

**REPORT TO THE
MINUTES OF THE BOARD OF
CARBON COUNTY COMMISSIONERS
REGULAR MEETING
Tuesday, December 15, 2020
Carbon County Courthouse, Rawlins, WY**

A regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, December 15, 2020 at 9:00 a.m. at the Carbon County Courthouse in Rawlins, WY. Attending the meeting were Chairman, John Johnson, Vice Chairman, Sue Jones, John Espy, Travis Moore and Byron Barkhurst.

Chairman Johnson called the meeting to order at 9:00 a.m.

ADDITIONS / CORRECTIONS

Chairman Johnson added a Contract for Funding Agreement with South Central WY Emergency Medical Service under the clerk.

VOUCHERS

Commissioner Barkhurst moved to approve payment to Sunrise Sanitation for \$68.00. Commissioner Espy seconded and the motion carried with all voting for the motion except Commissioner Jones who abstained due to personal conflicts.

Commissioner Barkhurst moved to approve December 2020 payroll and benefit expenses of \$961,813.90 and insurance claim and premium expenses of \$389,113.57 and payables in the amount of \$1,484,536.03 for an aggregate total today of \$2,835,531.50. Commissioner Jones seconded and the motion carried unanimously.

Vendor	Detail Line Description	Total
307 Professional Clean LLC	County Buildings Cleaning	\$10,485.00
Acme Electric Company, LLC	Electrician Services	\$4,584.21
Advanced Heating, Inc.	Hanna Senior Center Furnace	\$13,184.00
Apex Communications	Maintenance Agreement	\$4,033.88
API Systems Integrators	Repair Smoke Detectors	\$910.58
Asbestos & Technical Services, Inc.	Removal & Disposal of Asbestos 215 Buffalo	\$8,850.00
Baggs, Town Of	Water Services	\$31.25
Bearcom	Mobile Data Terminals	\$113,044.00
Bennett Law Group, Pc	Legal Services	\$200.00
Blackwater Septic Solutions	Portable Toilet/Hand Washing Station for Elections	\$365.50
Blakeman Propane	Heating Services	\$527.15
Bomgaars Supply	Buckets	\$31.48
Carbon County Council of Govt	2021 CCCOG Dues	\$200.00
Carbon County Econ. Development	Educational Program for W. Newbrough	\$325.00

Carbon Power & Light Inc	Electric Services	\$2,248.86
Casper Winnelson Co	Misc. Supplies	\$253.22
CDW Government, Inc.	Computers/Misc. Computer Components	\$12,178.58
CNA Surety	S. Ward Surety Bond	\$100.00
Community Resource Center	Agency Dues 2021	\$35.00
Convergeone, Inc.	County Wireless Project	\$72,670.42
Couch II, Wayne M. D.	Services Provided July-Dec For Covid-19	\$20,000.00
Dell Marketing L.P.	Computers	\$9,163.52
Dept Of Environmental Quality	Storage Tank Dues 2021	\$200.00
Dept Of Family Services	Screening Fee	\$10.00
Dirty Boyz Sanitation, Inc	B&G UTL Carbon Bldg. Trash	\$1,670.00
Dominion Energy	Heating Services	\$198.21
E & H Plumbing & Construction	Plumbing Parts	\$690.00
Econo Signs, LLC	Barricade Lights/Bulb	\$325.30
Election Systems & Software, LLC	Ballot on Demand Setup- General	\$522.00
Elk Mountain, Town Of	Water Services	\$68.50
Encampment, Town Of	Water Services	\$97.00
Encartele	Data Cards for Jail	\$750.00
Extra Packaging, LLC	Bioseal System	\$6,896.09
Fatbeam LLC	Fiber/Internet	\$11,309.40
FCI Constructors of Wy	Carbon Building/Courthouse Project Materials	\$864,900.70
Fleming, Linda	Mileage	\$46.80
GCR Electronics, LLC	Site Rent	\$2,000.00
Goodwin, Mandy	Mileage	\$25.80
Grainger	Misc. Tools/Supplies	\$5,404.37
Greater Wy Big Bros/Sisters	County Prevention Services	\$5,784.79
Greenwood Mapping, Inc	Redrew Industrial Park Addition /Parcel Mapping	\$1,668.75
Hanna, Town Of	Water Services	\$247.96
Herman, Bobbie	Mileage	\$54.00
Hernandez, Brenda	Interpreter Services	\$50.00
Hilltop Conoco	Fuel	\$30.24
Honnen Equipment	John Deer Filters/Service	\$3,470.68
Installation & Service Co, Inc.	Vac Truck Jail/Rawlins Senior Center	\$1,772.00
Jones Simkins	Audit Services	\$6,725.00
Kaisler, Todd	Mileage	\$108.00
Kenco Security and Technology	Monthly Monitoring	\$83.00
KTGA/KBDY	Tower Rent	\$150.00
Laramie Fire Extinguisher	Fire Extinguishers	\$723.50
LexisNexis Matthew Bender Inc	Wy Court Rules 2020	\$657.54
Long Building Technologies, Inc.	Heater Repair/Boiler System Repair	\$2,950.00
Martinez, Janice	Lysol For Saratoga	\$17.49

McKesson Medical-Surgical	Ibuprofen	\$223.29
Merback Award Company	Name Tags	\$261.99
Mercedes Transcription, Inc	Transcription Services	\$87.45
Merseal Law, LLC	Legal Services	\$3,110.00
Midwest Connect	Mail Machine Ink	\$210.00
Motorola Solutions	Spillman Software Maint. /Server Migration	\$55,640.15
MPM Corp / Evergreen Disposal	Trash Services	\$130.00
Offender Watch	Sex Offender Notifications	\$90.75
Perkins Oil Co	Fuel	\$4,135.86
Perue Printing	Business Cards	\$29.95
Plainsman Printing & Supply	Repair Cosco Daters	\$138.45
Quill Corporation	Disp. Face Masks/Coffee/Creamer	\$312.35
R.P Lumber Company, Inc.	Misc. Tools/Supplies	\$1,035.52
Rawlins Automotive	Misc. Parts	\$1,221.63
Rawlins Glass Center, Inc.	Safety Glass/Handicap Doors	\$3,450.52
Rawlins, City Of	Water Services/Indigent Burial/Trash Services	\$2,290.10
Ricoh USA Inc	It Copiers	\$1,052.30
Ricoh USA, Inc	It Copiers	\$2,386.01
RNB State Bank	Lease Payoff	\$1,402.06
Rocky Mountain Power	Electric Services	\$18,340.16
Rocky's Quick Stop	Fuel	\$614.40
Rylind Manufacturing, Inc.	Skid Steer Plow Attachment	\$4,887.00
Saratoga Auto Parts, Inc.	Misc. Parts	\$1,223.03
Saratoga Sun	Misc. Ads	\$1,776.00
Saratoga, Town Of	Water Services	\$85.25
Schaeffer Mfg. Co	Credit Memo/Oil	\$2,474.64
Shepard's	Fuel	\$640.42
Shively Hardware	Misc. Supplies	\$10,114.11
Slow and Steady Law Office, PLLC	Legal Services	\$3,670.00
State of Wyoming DCI	Sex Offender Fees	\$75.00
Stinker Stores, Inc.	Fuel	\$10,919.77
Summit Food Service	Jail Meals	\$3,727.28
Sunrise Sanitation Service, LLC.	Trash Services	\$68.00
Swanson Services Corporation	Jail Commissary	\$1,709.49
T.W. Enterprises, Inc.	Oil/Oil Filter	\$773.86
Thomson Reuters-West Pymt. Ctr	Attorney Database Fees	\$802.17
Tin Boy Garage	Misc. Parts/Repairs	\$383.00
T-Mobile	Telephone Services	\$800.04
Tractor Supply Credit Plan	Shop Supplies	\$507.88
Triple X Contracting, Inc.	Trash Services	\$100.00
True Value of Rawlins	Misc. Supplies	\$159.01

