net>
Date: Mon, May 4, 2020 at 3:24 PM
Subject: City Planner & Hidden Bridge Ranch
To: <rmiller@sheridanwy.net>

Hello Mayor Miller,

Today we am reaching out because We live in the Cloud Peak Ranch Subdivision and we have received word that there is a proposal of a new section in our HOA that is going to have 95 small lots. The letter says to contact the City Planner with comments, but we see on the website the City currently doesn't have one. Hopefully you and the council will take these things into consideration:
1) When adding 95 more homes, can the two closest schools take that many more children? We hear that both are full currently and we still have lots for sale.
2) Traffic will dump out onto Myland and that street can't handle that much traffic with the new proposal having two streets on one side, the new market on the other, Fairway Court by the market and the club house for the golf course at rush hour times. Let alone when it is snowing and blowing with no visibility in the winter. When school is in session it is a miracle to get turned left onto Mydland from Bruce Mountain with the school traffic.
That traffic will also be either pumping out on 5th or going through by Highland Park school, into Sparrow Hawk and onto Loucks. Turning onto 5th and Loucks is terrible at high traffic times, especially with school in session. Let alone adding 95 more homes even with only one car per family, or 190 vehicles if they all had two.
3) Given the traffic alone stop lights would need to be addressed for everyone's safety on 5th and Mydland at least if not 5th and Long Drive as well. Safety is key for all the kiddos walking and young drivers we have accessing this area already without adding this many more vehicles to that section.
4) Can emergency vehicles access this new subdivision easily? This builders subdivision across from the Highway Department has very narrow streets. It becomes one lane if anything is parked on the street.
5) Looking at the arc handbook for what they are allowed to build on these lots there is no way a 1500 sq ft ranch is going to fit on a 3300 sq ft lot and meet the setbacks required or any of our covenants we all had to meet for that matter.
6) Why would we want to pack that many lots on a wetlands area for affordable housing when over packing that land is going to lead to problems with homes that those owners won't have the means to fix. Honestly does anyone really have the means to fix your whole homes foundation when it is compromised by a wet lands sinking and flooding problem?
My family and I are asking that all these factors be taken into account. This new section should match what we already have for streets, sidewalks and lot sizes, along with useable green space that is not wet lands. It should also have a regular street onto 5th not a gated outlet to allow for traffic ease on Mydland. With these changes that could be a nice addition to Cloud Peak.
Please let me know if there is another way or person that any of the homeowners in the current Cloud Peak area and surrounding areas can contact.

Thank you
Diana & Tom Riesen

Sent from my iPhone

Sue Goodman <sgoodman@sheridanwy.net>

Fwd: Hidden Bridge Ranch Development.docx

1 message

Wade Sanner <wsanner@sheridanwy.net> Mon, Jun 15, 2020 at 4:31 PM
To: Sue Goodman <sgoodman@sheridanwy.net>

Just another public comment sent to City Council about Hidden Bridge. If you could add it to the public comments.

Thanks,

Wade

---------- Forwarded message ---------
From: **Wade Sanner** <wsanner@sheridanwy.net>
Date: Mon, Jun 15, 2020 at 4:30 PM
Subject: Re: Hidden Bridge Ranch Development.docx
To: Jacob Martin <jmartin@sheridanwy.net>

Thanks for sending this to me and keeping me in the loop. I'll make sure it gets added to the public comment. Let me know if I can help with anything.

Wade

On Mon, Jun 15, 2020 at 3:38 PM Jacob Martin <jmartin@sheridanwy.net> wrote:

> Wade,
>
> Water pressure concern and property value as I'm sure you know have been ongoing concerns from different residents regarding the new development on Mydland. I know we will hear from some residents in person tonight. Any information you can provide would be appreciated.
>
> Thanks,
>
> Jacob
>
> ---------- Forwarded message ---------
> From: <Sunrise@vcn.com>
> Date: Mon, Jun 15, 2020, 12:41 PM
> Subject: Hidden Bridge Ranch Development.docx
> To: <jmartin@sheridanwy.net>

avast This email has been checked for viruses by Avast antivirus software.
www.avast.com

--

Wade Sanner, AICP
Community Development Director

Sue Goodman <sgoodman@sheridanwy.net>

Excalibur PUD

1 message

PATRICIA DAVIS <t2davis@me.com> Fri, Jun 12, 2020 at 12:39 PM
To: gomkem@msn.com
Cc: Sue Goodman <sgoodman@sheridanwy.net>

Thank you for reaching out, Matt. I had responded to Renee's earlier email, asking what position Cloudpeak ranch was taking, but did not hear back from her. At that time I called Sue Goodman of the city who didn't even have what Renee had sent us, which I thenforwarded to her.

Today I got this back from her. I assume you already have it but if not, have it!

Excalibur has, to my knowledge, done some nice developments. I am thinking of one up near the airport. But 100 houses in that space, on tiny 5000 square-foot lots, as an R2 zone with 10 feet between the houses (5 foot setbacks?) Seems absolutely ridiculous.

I agree with the objections that you outlined in your email. I also think that what is planned is out of character with the rest of cloud Peak Ranch, any future development along hidden bridge golf course fairways, and even the old course Estates. I'm sure the flag of "affordable housing" will be waved, but I believe this development should remain zoned R1, with all the requirements of R 1.