Trumble Greetings Inc.	Christmas Cards	\$170.42
Tyler Technologies, Inc	It Hardware Maintenance	\$60,317.67
U S Postmaster-Rawlins	Post Office Box Annual Fee	\$480.00
United States Postal Service	Postage Machine Funds	\$10,000.00
UPRSWDD	Trash Services	\$302.00
Valley Oil Company	Fuel	\$3.03
Western Truck Repair	Belt	\$74.00
Wex Bank	Fuel	\$1,262.76
Wy Brand Industries	Business Cards	\$15.00
Wy Dept Of Health	State Vehicle Rental/Payroll	\$75,743.51
Wy Dept Of Transportation	New Plates	\$10.00
Wy Machinery Company	Misc. Mechanic Services	\$1,840.23
Wy Retirement System	Volunteer Fire Dept Pension	\$78.75
Wyoming Disposal Systems	Trash Services	\$219.00

CONSENT AGENDA

Commissioner Espy moved to approve the consent agenda noting any item could be removed for separate action. The consent agenda includes the December 1, 2020 regular meeting minutes, monthly receipts from the Carbon County Clerk in the amount of \$19,542.00, monthly receipts from the Clerk of District Court in the amount of \$2,895.00, monthly receipts from Road and Bridge in the amount of \$50.00, monthly receipts from Road and Bridge in the amount of \$500.00, monthly receipts from Planning and Development in the amount of \$1,275.00, a bond for Karen R. Heath, Trustee for Medicine Bow Rural Health Care District in the amount of \$5,000.00, a bond for Eileen Keller, Deputy Treasurer for County of Carbon in the amount of \$10,000.00, a bond for Jody McClurkin, Treasurer for the City of Rawlins in the amount of \$250,000.00, a bond for John R. Espy, County Commissioner in the amount of \$1,000.00, a bond for Laura J. Jones, County Commissioner in the amount of \$1,000.00 and a bond for Doreen Harvey, Clerk/Treasurer for the Town of Encampment in the amount of \$75,000.00. Commissioner Barkhurst seconded, and the motion carried unanimously.

ELECTED OFFICIALS & DEPARTMENT HEADS

Emergency Management

Lenny Layman, Emergency Management Coordinator provided an update on the Rapid Needs Assessment Course that 6 individuals successfully attended the course last week.

Fire Warden

Ron Brown, Carbon County Fire Warden applied to the Bureau of Land Management (BLM) to obtain an equipment transfer for a Type IV wildland engine. The Unit is beyond its useful life for the BLM but would be very valuable for the county as it holds 750 gallons of water. He recently received notification that the unit was awarded to the county and will be available Summer 2021. Chairman Johnson asked Clerk Bartlett to prepare a letter thanking the BLM for their donation.

Mr. Brown provided a year-end report on the 2020 wildfires.

Mr. Brown introduced the County's new arson dog, Jennifer, noting that Stephanie Schofield will be the dog's handler. As the dog is deployed Ms. Schofield will be paid and if the county tracks the expenses those can be reimbursed through the WY Department of Homeland Security. Ms. Schofield demonstrated how the dog works.

Buildings & Grounds

Jim Piche, Buildings & Grounds Manager discussed prices on a snow pusher for the skid steer and for a pickup sanding unit. Prices were obtained for the sanding unit from Rawlins Automotive \$8,383.00 and Ameri-Tech \$7,932.00 and \$6,612.00. He recommended the spreader from Ameritech in the amount of \$6,612.00 plus \$500.00 freight as it can be delivered in a week. The snow pusher has been ordered. The BOCC approved the purchase. He noted the county can buy salt/sand mixture from the City as needed on a per ton basis.

Circuit Court is being moved to the Interim Justice Center this week. Chairman Johnson asked how complete the Interim Justice Center is. Mr. Piche stated there will be no more large items and the ADA door openers recently turned in was the last of large ticket items.

Road & Bridge

Kandis Fritz, Road & Bridge Coordinator presented Carbon County Road 451, Cherokee Road, Agreement for Right of Way Easement for commissioner approval and signature. She reported that she sent 22 of these to residents along the road to make this an official county road. Attorney Davis stated that if all easements are not received there could be a private road action however participation isn't requested until at least April 1.

Commissioner Espy moved to approve the Carbon County Road 451, Cherokee Road Agreement for Right of Way Easement with Michael J. and Kaylee Lonn for the chairman's signature. Commissioner seconded and the motion passed unanimously.

Ms. Fritz presented a Memorandum of Understanding between the Board of Carbon County Commissioners and the Bureau of Reclamation for County Road 291 Magnesium Chloride/Gravel Exchange for commissioner approval and signature.

Commissioner Barkhurst moved to approve the Memorandum of Understanding between the Board of Carbon County Commissioners and the Bureau of Reclamation to allow the county to purchase magnesium chloride for dust abatement through the Federal Lands Access Program (FLAP) grant in exchange for 6,000 tons of gravel. Commissioner Moore seconded and the motion passed unanimously.

Ms. Fritz reported about rebuild costs. The cost was \$21,117.00 per mile to rebuild roads not including gravel or mag chloride. One year of maintenance on County Road 291 and 270 was \$1,632,031.18. She reported this for the board's information.

Ms. Fritz reported on a proposal for overweight permits on county roads. Attorney Davis reported that the matter must be considered through the Administrative Procedures Act (APA) which requires a 45-day advertisement and acceptance of public comment prior to adoption. There was further discussion about the potential of having a dedicated Sheriff Deputy for enforcement of this using county purchased scales.

Public Health

Public Health Nurse, Amanda Brown reported on Covid-19 cases. She also discussed vaccine distribution noting that this will be done on a phased approach. Healthcare workers with direct patient care, emergency medical service employees, long-term care facility, public health staff or others administering vaccines then other targeted groups will be first over the next 2-3 weeks. Vaccines will be voluntary and free, but insurance companies may be billed for administrative costs.

Sheriff

Undersheriff Shawn Kelley reported the county received \$113,044.00 for mobile data terminals. They had also applied for the software to operate these as it was not an allowable expense. The costs are \$94,584.00 for Spillman software plus \$152,298.00 for e-citation along with the Spillman software. Mr. Kelley reported overtime could be saved as officers could be doing reports while on scene waiting for tow trucks or other delays.

Commissioner Espy moved to authorize the purchase of \$152,298.00 for Spillman and Digi Ticket software for use with Sheriff's Office mobile data terminals contingent upon Cares Act fund reimbursements from the Office of State Lands or Chokecherry funding if Cares Act funds are not reimbursed. Commissioner Moore seconded and the motion carried unanimously.

WY Game & Fish – Platte Valley Mule Deer Migration Corridor Presentation and Biological Risk and Opportunity Report

Embree Hall, Laramie Wildlife Coordinator, Amanda Losch, Habitat Protection Program Supervisor were present via phone and Teal Cufaude, Saratoga Wildlife Biologist was present in person. Ms. Cufaude presented a draft of the Platte Valley Mule Deer Migration Corridor Biological Risk and Opportunity Assessment to the BOCC. She asked the board to review the document and comment with any errors or changes.

Commissioner Espy asked if today's deadline for comments could be extended. Ms. Cufaude stated that they are willing to accept comments beyond the deadline and they are certainly willing to incorporate those as time allows. Administration will make a final decision on a formal extension later today.

Clerk

Gwynn Bartlett, Carbon County Clerk discussed a board application that she received from Oliver Wille for reappointment to the Planning and Zoning Commission and asked for the BOCC's consideration.

Commissioner Jones moved to reappoint Oliver Wille to the Planning and Zoning Commission for a 3-year term ending November 2023. Commissioner Barkhurst seconded, and the motion carried unanimously.

Clerk Bartlett discussed the possibility of extending the Carbon County Policy – Families First Coronavirus Response Act.

Clerk Bartlett requested to ratify the Chairman's signature on the Reimbursement Agreements with the State of Wyoming State Loan and Investment Board. Reimbursements needed to be to the Loan and Investment Board by December 15, 2020 so the Chairman signed the agreements on December 10, 2020.

Commissioner Jones moved to ratify the Chairman's signature on the following Reimbursement Agreements with the State of Wyoming State Loan and Investment Board: CRF-297 in the amount of \$1,228,515 for payroll and benefits; CRF-298 in the amount of \$113,044 for mobile data terminals; CRF-299 in the amount of \$191,455.00 for Courthouse and Carbon Building safety glass and audio visual equipment; CRF-300 in the amount of \$74,021.00 for Circuit Court's move to the Interim Justice Center; CRF-301 in the amount of \$50,114.00 for reimbursement of previously purchased equipment; CRF-302 in the amount of \$43,932.00 for South Central WY PPE and ambulance repair; CRF-303 in the amount of \$10,000.00 for Hanna Senior Center mileage; CRF-304 in the amount of \$22,451.00 for remote productivity software and training; CRF-305 in the amount of \$14,408.00 for Coroner PPE; and CRF-306 in the amount of \$11,974.00 for District Court furniture. Commissioner Barkhurst seconded, and the motion passed unanimously.

Commissioner Barkhurst moved to authorize the Chairman's signature on a Contract for Funding agreement Between the Board of Carbon County Commissioners and South Central Wyoming Emergency Medical Service (SCWEMS) Joint Powers Board for salary reimbursement and ambulance repair in the amount of \$170,506.31. Commissioner Moore seconded and the motion carried unanimously.

Clerk Bartlett presented the Grant Agreement Between Wyoming Office of Homeland Security and Carbon County for Emergency Management Performance Grant Fiscal Year 2020 for a period of October 2019 through September 2021 in the amount of \$53,000.00 with a local match of \$53,000.00.

Commissioner Moore moved to authorize the Chairman's signature on the Grant Agreement Between Wyoming Office of Homeland Security and Carbon County, Grant Award for U.S. Department of Homeland Security Federal Emergency Management Agency, Grant Programs Directorate Emergency Management Performance Grant (EMPG) in the amount of \$53,000.00 with the same amount match, Project ID 20-EMPG-CAR-GCF20. Commissioner Espy seconded and the motion passed unanimously.

Treasurer

County Treasurer Patty Bentsen discussed possibly giving county employees all day Christmas Eve rather than half as allowed by the county's personnel policy.

Commissioner Barkhurst moved to give all day Christmas Eve 2020 off and approve Resolution 2020 – 61, A Resolution of the Board of County Commissioners Adopting Closures. Commissioner Moore seconded and the motion carried unanimously.

Resolution No. 2020 - 61

A RESOLUTION OF THE BOARD OF CARBON COUNTY COMMISSIONERS ADOPTING CLOSURES

WHEREAS, Chapter 6, Section 38 of the Carbon County Personnel and Benefits Manual, as amended provides the dates of official holidays and allows for other closures as proclaimed by the Board of County Commissioners; and

WHEREAS, per Wyoming Statute § 18-3-103(b) county officers shall keep their offices open during the usual business hours of each day excluding Saturdays, Sundays, legal holidays, and other days as established by the County commissioners through resolution; and

WHEREAS it is understood that this resolution shall not apply to all county departments as some are required to be in operation continuously.

WHEREAS, the Board of Carbon County Commissioners has adopted the Carbon County Personnel and Benefits Manual and the board now desires to add the first half of Christmas Eve Day, December 24, 2020 as an additional closure in 2020 only.

NOW, THEREFORE BE IT RESOLVED by the Board of Carbon County Commissioners that those county offices not required to be operational continuously and the Courthouse be closed December 24, 2020.

PASSED APPROVED AND ADOPTED this 15 day of December 2020.

CARBON COUNTY, WYOMING
-s- Willing John Johnson, Chairman

ATTESTED:

-s-Gwynn G. Bartlett, County Clerk

Commissioners

Clerk Bartlett presented a resolution that she received from Eric Nelson with Wyoming Downs, LLC for commissioner discussion. Wyoming Downs, LLC currently operates pari-mutuel simulcast wagering within Carbon County and is seeking approval to expand to new locations. They submitted a letter and resolution for BOCC review and approval to add authorized historic horse racing terminals in existing bars and other legally authorized establishments (which are subject to the Wyoming Gaming Commission

approval) within Carbon County. The BOCC asked Attorney Davis to investigate the matter and agenda at the next meeting for consideration.

Vice Chairman Sue Jones presented the Final Construction Report for the Dixon Repair Runaway 6/24 Project. During construction T-O Engineers had found the soft spots in the runway to be larger than they had expected and had to enlarge the repair areas a bit and had to extend some quantities to get the scope of the project properly completed. This increased the total cost of the project by \$37,121.73 which Vice Chairman Jones stated that the County can absorb the difference as this is less than the county would have paid for our normal match anyway.

Commissioner Jones moved to authorize the Chairman's signature on Final Construction Report, Change Order 1 for the Dixon Airport runway project with the county covering all cost in the Change Order. Commissioner Espy seconded and Chairman Johnson expressed his concern about the precedent this sets with the county covering the cost rather than a share with the site. The motion carried unanimously.