Renee did not send on any contact details for city Council. I will copy Sue Goodman on this and hope that she will share with the relevant personnel.
Thanks
Trish Davis

Hidden Bridge Ranch NN PC 6_22_2020 CC 7_6_2020.pdf
2429K

Sue Goodman <sgoodman@sheridanwy.net>

Fwd: Hidden Bridge Ranch Proposed Development

1 message

Bev Leichtnam <bleichtnam@sheridanwy.net> Thu, Jun 18, 2020 at 11:00 AM
To: Wade Sanner <wsanner@sheridanwy.net>, Sue Goodman <SGoodman@sheridanwy.net>, Lane Thompson <lthompson@sheridanwy.net>, Stuart McRae <smcrae@sheridanwy.net>

---------- Forwarded message ---------
From: **Roger Miller** <rmiller@sheridanwy.net>
Date: Thu, Jun 18, 2020 at 10:56 AM
Subject: Fwd: Hidden Bridge Ranch Proposed Development
To: Bev Leichtnam <bleichtnam@sheridanwy.net>

---------- Forwarded message ---------
From: **Gary & Cindy** <gwadec@aol.com>
Date: Fri, Jun 12, 2020 at 9:26 AM
Subject: Hidden Bridge Ranch Proposed Development
To: Rmiller@sheridanwy.net <Rmiller@sheridanwy.net>, Rbridger@sheridanwy.net <Rbridger@sheridanwy.net>, Cbeavers@sheridanwy.net <Cbeavers@sheridanwy.net>, Phenderson@sheridanwy.net <Phenderson@sheridanwy.net>, Alinden@sheridanwy.net <Alinden@sheridanwy.net>, tshafer@sheridanwy.net <tshafer@sheridanwy.net>, jmartin@sheridanwy.net <jmartin@sheridanwy.net>
Cc: Gary & Cindy <gwadec@aol.com>

Mayor and Council members, my name is Gary Campbell and I am a resident in the Cloud Peak subdivision. I am asking to put on the agenda for the next meeting on June 15 for public comments. I along with many other residents within the Cloud Peak Ranch are against this project as it is currently being displayed and advertised on Facebook. We have many concerns with what is being proposed. As I am writing this the Company (Excaliber) is actively moving earth on this proposed project even though to the best of my knowledge and research indicates this has not been approved by the City. What the proposed plan shows will require multiple zoning changes. I am not necessarily against a proposed housing development however this will fall under the architectural control of the Cloud Peak Ranch. Since that is the case then any proposed subdivision should have to meet the R1 standards and have lot sizes no smaller than 6000 square feet. Additionally as shown this will be allowing a mix of residential and business together. Neither of these issues are allowed under the current Cloud Peak Ranch HOA standards. To allow the proposal to go forward as shown will have a negative effect on our adjacent property values. I have a list of other issues I will bring up at the meeting. I look forward to talking to you. If you have any questions feel free to give me a call.

Thanks

Gary W. Campbell
2218 Pheasant Draw Road
Sheridan, Wy

(h)429-1281
(c) 406-861-7603

--

Sue Goodman <sgoodman@sheridanwy.net>

Fwd: Hidden Bridge Ranch development

1 message

Bev Leichtnam <bleichtnam@sheridanwy.net> Thu, Jun 18, 2020 at 11:01 AM
To: Wade Sanner <wsanner@sheridanwy.net>, Sue Goodman <SGoodman@sheridanwy.net>, Lane Thompson <lthompson@sheridanwy.net>, Stuart McRae <smcrae@sheridanwy.net>

---------- Forwarded message ---------
From: **Roger Miller** <rmiller@sheridanwy.net>
Date: Thu, Jun 18, 2020 at 10:57 AM
Subject: Fwd: Hidden Bridge Ranch development
To: Bev Leichtnam <bleichtnam@sheridanwy.net>

---------- Forwarded message ---------
From: <mkdosch@charter.net>
Date: Tue, Jun 16, 2020 at 3:09 PM
Subject: Hidden Bridge Ranch development
To: rmiller@sheridanwy.net <rmiller@sheridanwy.net>, cbeaver@sheridanwy.net <cbeaver@sheridanwy.net>, phenderson@sheridanwy.net <phenderson@sheridanwy.net>, alinden@sheridanwy.net <alinden@sheridanwy.net>, tshafer@sheridanwy.net <tshafer@sheridanwy.net>, rbridger@sheridanwy.net <rbridger@sheridanwy.net>, jmartin@sheridanwy.net <jmartin@sheridanwy.net>

Dear Mayor Miller and counsel members,

My husband and I live in the Cloud Peak Ranch development. We chose this area because of the HOA rules that apply to this development. We have lived in Sheridan 8 years and have watched housing developments around Sheridan form. The lot sizes for Hidden Bridge seem very small for a quality home to be built, in our HOA it states that home sizes be a minimum 1500 sq ft for a ranch style home and 1800sq ft for a 2 story home. Our concern is that these small lots and apparently small homes devalue our beautiful neighborhood.

Another concern is the use of the vinyl fences to separate lots and homes. Is our HOA going to be forced to pay for the repairs when they need it? In our neighborhood we can only have rail fences where repairs are minimal. Our development has beautiful green spaces and nice lot sizes.

If the Hidden Bridge development is affordable housing, we know what kind of people it will attract. Just take a look at Stadium Place and the development north of that with the manufactured square box homes. Yards are neglected, cars are everywhere including parked along Mydland because of lack of parking. We feel that this would happen at Hidden Bridge Ranch with the amount of small lots and homes packed into the area.