Public Hearing - Z.C. Case #2020-08 - Sharon Watson, Arturo Soto, & Kara Mary Gehrig

Chairman Johnson opened a public hearing at 1:30 p.m. to hear Planning & Zoning Z.C. Case File No. 2020-08 - Sharon Watson, Arturo Soto, & Kara Mary Gehrig, request for a Zone Change from Rural Residential Agriculture (RRA-10.489) to RRA-35.59 for Lot 4 and Ranching, Agriculture and Mining (RAM) to RRA-14.048 for Lot 5 located in the proposed "Watson Ranch Minor Subdivision Replat of Lots 4 and 5". The RRA Zone is intended to be applied in areas of the County which are particularly suited to large-lot development that allow both agricultural and residential uses intermingled. The general site is located approximately 1 mile west of Rawlins, west of Carbon County Road #451 (Cherokee Road). Marlin Johnson, County Planning Director introduced Sarah Hutchins, GIS Specialist who presented the case file.

Chairman Johnson called for comments for or against the case. There being no comments, Chairman Johnson closed the hearing at 1:34 p.m.

Commissioner Jones moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2020-63, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding Z.C. Case File No. 2020-08 - Sharon Watson, Arturo Soto, & Kara Mary Gehrig, request for a Zone Change from Rural Residential Agriculture (RRA-10.489) to RRA-35.59 for Lot 4 and Ranching, Agriculture and Mining (RAM) to RRA-14.048 for Lot 5 located in the proposed "Watson Ranch Minor Subdivision Replat of Lots 4 and 5". The general site is located approximately 1 mile west of Rawlins, west of Carbon County Road #451 (Cherokee Road). Commissioner Espy seconded and the motion carried unanimously.

Resolution No. 2020 - 63

**A Resolution of the Board of County Commissioners of Carbon County, Wyoming,
adopting the recommendation of the Carbon County Planning and Zoning Commission.**

Z.C. Case File #2020-08

WHEREAS, pursuant to the Carbon County Zoning Resolution of 2015, as amended, and Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission held a public hearing on Monday, November 2, 2020, which hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at the Monday, November 2, 2020, public hearing, the Carbon County Planning and Zoning Commission provided the public the opportunity to comment and the Carbon County Planning and Zoning Commission considered any public comments which were made at said public hearing; and

WHEREAS, at the conclusion of said Monday, November 2, 2020, public hearing, the Carbon County Planning and Zoning Commission voted to certify in writing its recommendation to the Carbon County Board of County Commissioners to adopt the zone change as an amendment to the Carbon County Official Zoning Map for Carbon County, Wyoming; and

WHEREAS, the Carbon County Board of County Commissioners, pursuant to the Carbon County Zoning Resolution of 2015, as amended, and Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation of this zoning amendment to the Carbon County Official Zoning Map, advertised by public notice at least 14 days prior to a public hearing to take public input and comments on the proposed amendment, which said hearing occurred on Tuesday, December 15, 2020; and

WHEREAS, at said public hearing on December 15, 2020, the Carbon County Board of County Commissioners provided the opportunity for the public to comment and for the Carbon County Board of County Commissioners to consider any comments which were made on the proposed amendment; and

WHEREAS the Carbon County Board of County Commissioners in considering the proposed amendment have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended; and the Carbon County Zoning Resolution of 2015, as amended; and

WHEREAS, the Carbon County Board of County Commissioners have determined that the proposed amendment is in general conformance with the Carbon County Comprehensive Land Use Plan, as amended, and that the proposed zone change meets the following applicable criteria of the Carbon County Zoning Resolution of 2015, as amended; and

WHEREAS, at a regularly scheduled meeting of the Carbon County Board of County Commissioners, by majority vote, the Carbon County Board of County Commissioners moved to approve the proposed zoning amendment to the Carbon County Official Zoning Map.

Z.C. Case File #2020-08: Request for a Zone Change from Rural Residential Agriculture (RRA-10.489) to RRA-35.59 for Lot 4 and Ranching, Agriculture and Mining (RAM) to RRA-14.048 for Lot 5 located in the proposed "Watson Ranch Minor Subdivision Replat of Lots 4 and 5". The RRA Zone is intended to be applied in areas of the County which are particularly suited to large-lot development that allow both agricultural and residential uses intermingled.

Companion Case--REPLAT SUB Case File #2020-02: Request for a Replat of the "Watson Ranch Minor Subdivision Replat of Lots 4 and 5" located in a portion of Section 13, T21N, R88W. The purpose of the replat is to enlarge/expand Lot 4 property/boundary lines and create and incorporate a new lot (Lot 5).

Replat Minor Subdivision Name: Watson Ranch Minor Subdivision Replat of Lots 4 and 5

Petitioners: Sharon Watson, Arturo Soto, and Kara Mary Gehrig (Applicants and Landowners)

Parcel Identification Numbers: 21881340100400 and 21881340003400

General Site Location: Approximately 1 mile west of Rawlins, west of Carbon County Road #451 (Cherokee Road)

Legal Description: Lot 4 of the Watson Ranch Minor Subdivision and a portion of the SE $\frac{1}{4}$ Section 13, Township 21 North, Range 88 West: All that part of a tract of land in the SE $\frac{1}{4}$ Section 13, Township 21 North, Range 88 West, 6th P.M., Carbon County, Wyoming, more completely described as follows; Beginning at the C $\frac{1}{4}$ corner of said Section 13, witnessed by a 5/8" rebar and aluminum cap 30 ft. North and South of original position; Thence S89°52'20"E, along the East-West centerline of said Section 13, and the centerline of a 60 ft. right of way, a distance of 891.85 ft. (against a call of S89°11'34"E, 861.30 ft.) to the Northeast corner of the Watson Ranch Minor Subdivision and a point on the centerline of Carbon County Road 451, a 60 ft. right of way, 30 ft. each side; Thence S46°19'05"E, along the centerline of said County Road 451, a distance of 10.26 ft.; Thence S43°30'02"E, along the centerline of said County Road 451, a distance of 855.48 ft.; Thence S41°39'47"E, along the centerline of said County Road 451, a distance of 478.42 ft. to the Southeast corner of the Watson Ranch Minor Subdivision; Thence 357.30 feet along the centerline of said County Road 451 on a non-tangent curve to the right, said curve having a radius of 570.00 feet and a long chord which bears S23°43'37"E a distance of 351.47 feet; Thence S07°41'51"E (against a call of S07°46'18"E), along the centerline of said County Road 451, a distance of 212.79 ft.; Thence S00°09'27"E (against a call of S00°13'54"E), along the centerline of said County Road 451, a distance of 451.53 ft.; Thence S00°06'04"E (against a call of S00°07'14"E), along the centerline of said County Road 451, a distance of 659.17 ft. to the South line of said Section 13 and the Southeast corner of the Watson Ranch Minor Subdivision Replat; Thence N89°05'45"W, a distance of 658.94 ft. (against a call of N89°03'27"W, 659.11 ft.), along the South line of said Section 13 to the East 1/16th Corner as monumented by a BLM brass cap; Thence N89°07'07"W, a distance of 399.69 ft. (against a call of N89°02'33"W, 400.71 ft.), along the South line of said Section 13 to the Southwest corner of the Watson Ranch Minor Subdivision Replat; Thence N00°54'33"E, along the East line of the Smith Parcel, a distance of 1089.74 ft.; Thence N89°04'24"W, along the North line of the Smith Parcel, a distance of 417.52 ft.; Thence N00°01'14"E, a distance of 217.82 ft. to the Southwest corner of the Watson Ranch Minor Subdivision; Thence N00°05'57"E, a distance of 674.04 ft. along the West line of this minor subdivision; Thence N89°34'47"W, a distance of 519.41 ft. along the South line of this minor subdivision; Thence N00°03'49"E, a distance of 649.94 ft. along the West line of this minor subdivision to the point of beginning, said minor subdivision containing 70.491 acres, more or less.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF CARBON COUNTY, WYOMING:**