Please consider our concerns like it was your home or development. Please feel free to call if you would like to discuss anything. Thank you

Herman and Karla Dosch
2203 Pheasant Draw Rd.
701-258-5261

--

Sue Goodman <sgoodman@sheridanwy.net>

Fwd: Hidden Bridge Ranch Development plan

1 message

Bev Leichtnam <bleichtnam@sheridanwy.net> Thu, Jun 18, 2020 at 11:02 AM
To: Wade Sanner <wsanner@sheridanwy.net>, Sue Goodman <SGoodman@sheridanwy.net>, Lane Thompson <lthompson@sheridanwy.net>, Stuart McRae <smcrae@sheridanwy.net>

---------- Forwarded message ---------
From: **Roger Miller** <rmiller@sheridanwy.net>
Date: Thu, Jun 18, 2020 at 10:58 AM
Subject: Fwd: Hidden Bridge Ranch Development plan
To: Bev Leichtnam <bleichtnam@sheridanwy.net>

---------- Forwarded message ---------
From: **Connie Krezelok** <Godschild1949@live.com>
Date: Wed, Jun 17, 2020 at 11:54 AM
Subject: Hidden Bridge Ranch Development plan
To: rmiller@sheridanwy.net <rmiller@sheridanwy.net>, cbeaver@sheridanwy.net <cbeaver@sheridanwy.net>, tshafer@sheridanwy.net <tshafer@sheridanwy.net>, phenderson@sheridanwy.net <phenderson@sheridanwy.net>, rbrider@sheridanwy.net <rbrider@sheridanwy.net>, alinden@sheridanwy.net <alinden@sheridanwy.net>, jmartin@sheridanwy.net <jmartin@sheridanwy.net>

Dear Mr. Mayor and Councilmen,

We are writing with regard to the Hidden Bridge Ranch Development proposal. We now live at 1959 Fairway Court but are life long residents of Sheridan County. We are generational Sheridanites. We know that we have a phenomenal community with many philantropic people. We support many services in Sheridan. So we are invested in this community.

Please consider our concerns, which are not solitary, seriously. These issues need to be addressed with integrity and serious professional planning. What will 100 homes do to our current water pressure, storm drainag for downstream neighbors, sewage, water table, traffic and schools? We already have several low cost housing developments in our area. We also have some large high end homes and middle range homes. The soccer fields when in use and Mydland Market have already impacted our traffic.

Homes are an investment. It is always the hope of a home owner that their home will keep its value and maybe increase in value. A quick build with homes that may be bought up in multiple units by a few people for rentals will not increase the value of the homes in this neighborhood.

We would encourage the planning to limit the number of houses that can be built in Hidden Ranch by increasing lot sizes. Rather than 100 crammed in homes seventy or less, preferably less, would be much more manageable and address the issues of many. And before the building we would encourage you to address for all of us how the impact of water pressure and storm drainage and traffic and schools will be taken care of in a way that is at the level we have now or better. We saw a post on Excalibur's Facebook page that they would be building luxury homes. We would not care so much about that as we would care and have concern for the impact of this area. We would be most concerned for anything that lessens our current neighborhood.

We know that you job is to consider the needs of us all not just a few. We appreciate that.

Sincerely,
John and Connie Krezelok
1959 Fairway Court
Sheridan, WY

--

Sue Goodman <sgoodman@sheridanwy.net>

Proposed Hidden Bridge subdivision

1 message

Todd Neeriemer <Todd@currentelectricllc.net> Mon, Jun 22, 2020 at 1:18 PM
To: "sgoodman@sheridanwy.net" <sgoodman@sheridanwy.net>, "wsaunders@sheridanwy.net" <wsaunders@sheridanwy.net>
Cc: Matt Gomke <gomkem@msn.com>, Home <gwadec@aol.com>, Renee Steinhorst <cprpropertymgmt@gmail.com>

I am writing today to request your vote to deny the PUD application for Hidden Bridge Subdivision as it is currently proposed. I understand there is a bit of salesmanship to a PUD application and the presentation looks nice but there are some discrepancies I would like to make you aware of.

1. Per the Dowl Design Report it is stated that "**the developer agreed to comply with the Hidden Bridge Ranch Architectural Control Handbook with Design Guidelines"** and it is attached to the PUD application**.** The proposed development will not meet setback (See #1a) or minimum square footage (see #1b) requirements of the architectural Control Handbook
   a. Attached clip from Architectural Control Handbook

3.) **BUILDING LOCATION, BUILDING ENVELOPES, AND GARAGES:**
All lots are subject to specific setback requirements as follows:

- Minimum front yard setback is 25' from the front property line.
- Minimum back yard setback is 20' from the rear property line.
- Minimum side yard setback is 5' from side property lines for all lots that are under 10,000 square feet; for all lots that are 10,000 square feet and greater the side yard setback is 7' from property lines.

b. Attached clip from Architectural Control Handbook

2)**MINIMUM SQUARE FOOTAGE:** Unless otherwise approved by the ARC in their sole discretion, no dwelling may be erected unless the finished floor space area thereof, exclusive of basement, open porches, garages, and attached out-buildings is at least:

Dwelling Style	Minimum Square Footage
Ranch	1500 Square Feet
2 Story	1800 Square Feet

2. Under the architectural design heading of the PUD proposal they suggest three different types of residential property with proposed home sizes. With the setbacks requested it is physically impossible to build the proposed size of home unless there is a basement constructed under the garage slab and the garage is included in the square footage number. As shown it is not possible to comply with the Architectural Control Handbook or their proposed home size.
3. The renderings of the homes look nice but the offsets reduce the amount of square footage and the garage would need to be counted as part of the proposed sqft. Additionally I am unsure if window wells can encroach into the setbacks but to get the sizes they propose there will need to be a basement.
4. Per the PUD requirements 20% shall be open space. The proposal only allows for 8.3%

a. 805.7 Parks/Open Space.

(A) Required. Each PUD Master Plan shall provide for a minimum amount of parks/open space. **A minimum of 20% of the gross area of the PUD shall be open space**. At its discretion, City Council may approve a decrease in the amount of required parks/open space when the PUD Master Plan addresses specific infill needs or includes unique design features or amenities that achieve an especially attractive and desirable development such as, but not limited to, terraces, sculptures, water features, or preservation and enhancement of unusual natural features. Public rights-of-way, except that provided solely for pedestrian pathways or trails, shall not count towards required open space.

(B) Access. Park and open space areas shall have direct access from public streets and shall be well buffered from moving vehicles.

5. In addition the proposed rental storage units do not comply with the HOA.

Thank you for your consideration of voting to deny the application in its current form.

Todd Neeriemer

Current Electric LLC

Work - (307) 655-8315

Cell - (307) 751-1906

todd@currentelectricllc.net

Physical Address:

2571 Massey Avenue

Sheridan, WY 82801

Mailing Address:

PO BOX 6730

Sheridan, WY 82801

www.currentelectricllc.net

NOTICE: This e-mail and the attachments hereto, if any, may contain legally privileged and/or confidential information. It is intended only for use by the named addressee(s). If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail and the attachments hereto, if any, is strictly prohibited. If you have received this transmission in error, please immediately notify the sender by telephone and permanently delete this e-mail and the attachments hereto, if any, and destroy any printout thereof.

July 1, 2020

Julie A. Ream
100 Sunrise Lane
Sheridan, Wyoming 82801
307-751-7002
julie.ream1@outlook.com

City of Sheridan, Wyoming
Mayor
City Council
Planning Commission
55 Grinnell Plaza
Sheridan, Wyoming 82801

RE: HIDDEN BRIDGE RANCH DEVELOPMENT

Dear City of Sheridan Mayor, City Councilors and Planning Commissioners:

I am a concerned citizen reaching out to you, asking you our representatives in this community to make the right decisions in the long term planning and development of our city. You typically get one chance to get it right; please don't fail in this endeavor. You must hear the concerns being brought to you in the development of the proposed Hidden Bridge Ranch Subdivision. Many of the citizens of this community have collectively signed a petition voicing the concerns we have if you approve the rezoning of this development to a PUD. In this petition we have stated the specific items the current proposal for the development has not addressed. Please seriously consider these items one by one as they are very important and will determine the outcome of the development of our community for a long time to come. If these items are not addressed now many of them will fall upon the city to fix at a later time at the expense of the tax payers.

Some of the key items stated are:

1. Lot sizes need to be at least 6000 sq. ft. as specified in the city code 4.1 R-1.
2. No traffic study has been done as required by city code under subdivision submittals – Article 4_406.
3. Drainage issues need to be addressed according to Ord. No. 2140 § 5,2013 ; and subdivision submittals - Article 4_405

Thank you for allowing me this opportunity to voice my concerns.

Sincerely,

Julie Ream

Julie A. Ream

Attachment: Petition

We are against the proposed Hidden Bridge Ranch development as currently shown



This petition to The Sheridan City Council and Mayor

We the members of the Cloud Peak Ranch HOA, , the Old Course Estates Subdivision, the Sheridan Links Subdivision, the Links 1st Green Subdivision, the Links 2nd Tee Subdivision, the Links Last Tee Subdivision, and the Links North Pond Subdivision are against the proposed Hidden Bridge Ranch Development as it is currently being shown because it does not comport with the City of Sheridan PUD approval guidelines. In order for a PUD to be approved by the Sheridan City Council, it must be proven that the proposed PUD would foster attractiveness,

and that of its surrounding neighborhoods, preserve property values, provide an efficient road and utility network, ensure the movement of traffic, implement comprehensive planning, and better serve the public health, safety, and general welfare. The City Planning Code states that the City Council and the Planning Commission shall approve a PUD, if the PUD is found to:

(A) Be compatible with the goals and Policies of the City Master Plan and other applicable adopted plans and policies.

1. **This proposal does not comply with the Cloud Peak HOA Master Plan, as the proposed lots do not meet the R1 standards.**

(B) Be compatible with area surrounding the project site, unless there is a natural or man-made buffer separating the adjacent areas.

1. **The proposed lot sizes of the PUD, and proposed dwellings on those lots, are not compatible with the surrounding neighborhoods. The surrounding neighborhoods contain lots that are two and three times larger than the proposed lots in the PUD, and contain only single family dwellings. There are no barriers located to the south or east of the proposed PUD that separate the development from adjacent home owners and lots that currently exist or have already been approved. Parts of Cloud Peak Ranch subdivision, the Old Course Estates Subdivision, the Sheridan Links Subdivision, the Links 1st Green Subdivision, the Links 2nd Tee Subdivision, the Links Last Tee Subdivision, and the Links North Pond Subdivision have no buffer separating them from the PUD, and have direct line of site to this proposed development.**

(C) Place no greater demand on existing City Facilities and services that can be furnished by the City.