That the Carbon County Board of County Commissioners, hereby adopts this amendment as certified to them in writing by the Carbon County Planning and Zoning Commission and the existing zone shall be changed from Rural Residential Agriculture (RRA-10.489) to RRA-35.59 for Lot 4 and Ranching, Agriculture and Mining (RAM) to RRA-14.048 for Lot 5 located in the proposed "Watson Ranch Minor Subdivision Replat of Lots 4 and 5".

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 15th of December 2020.

**BOARD OF COUNTY COMMISSIONERS OF
CARBON COUNTY, WYOMING**

By: - s- Willing John Johnson, Chairman
On behalf of the Carbon County
Board of County Commissioners

Attest: -s- Gwynn G. Bartlett, Carbon County Clerk

Public Hearing - REPLAT SUB Case #2020-02 - Sharon Watson, Arturo Soto, & Kara Mary Gehrig

Chairman Johnson opened a public hearing at 1:35 p.m. to hear Planning & Zoning Replay Sub Case #2020-02 - Sharon Watson, Arturo Soto, & Kara Mary Gehrig request for a Replat of the "Watson Ranch Minor Subdivision Replat of Lots 4 and 5" located in a portion of Section 13, T21N, R88W. The purpose of the replat is to enlarge/expand Lot 4 property/boundary lines and create and incorporate a new lot (Lot 5). The general site is located approximately 1 mile west of Rawlins, west of Carbon County Road #451 (Cherokee Road). Ms. Hutchins presented the case.

Chairman Johnson called for comments for or against the case. There being no comments, Chairman Johnson closed the hearing at 1:37 p.m.

Commissioner Espy moved that based on the recommendation of the Planning & Zoning Commission and staff to approve the Replat Sub Case #2020-02 - Sharon Watson, Arturo Soto, & Kara Mary Gehrig request for a Replat of the "Watson Ranch Minor Subdivision Replat of Lots 4 and 5" located in a portion of Section 13, T21N, R88W. The general site is located approximately 1 mile west of Rawlins, west of Carbon County Road #451 (Cherokee Road). Commissioner Jones seconded and the motion carried unanimously.

Public Hearing - Z.C. Case #2020-09 - Victor Gallagher

Chairman Johnson opened a public hearing at 1:38 p.m. to hear Planning & Zoning Z.C. Case File No. 2020-09 – Victor Gallagher's, request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Residential (RD) for Lot 1 (Lot 2 is already zoned RD) located in the proposed "Old Baldy Village, First Addition, Replat of Block 1, Lots 1 and 2". The RD Zone is intended to provide land for residential development that is typically single family detached and located within Town Expansion Areas and within or nearby Rural Centers. Residential single-family zones are intended to be in areas planned for residential development that are easily accessible and infrastructure already exists or is readily available. The general site is in Old Baldy Village approximately ¾ of a mile east of Saratoga off Carbon County Road #504 (Saratoga/10 Mile/Ryan Park Road). Ms. Hutchins presented the case.

Chairman Johnson called for comments for or against the case. There being no comments, Chairman Johnson closed the hearing at 1:41 p.m.

Commissioner Jones moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2020-64 A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding Z.C. Case File No. 2020-09 – Victor Gallagher's, request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Residential (RD) for Lot 1 (Lot 2 is already zoned RD) located in the proposed "Old Baldy Village, First Addition, Replat of Block 1, Lots 1 and 2". The general site is in Old Baldy Village approximately ¾ of a

mile east of Saratoga off Carbon County Road #504 (Saratoga/10 Mile/Ryan Park Road). Commissioner Barkhurst seconded, and the motion carried unanimously.

Resolution No. 2020 - 64

**A Resolution of the Board of County Commissioners of Carbon County, Wyoming,
adopting the recommendation of the Carbon County Planning and Zoning Commission.**

Z.C. Case File #2020-09

WHEREAS, pursuant to the Carbon County Zoning Resolution of 2015, as amended, and Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission held a public hearing on Monday, November 2, 2020, which hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at the Monday, November 2, 2020, public hearing, the Carbon County Planning and Zoning Commission provided the public the opportunity to comment and the Carbon County Planning and Zoning Commission considered any public comments which were made at said public hearing; and

WHEREAS, at the conclusion of said Monday, November 2, 2020, public hearing, the Carbon County Planning and Zoning Commission voted to certify in writing its recommendation to the Carbon County Board of County Commissioners to adopt the zone change as an amendment to the Carbon County Official Zoning Map for Carbon County, Wyoming; and

WHEREAS, the Carbon County Board of County Commissioners, pursuant to the Carbon County Zoning Resolution of 2015, as amended, and Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation of this zoning amendment to the Carbon County Official Zoning Map, advertised by public notice at least 14 days prior to a public hearing to take public input and comments on the proposed amendment, which said hearing occurred on Tuesday, December 15, 2020; and

WHEREAS, at said public hearing on December 15, 2020, the Carbon County Board of County Commissioners provided the opportunity for the public to comment and for the Carbon County Board of County Commissioners to consider any comments which were made on the proposed amendment; and

WHEREAS the Carbon County Board of County Commissioners in considering the proposed amendment have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended; and the Carbon County Zoning Resolution of 2015, as amended; and

WHEREAS, the Carbon County Board of County Commissioners have determined that the proposed amendment is in general conformance with the Carbon County Comprehensive Land Use Plan, as amended, and that the proposed zone change meets the following applicable criteria of the Carbon County Zoning Resolution of 2015, as amended; and

WHEREAS, at a regularly scheduled meeting of the Carbon County Board of County Commissioners, by majority vote, the Carbon County Board of County Commissioners moved to approve the proposed zoning amendment to the Carbon County Official Zoning Map.

Z.C. Case File #2020-09: Request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Residential (RD) for Lot 1 (Lot 2 is already zoned RD) located in the proposed “Old Baldy Village, First Addition, Replat of Block 1, Lots 1 and 2”. The RD Zone is intended to provide land for residential development that is typically single family detached and located within Town Expansion Areas and within or nearby Rural Centers. Residential single-family zones are intended to be located

in areas planned for residential development that are easily accessible and infrastructure already exists or is readily available.