1. **Impacts that the proposed PUD might have on the existing City infrastructure, which includes roads, a potable water system, sanitary sewer and storm drainage, and the surrounding schools have not been analyzed and at this point. An approval of this PUD should not be provided without proper studies of the impacts on the existing City of Sheridan facilities and current infrastructure. There are concerns specifically that the PUD will negatively impact the following:**
   A. **The potable water system is currently not constructed as originally planned and there have been water pressure issues in the Cloud Peak Subdivision. It has not been analyzed to determine if the water system will need to be upgraded to handle the additional 100 homes proposed in the PUD without impacting the other subdivisions.**
   B. **Traffic studies have not been performed on Mydland road and other streets in the area to see what traffic impacts will occur with these additional 100 homes,**

and whether the current street infrastructure can safely provide for the traffic impact of 100 additional homes.

(D) Insofar as practicable, preserve the landscape in its natural state by minimizing tree and soil removal.

1. **The current landscape has already been altered, eliminating green space that was extremely attractive to the surrounding neighbors. The contractor has already started grading and left no trees and has impacted the entire project area. The proposal includes a green space area which doubles as a stormwater detention pond. There are no other green spaces shown on the plans as submitted.**

(E) Promote the efficient use of land by means of more economical arrangement of buildings/lots. Circulation systems, land uses, densities and utilities.

1. **All surrounding developments are R1 densities with a minimum of 6000 square feet per lot. The proposal as shown has 25 lots under 4000 sq. ft. , 6 lots under 5000 sq. ft., 51 lots under 6000 sq. feet and 13 lots greater than 6000 sq. ft. This DOES NOT comport with the lost sizes and densities of the surrounding developments.**
2. **The roads in the PUD appear to be approximately 30 feet wide. With the small lots it is anticipated many homes will not have garages so vehicles will be parked on the streets which could cause traffic accidents due to congestion and narrow streets, and will surely cause access issues for emergency vehicles.**

(F) Provide for useable and suitably located open space such as, but not limited to, bicycle paths, playground areas, courtyards, tennis courts, swimming pools, planned gardens, outdoor seating areas, outdoor picnic areas, and similar open spaces.

1. **Both open spaces identified cannot be developed, or be used for any of the activities listed above, as both are identified as storm water detention areas. No HOA will spend money on developing these areas for use when they may be flooded. These areas will need to be watered and mowed according to the HOA covenants. These functions will be an additional expense to the existing homeowners pursuant to the current Covenants and HOA By-laws.**

(G) Demonstrate flexibility and quality in design to permit diversification in the location, type, and use of structures.

1. **The design as shown will not allow for adiverse type of structures due to the lot sizes. Due to the size of the lots many homes will not have room on the lots to have garages.**

(H) Combine and coordinate architectural styles, building forms, and building relationships within the development and in concert with adjacent and surrounding land and development.

1. **No coordination with existing subdivisions that are adjacent or surrounding the area has been established. All single family home subdivisions around the proposed area are R1!**
2. **No relationships have been developed nor were adjacent homeowners notified of the proposal.**

(I) Be designed and controlled as a whole under the control of one (1) owner, partnership, corporation, or agency.

1. Currently there appears to be one owner, however Cloud Peak Ranch HOA will oversee the enforcement of the covenants.

(J) Give special attention to vehicular and pedestrian circulation and parking, the location and number of access points to public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and the arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed structures and neighboring properties. (Ord. No. 2147, & 1, 6-16-14.)

1. Again the streets are narrow and many homes will not have garages due to the size of the lots. Families will have to park vehicles on the city streets. This will affect emergency response vehicles and is a large safety issue.

2. Currently the west side of Mydland Road has no sidewalks. This is a safety issue as no traffic control devices are shown to allow people to cross the road and get to the Sheridan Trails system. This is a safety issue especially for children who have to walk to school.

3. There are currently two exits from this subdivision shown which are both on Mydland. Another exit directly to 5th street needs to be installed in the event of an emergency so that responding services have multiple entry points into the subdivision.

4. No traffic studies have been conducted to determine the impacts from traffic on existing subdivisions as well as additional impacts to the schools due to this subdivision.

5. A traffic control light may be needed at the intersection of Mydland and 5th Street due to the new additional traffic.

Sue Goodman <sgoodman@sheridanwy.net>

Fwd: Hidden Bridge Ranch R-1 Zoning

1 message

Roger Miller <rmiller@sheridanwy.net> Wed, Jul 29, 2020 at 9:17 AM
To: Stuart McRae <smcrae@sheridanwy.net>, "Lane Thompson - Public Works Director." <lthompson@sheridanwy.net>, Wade Sanner <wsanner@sheridanwy.net>, Sue Goodman <sgoodman@sheridanwy.net>

Hidden Bridge Opinion

---------- Forwarded message ---------
From: **PATRICIA DAVIS** <t2davis@me.com>
Date: Tue, Jul 28, 2020 at 2:58 PM
Subject: Re: Hidden Bridge Ranch R-1 Zoning
To: <rmiller@sheridanwy.net>, <cbeaver@sheridanwy.net>, <phenderson@sheridanwy.net>, <alinden@sheridanwy.net>, <tshafer@sheridanwy.net>, <rbridger@sheridanwy.net>, <jmartin@sheridanwy.net>
Cc: Don Roberts <dbrwyo@gmail.com>

Gentlemen:

I am writing once again to express my strong opinion that the Hidden Bridge Ranch development remain zoned R-1 and meet the requirements of that designation. I appreciate that the City's ability to impose restrictions beyond zoning is limited; I am including Don Roberts in this as it may be that Cloud Peak Ranch is the entity that will be able to design, enforce and manage a residential neighborhood in keeping with the rest of the development on the old PK. Clearly the starting point is zoning, and it is imperative that the City maintain the R-1 designation.

The Sheridan Press printed a comment noting that the development is adjacent to apartments and an office building. The DEQ building is a gorgeous, architect-designed structure that is in no way objectionable and the City has every right to be proud of. The apartments on the other hand were thrown up before anyone had a chance to comment on or oppose them, and it seems unfair to let them stand as precedent or rationale for additional building of that kind, which is OUT of character with the rest of Cloud Peak Ranch.

In the Press piece, the developer said they would build houses that would be like what they had constructed elsewhere in Cloud Peak Ranch. Is it possible to get a list of those properties, their lot size, house size, number of garages? Ideally this new development would consist of a range of houses with median house and lot sizes equivalent to median house and lot sizes across the rest of CPR. Is anyone looking at that?

Neighbors who met with Mr Macfaul said that Excalibur planned to build every house, not sell the lots to other builders or homeowners. This suggests the end result is likely to have a high degree of sameness, which previous development in this area has sought to avoid. The state of the property at present, with signs down and standing water, raises our level of concern about the care with which the rest of construction may proceed. Googling Mr Macfaul brings up some previous business activities that suggest extra caution on the part of the City and CPR may be warranted. (I had my own bad experience with an unscrupulous developer in CPR and know that bad things can happen…..)

It is unclear what amount of the area under development will remain as open/green space. If lot sizes are the smallest allowable in R-1, at 6000 sq ft., the presence of communal green space will be even more important as lawns, yards and playing areas will be tiny.

Others have brought up the issues of traffic and safe access. (And student drivers going to and from high school). Better to think this through carefully up front.

I appreciate you taking the time to carefully consider this matter.

Thank you
Patricia H Davis
2064 Featherbed Lane
PO Box 6775
Sheridan



--

Roger Miller
Mayor

PETITION FOR REZONING

TO THE CITY COUNCIL OF THE CITY OF SHERIDAN, WYOMING:

Pursuant to the provisions of W.S. 15-1-601, 15-1-602, 15-1-603 et. seq., and other applicable statutes, and Appendix A, Sec. 16 of the Sheridan City Code, the undersigned landowner(s) respectfully petition and show the City Council as follows:

1. This is a petition for the rezoning of parcels of land within the city limits of Sheridan, Wyoming, having a legal description as follows:
   See attached.

2. Excalibur Construction are the owners or authorized agents of said described land proposed to be rezoned.

3. A map of the area sought to be rezoned is attached hereto and made a part hereof.

4. Petitioners hereby request that said lands be zoned
   R-1 Residence District and B-1 Business District

Therefore, Petitioners pray said parcel(s) be rezoned R-2 Residence District, pursuant to and in accordance with the applicable Wyoming Statutes and City Ordinances after proper notice and public hearing.

Dated this 28th day of July, 2020

Signed by the Petitioners:

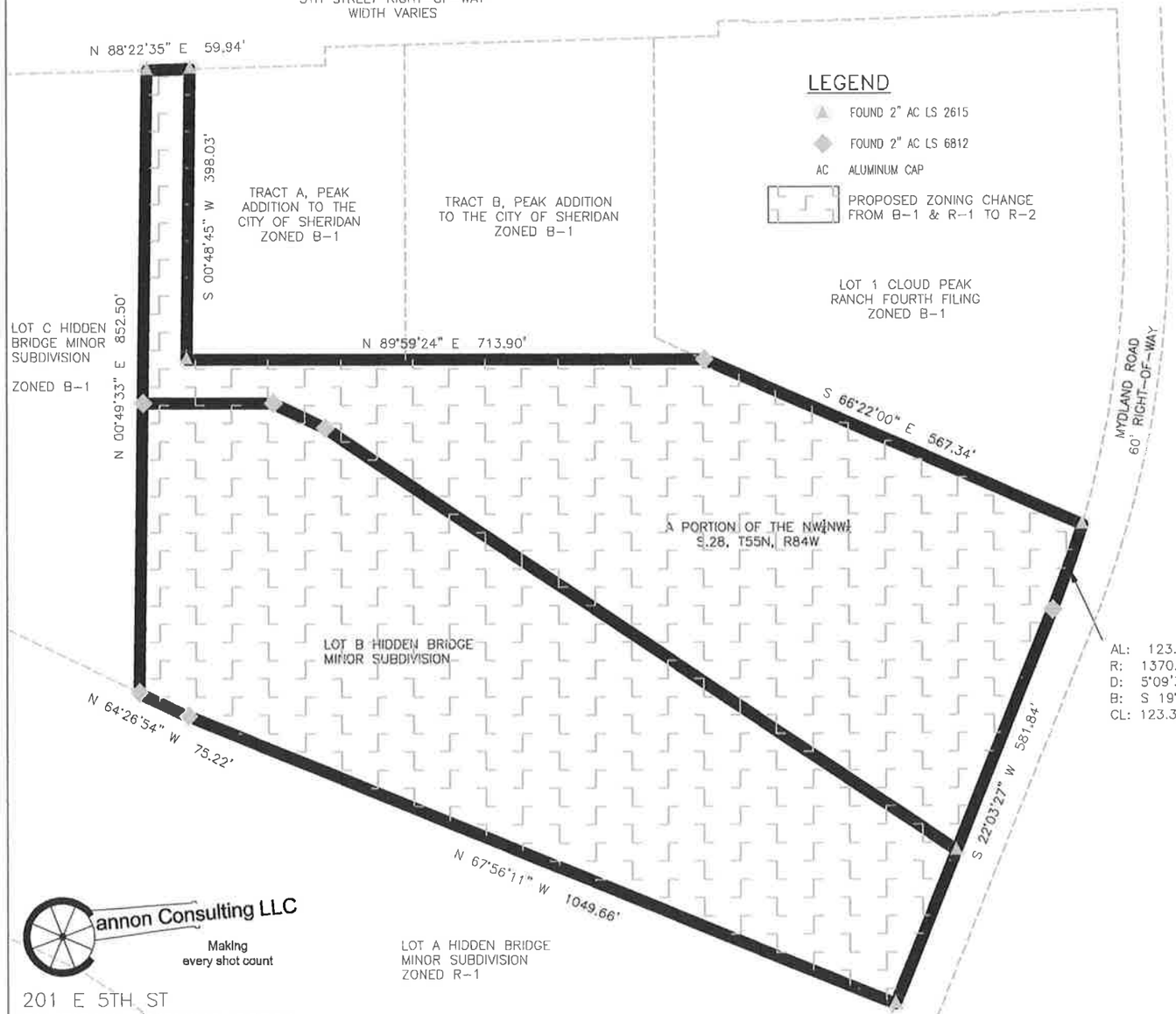
Subscribed and Sworn before me this 28th day of July, 2020