Companion Case--REPLAT SUB Case File #2020-03: Request for a Replat of the “Old Baldy Village, First Addition, Replat of Block 1, Lots 1 and 2” located in a portion of Section 18, T17N, R83W. The purpose of the replat is to incorporate two unplatting parcels and enlarge/expand Lot 1 property/boundary lines and enlarge/expand Lot 2 property/boundary lines.

Replat Subdivision Name: Old Baldy Village, First Addition, Replat of Block 1, Lots 1 and 2

Petitioner: Victor Gallagher (Applicant and Landowner)

Parcel Identification Numbers: 17831800000100; 17831800000200; 17831800500100 and 17831800500200

General Site Location: Old Baldy Village is located approximately ¾ of a mile east of Saratoga off Carbon County Road #504 (Saratoga/10 Mile/Ryan Park Road)

Legal Description: Old Baldy Village, First Addition, Replat of Block 1, Lots 1 and 2 hereby certify that this Subdivision is located in the NW $\frac{1}{4}$ Section 18, Township 17 North, Range 83 West of the 6th P.M., Carbon County, Wyoming, being a replat of Lots 1 and 2, Block 1, Old Baldy Village First Addition, Parcel 1 as recorded in Book 1103, Page 101, and Parcel 2 as recorded in Book 1103, Page 102, Records of the Carbon County Clerk, being more completely described as follows: Beginning at the Southwesterly corner of Lot 1, Block 1, Old Baldy Village First Addition, also being the Southeasterly corner of Parcel 1 as recorded in Book 1103, Page 101, Records of the Carbon County Clerk; Thence N58°52'41"W, against a record bearing of N58°50'18"W, along the Southerly line of said Parcel 1, a distance of 96.42 feet to the Southeasterly corner of said Parcel 2; Thence N40°00'32"W, against a record bearing of N39°58'06"W, along the Southerly line of said Parcel 2, a distance of 109.54 feet to the Southeasterly corner of Lot 5, Block 6, Old Baldy Village Fifth Addition; Thence N42°32'03"E, against a record bearing of N42°34'26"E, along the Easterly line of said Lot 5 and the Westerly line of said Parcel 2, a distance of 150.08 feet to a point on the Southerly right of way line of Shoshone Drive; Thence S49°54'09"E, against a record bearing of S49°51'46"E, along the Southerly right of way line of Shoshone Drive and the Northerly line of said Parcel 2, a distance of 52.52 feet to the Northwesterly corner of said Parcel 1 and the beginning of a non-tangent curve to the left; Thence along said Northerly line of said Parcel 1, the Southerly right of way of Shoshone Drive and curve to the left, an arc distance of 117.43 feet, on a radius of 88.00 feet, through a central angle of 76°27'26", with a chord bearing and distance of S83°02'32"E, 108.91 feet, to a point on the Southerly right of way line of Arapahoe Road and the beginning of a non-tangent curve to the left; Thence along said Southerly right of way line of Arapahoe Road and curve to the left, an arc distance of 396.69 feet, on a radius of 2291.75 feet, against a record radius of 2337.36 feet, through a central angle of 9°55'03", with a chord bearing and distance of S53°56'07"E, 396.20 feet, to the Northeasterly corner of said Lot 2 and the Northwesterly corner of Lot 3, Block 1, Old Baldy Village First Addition; Thence S31°08'30"W, against a record bearing of S31°12'00"W, along the Easterly line of said Lot 2 and Westerly line of Lot 3, a distance of 184.85 feet, against a record distance of 185.00 feet, to the Southeasterly corner of said Lot 2 and Southwesterly corner of Lot 3; Thence N58°51'04"W, against a record bearing of N58°48'00"W, along the Southerly line of said Lot 2, a distance of 162.09 feet to the Southeasterly corner of said Lot 1; Thence N58°52'56"W, against a record bearing of N58°48'00"W, along the Southerly line of said Lot 1, a distance of 213.43 feet, against a record distance of 213.44 feet, to the point of beginning, said tract containing 2.436 acres, more or less.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF CARBON COUNTY, WYOMING:**

That the Carbon County Board of County Commissioners, hereby adopts this amendment as certified to them in writing by the Carbon County Planning and Zoning Commission and the existing zone shall be changed from Ranching, Agriculture and Mining (RAM) to Residential (RD) for Lot 1 (Lot 2 is already zoned RD) located in the proposed "Old Baldy Village, First Addition, Replat of Block 1, Lots 1 and 2".

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 15th of December 2020.

**BOARD OF COUNTY COMMISSIONERS OF
CARBON COUNTY, WYOMING**

By: - s- Willing John Johnson, Chairman
On behalf of the Carbon County
Board of County Commissioners

Attest: -s- Gwynn G. Bartlett, Carbon County Clerk

Public Hearing - REPLAT SUB Case #2020-03 - Victor Gallagher

Chairman Johnson opened a public hearing at 1:43 p.m. to hear Planning & Zoning Replat Sub Case File #2020-03 – Victor Gallagher’s request for a Replat of the of the “Old Baldy Village, First Addition, Replat of Block 1, Lots 1 and 2” located in a portion of Section 18, T17N, R83W. The purpose of the replat is to incorporate two unplatting parcels and enlarge/expand Lot 1 property/boundary lines and enlarge/expand Lot 2 property/boundary lines. Old Baldy Village is located approximately ¾ of a mile east of Saratoga off Carbon County Road #504 (Saratoga/10 Mile/Ryan Park Road). Ms. Hutchins presented the case.

Chairman Johnson called for comments for or against the case. There being no comments, Chairman Johnson closed the hearing at 1:45 p.m.

Commissioner Barkhurst moved that based on the recommendation of the Planning & Zoning Commission and staff to approve the Replat Sub Case File #2020-03 – Victor Gallagher’s request for a Replat of the of the “Old Baldy Village, First Addition, Replat of Block 1, Lots 1 and 2” located in a portion of Section 18, T17N, R83W. Old Baldy Village is located approximately ¾ of a mile east of Saratoga off Carbon County Road #504 (Saratoga/10 Mile/Ryan Park Road). Commissioner Espy seconded and the motion carried unanimously.

Public Hearing - C.U. Case #2020-14 - Union Telephone Company and Seminoe Boat Club

Chairman Johnson opened a public hearing at 1:48 p.m. to hear Planning & Zoning C.U. Case File No. 2020-14 - Union Telephone Company and Seminoe Boat Club, Request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to retire and replace the existing Communications on Wheels (COW) with a permanent 80-foot tower, capable of a 20-foot future extension, with a possible total structure height being 108 feet including appurtenances.

Seminole Boat Club/Marina Communications Site is located approximately 30 miles north of Sinclair and approximately 3 miles east of Carbon County Road #351 (Seminole Road). Ms. Hutchins presented the case.