Notary Public

GEORGIA POSNIGHT - NOTARY PUBLIC
County of Sheridan State of Wyoming
My Commission Expires DEC. 30,2022

My commission expires: 12/30/22

EXHIBIT A OF ZONING CHANGE



LEGEND

- FOUND 2" AC LS 2615
- FOUND 2" AC LS 6812
- AC ALUMINUM CAP
- PROPOSED ZONING CHANGE FROM B-1 & R-1 TO R-2

LEGAL DESCRIPTION

LOT B, HIDDEN BRIDGE MINOR SUBDIVISION, CITY OF SHERIDAN AND A PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW¼NW¼), SECTION 28, TOWNSHIP 56 NORTH, RANGE 84 WEST, 6TH P.M., SHERIDAN COUNTY, WYOMING. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT A OF SAID HIDDEN BRIDGE MINOR SUBDIVISION, SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE N 67°56'11" W, 1049.66 FEET ALONG THE NORTH LINE OF SAID LOT A; THENCE N 64°26'54" W, 75.22 FEET ALONG SAID NORTH LINE TO THE SOUTHEAST CORNER OF LOT C OF SAID HIDDEN BRIDGE MINOR SUBDIVISION; THENCE N 00°49'33" E, 852.50 FEET ALONG THE EAST LINE OF SAID LOT C TO THE SOUTH RIGHT-OF-WAY LINE OF FIFTH STREET; THENCE N 88°22'35" E, 59.94 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE WEST LINE OF CLOUD PEAK RANCH NINTH FILING; THENCE S00°48'45" W, 398.03 FEET ALONG SAID WEST LINE TO THE SOUTHWEST CORNER OF SAID CLOUD PEAK RANCH NINTH FILING; THENCE N 89°59'24" E, 713.90 FEET ALONG THE SOUTH LINE OF SAID CLOUD PEAK RANCH NINTH FILING TO THE SOUTH LINE OF CLOUD PEAK RANCH FOURTH FILING; THENCE S 66°22'00" E, 567.34 FEET ALONG SAID SOUTH LINE OF CLOUD PEAK RANCH FOURTH FILING TO THE WEST RIGHT-OF-WAY LINE OF MYDLAND ROAD; THENCE ALONG SAID WEST RIGHT-OF-WAY THROUGH A CURVE TO THE RIGHT, HAVING A RADIUS OF 1370.00 FEET, AN ARC LENGTH OF 123.37 FEET, A DELTA OF 5°09'34", AND A CHORD OF S 19°27'03 W, 123.33 FEET; THENCE S 22°03'27" W, 581.84 FEET ALONG SAID WEST RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING. SUBJECT TRACT CONTAINING ±18.55 ACRES MORE OR LESS

SUBJECT TO ANY PREVIOUSLY RECORDED EASEMENTS, EXCEPTIONS, RESTRICTIONS, COVENANTS AND CONVEYANCES.

SURVEYOR'S CERTIFICATE:
I, CLAYTON P. ROSENLUND DO HEREBY CERTIFY THAT THIS PLAT WAS MADE FROM AN ACTUAL FIELD SURVEY PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT IT CORRECTLY SHOWS THE LOCATION TO THE BEST OF MY KNOWLEDGE.

Professional Land Surveyor
CLAYTON ROSENLUND
14250
Date
WYOMING

N

SCALE: 1"=200'

BASIS OF BEARINGS ARE
US STATE PLANE, NAD 83 WYOMING EAST CENTRAL ZONE
DISTANCES ARE GROUND (US SURVEY FEET)
PAF 1.000235

FOR: EXCALIBUR CONSTRUCTION INC.
2275 DRY RANCH ROAD
SHERIDAN, WYOMING

DATE: 7/27/20

Cannon Consulting LLC
Making every shot count
201 E 5TH ST
SHERIDAN, WYOMING 82801

Prepared by Cannon Consulting LLC (307) 752-0109

EXHIBIT B BUILDINGS

(NO BUILDINGS ON SUBJECT PROPERTY)



N

SCALE: 1"=200'

BASIS OF BEARINGS ARE
US STATE PLANE, NAD 83 WYOMING EAST CENTRAL ZONE
DISTANCES ARE GROUND (US SURVEY FEET)
PAF 1.000235

Cannon Consulting LLC
Making every shot count

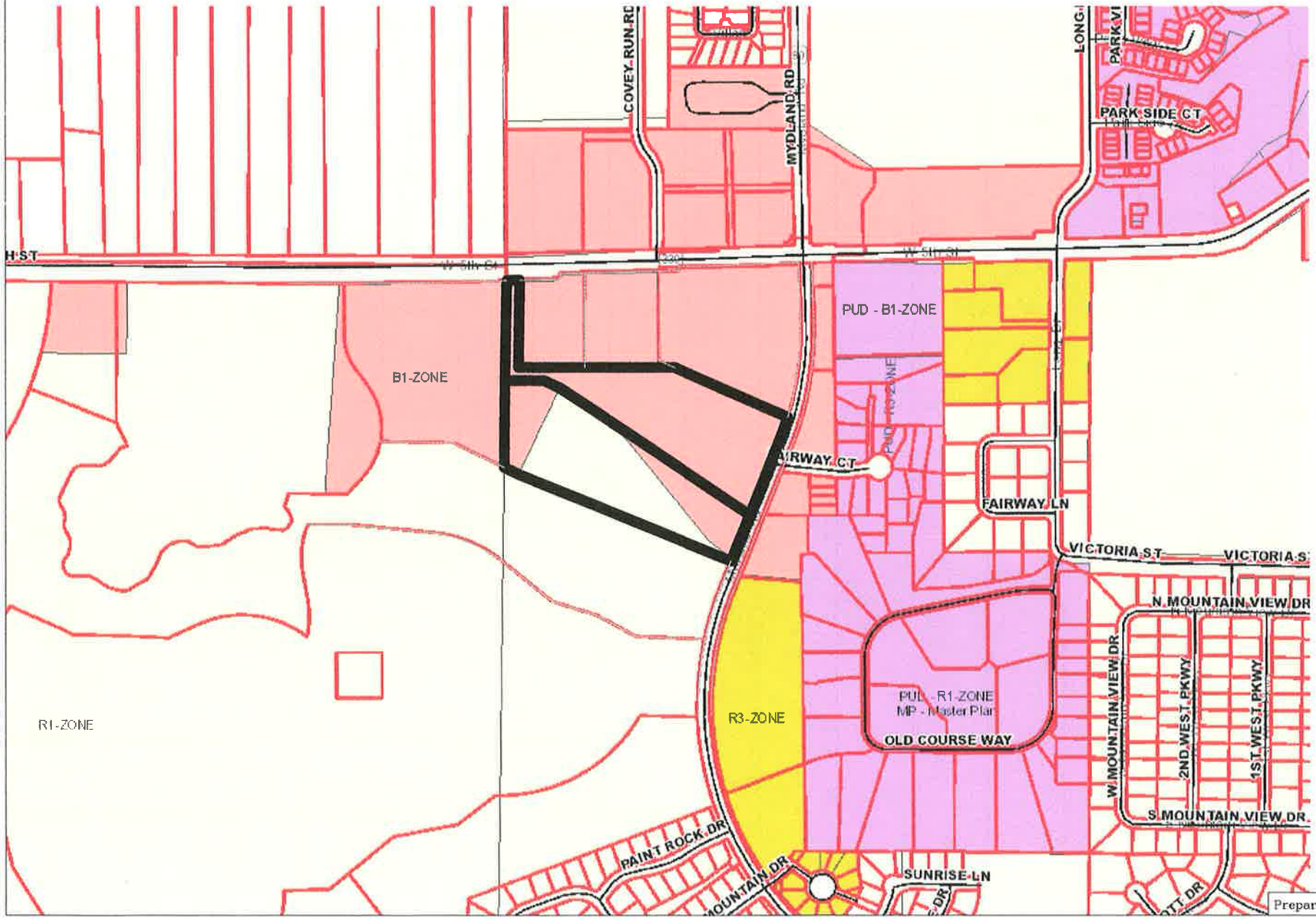
201 E 5TH ST
SHERIDAN, WYOMING 82801

FOR: EXCALIBUR CONSTRUCTION INC.
2275 DRY RANCH ROAD
SHERIDAN, WYOMING

DATE: 7/27/20

Prepared by Cannon Consulting LLC (307) 752-0109

EXHIBIT C OF EXISTING ZONING



LEGEND

- R1
- R2
- R3
- B1

N

SCALE: 1"=600'

BASIS OF BEARINGS ARE
US STATE PLANE, NAD 83 WYOMING EAST
CENTRAL ZONE
DISTANCES ARE GROUND (US SURVEY FEET)
PAF 1.000235

FOR: EXCALIBUR CONSTRUCTION INC.
2275 DRY RANCH ROAD
SHERIDAN, WYOMING

DATE: 7/27/20

Prepared by Cannon Consulting LLC (307) 752-0109