Chairman Johnson called for comments for or against the case. There being no comments, Chairman Johnson closed the hearing at 1:52 p.m.

Commissioner Espy moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2020-65 A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding C.U. Case File No. 2020-14 - Union Telephone Company and Seminole Boat Club, Request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to retire and replace the existing Communications on Wheels (COW) with a permanent 80-foot tower, capable of a 20-foot future extension, with a possible total structure height being 108 feet including appurtenances. Seminole Boat Club/Marina Communications Site is located approximately 30 miles north of Sinclair and approximately 3 miles east of Carbon County Road #351 (Seminole Road). Commissioner Moore seconded and the motion carried unanimously.

Resolution No. 2020 – 65

A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission.

C.U. Case File #2020-14 – “Seminole Boat Club/Marina Communications Site”

WHEREAS, pursuant to the Carbon County Zoning Resolution of 2015, as amended, and Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission advertised to hold a public hearing on Monday, November 2, 2020, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at the Monday, November 2, 2020, public hearing, the Carbon County Planning and Zoning Commission provided the public the opportunity to comment and the Carbon County Planning and Zoning Commission considered any public comments which were made at said public hearing; and

WHEREAS, at the conclusion of the Monday, November 2, 2020, public hearing, the Carbon County Planning and Zoning Commission voted to certify in writing its recommendation to the Carbon County Board of County Commissioners pursuant to the Carbon County Zoning Resolution of 2015, as amended for Carbon County, Wyoming; and

WHEREAS, the Carbon County Board of County Commissioners, pursuant to the Carbon County Zoning Resolution of 2015, as amended, and Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation; advertised by public notice at least 14 days prior to a public hearing to take public input and comments which said hearing occurred on Tuesday, December 15, 2020; and

WHEREAS, at said public hearing on December 15, 2020, the Carbon County Board of County Commissioners provided the opportunity for the public to comment and for the Carbon County Board of County Commissioners to consider any comments which were made on the proposed application; and

WHEREAS, the Carbon County Board of County Commissioners in considering said application have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended; and the Carbon County Zoning Resolution of 2015, as amended, specifically, Section 7.7, Conditional Use Permits; and

WHEREAS, the Carbon County Board of County Commissioners have determined that the proposed permit is in general conformance with the Carbon County Comprehensive Land Use Plan, as amended, and the Carbon County Zoning Resolution of 2015, as amended, and otherwise promotes the health, safety and general welfare of the residents of Carbon County; and

WHEREAS, at a regularly scheduled meeting of the Carbon County Board of County Commissioners, by majority vote, the Carbon County Board of County Commissioners moved to approve the following Conditional Use Permit Application:

C.U. Case File #2020-14: Request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to retire and replace the existing Communications on Wheels (COW) with a permanent 80-foot tower, capable of a 20-foot future extension, with a possible total structure height being 108 feet including appurtenances.

Project/Site Name: Seminoe Boat Club/Marina Communications Site

Applicant: Union Telephone Company

Landowner: Seminoe Boat Club

Parcel Identification Number: 24840920000600

Rural Address: 2469B CR 351

General Site Location: Seminoe Boat Club/Marina Communications Site is located approximately 30 miles north of Sinclair and approximately 3 miles east of Carbon County Road #351 (Seminoe Road)

Legal Description: A tract of leased land (0.195 acres) located in the N1/2 NW1/4, Section 9, T24N, R84W, 6th P.M., Carbon County, Wyoming.

TERMS AND CONDITIONS OF APPROVAL:

1. An area with a radius equal to at least 110% of the tower height must be maintained by the landowner and the permit holder as a Clear Zone. Habitable structures unrelated to the operation of the tower shall not be located within the clear zone.
2. The Applicant or owner must post a sign at the entrance that includes the facility name and the name and phone number of the responsible person in event of an emergency.
3. Any modifications to the structure that increase its surface footprint or is over the permitted tower height will require a new Conditional Use Permit.
4. Building Permit(s) are required prior to the start of construction.
5. The Applicant shall provide a copy of the FCC Phase II Compliance to the Carbon County Planning & Zoning Department along with any application for new communication towers and modifications to existing communication towers.

FCC Website Address: <https://www.fcc.gov/general/enhanced-9-1-1-wireless-services>.

6. The Applicant or owner must notify the Carbon County Planning & Development Department in writing of any material changes to the project subsequent to the County issuance of the Conditional Use Permit.
7. Upon approval by the Board, the following provisions from the Zoning Resolution will be incorporated into the final Resolution:
 - a. Section 7.7-H--Expiration of Conditional Use Permits.

Any use for which a conditional use permit is granted must be commenced within two (2) years from the date of approval. If the Project is not commenced within two (2) years from the date of approval then the conditional use permit shall expire and become null and void and be of no further effect, except as extended in compliance within this section.

If any such use cannot be commenced until construction of structures, buildings and other physical assets associated with the use are completed, then construction of such structures, buildings and other physical assets must be commenced, absent any valid extension, not later than two (2) years from the date of approval of the conditional use permit and completed within a reasonable amount of time in accordance with the timeframe normally required for such construction. If such construction is not commenced and completed as required, then the conditional use permit shall become null and void and be of no further effect and any uses approved in accordance with the permit shall not be permitted without further action on the part of Carbon County.

- b. Section 7.7-I--Extension of Conditional Use Permits.

If the project has not been commenced as required, the Applicant(s) may request from the Board an extension of the permit for a period of up to twenty-four (24) months upon a showing of good cause. The Applicant(s) shall apply to the County, through the Department, in writing for the extension no later than ninety (90) days prior to the expiration of the permit or any previously granted extension. At the time of the application for the extension, the Applicant(s) shall provide such information as is necessary for the County to determine whether good cause exists for the extension. Good cause may include, but is not limited to, good faith efforts to obtain required authorization from other agencies with jurisdiction, delay in construction due to weather conditions, pending litigation, or other causes which have delayed the project and which are beyond the reasonable control of the Applicant(s). The Applicant(s) may request not more than two (2) separate extensions from the Board, with such total extension period not to exceed forty-eight (48) months. The Board shall promptly consider the application for the extension and either allow it or deny it.

1. Requests for subsequent extensions of the permit shall first be presented to the Commission no later than ninety (90) days prior to the expiration of the permit or any previously granted extension. The Commission shall recommend to the Board either approval or denial of the extension of the permit. The recommendation of the Commission shall be considered by the Board at their next regular meeting.

2. No permit shall expire during the time the decision on the extension is being considered.
- c. Section 7.7-J--Transfer of Conditional Use Permits.
No conditional use permit shall be transferred without the prior approval of the Board in accordance with the following:
 1. The Board may authorize transfers of permits to a different person if:
 - a. The permit transfer request is initiated by a written request from the current permit holder and accompanied by a written acceptance of the permit, its terms, and conditions by the prospective transferee.
 - b. The permit transfer request is heard by the Board at a public meeting after notice is published.
 - c. The permit transfer administrative fee has been paid.
 - d. Board approval shall not be unreasonably withheld upon good cause shown.
 - d. Section 7.7-K--Amendments to Conditional Use Permits.
A Conditional Use Permit may be amended pursuant to the procedures and standards as required for a new Conditional Use Permit application.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CARBON COUNTY, WYOMING:

That the Carbon County Board of County Commissioners hereby approves this Conditional Use Permit (CUP) as certified to them in writing by the Carbon County Planning and Zoning Commission as represented in the Conditional Use Permit (C.U. Case #2020-14 – “Seminoe Boat Club/Marina Communications Site”).

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 15th day of December 2020.

**BOARD OF COUNTY COMMISSIONERS OF
CARBON COUNTY, WYOMING**

By: -s- Willing John Johnson, Chairman
On behalf of the Carbon County
Board of County Commissioners

Attest: -s- Gwynn G. Bartlett, Carbon County Clerk

Public Hearing - C.U. Case #2020-15-PaciCorp-RMP – “Gateway West Segment D-1 Transmission Line Project”

Chairman Johnson opened a public hearing at 1:55 p.m. to hear Planning & Zoning C.U. Case File No. 2020-15 - PaciCorp-RMP – “Gateway West Segment D-1 Transmission Line Project”, request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to construct the Gateway West Segment D-1 Transmission Line Project from Shirley Basin Substation to Windstar Substation. The project will consist of two parallel 230-kV

alternating current (AC) electric transmission lines and associated substations facilities as part of the PacifiCorp Energy Vision 2020 Plan. The general site location crosses approximately 20 miles through Carbon County from the Shirley Basin Substation to the Carbon and Natrona County line. Marlin Johnson, County Planning Director presented the case file including overviewing written comments received.

Chairman Johnson called for comments for or against the case. Kandis Fritz with Carbon County Road & Bridge noted the applicant should be aware of new road standards that are being considered and were discussed previously today specifically regarding oversize loads. Rod Fisher with Rocky Mountain Power was present via telephone. He noted their schedule was adjusted as the WY Public Service Commission held a hearing on public necessity and it was determined that the matter will be heard November 2021 for both Gateway South and West therefore no construction will occur until then. He addressed Todd Heward's comments from the Medicine Bow Conservation District noting that many of the concerns were in the National Environmental Policy Act (NEPA) analysis and added he believes they are following all county zoning regulations.

Joan McGraw of the Medicine Bow Conservation District stated they are in support of the project but that they would have preferred lines to be on the east side of the highway along with other existing lines. She feels there may still be time to address this. Mr. Fisher reported that the Western Electricity Coordinating Council made changes in February 2013 changing the span from 1,500 feet to 250 feet. Around April 2013 they had the final Environmental Impact Statement (EIS).

George Schneider, resident of Ft. Steele reported he and Mr. Fisher have met several times over Gateway West. He stated he has two huge transmission lines in his viewshed of Elk Mountain. His neighbor, who happens to be Sheriff Roybal, has sold his residence, and has moved to Elk Mountain. He wonders what Sheriff Roybal knows about transmission lines that the public doesn't know. He was under the impression from Mr. Fisher that the line would go across the interstate by Walcott then south however it crosses near Ft. Steele impeding his view. He feels the lines should be constructed other than where individuals reside. Mr. Fisher replied that there have not been any adjustments to permitted routes.

Aleta Brown and Nancy Smith with Mike Doyle of Power Engineers were also present via phone.

There being no further comments, Chairman Johnson closed the hearing at 2:23 p.m.

Commissioner Moore moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2020-66 A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding C.U. Case File No. 2020-15 - PacifiCorp-RMP - "Gateway West Segment D-1 Transmission Line Project", request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to construct the Gateway West Segment D-1 Transmission Line Project from Shirley Basin Substation to Windstar Substation. The project will consist of two parallel 230-kV alternating current (AC) electric transmission lines and associated substations facilities as part of the PacifiCorp Energy Vision 2020 Plan. The general site location crosses approximately 20 miles through Carbon County from the Shirley Basin

Substation to the Carbon and Natrona County line. Commissioner Espy seconded and Commissioner Barkhurst commented that while he realizes the applicant has time and money invested, he feels like these permits come before the BOCC for finalization is so that public voices can be heard. Commissioner Espy stated this case is a “poster child” for why NEPA needs revision as the Record of Decision was issued 7 years ago. He wishes the lines were on the east side however he understands why it happened the way it did. He stated he does not like it but knows it’s not Rocky Mountain Power’s fault and is more of a result of how BLM and NEPA operated back then. Commissioner Jones asked if the process would have to start completely over to move to the east side. Chairman Johnson stated he thought it could be done with an environmental assessment, but he was not positive. He stated he would like to see the matter be tabled for no more than 60 days to provide the applicant time to assess on what it would take to move this to the east side of the highway. Mr. Fisher replied that he doesn’t feel like any more time was bought and that for them to move to the east side the biggest challenge would be cultural resource surveys involving dozens of groups. He feels they won’t meet their in-service date of the end of 2024 if they had to change course. He reiterated that they have met all zoning requirements for the county. He added Counties in WY don’t have siting authority over transmission lines and he doesn’t support delaying this for any length of time and respectfully requested approval today. Joan McGraw pointed out that the NEPA process has been streamlined and therefore cut down considerably and with the disturbance on the east side of the road the cultural clearances would likely be less of a hinderance as she thinks they have already been reviewed. She would support tabling one more month to see if the process can be streamlined. Mr. Fisher replied that he feels that the survey processes would have to be redone. Chairman Johnson agreed with Commissioner Barkhurst earlier and asked for legal advice. At this point an executive session was held.

EXECUTIVE SESSION

Commissioner Espy moved to go into executive session at 2:41 p.m. with Clerk Bartlett and Ashley Mayfield Davis to discuss personnel, potential litigation and other matters considered confidential by law. Commissioner Moore seconded and the motion carried unanimously.

Commissioner Espy moved to come out of executive session at 3:02 p.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Barkhurst seconded, and the motion carried unanimously.

Continued - Public Hearing - C.U. Case #2020-15-PacifiCorp-RMP – “Gateway West Segment D-1 Transmission Line Project”

Commissioner Moore respectfully withdrew his motion to authorize the Chairman’s signature on Resolution 2020-66, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding C.U. Case File No. 2020-15 - PacifiCorp-RMP – “Gateway West Segment D-1 Transmission Line Project”, request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. Commissioner Espy withdrew his second and the motion died.

Commissioner Espy moved to table this action (C.U. Case File No. 2020-15 - PacifiCorp-RMP – “Gateway West Segment D-1 Transmission Line Project) until the board’s February 2, 2021

regularly scheduled Commission meeting asking the applicant to bring forth what a new National Environmental Policy Act study would look like, what it would cost timeline, cost and time to do environmental studies, cultural, biological, historical; what it would take along the lines for tribal consultation, those timelines, all that and also in the meantime work on road use agreements with all affected parties that includes Carbon County and any other community where the applicant may need to receive services such as water etc. Commissioner Barkhurst seconded, and the motion carried unanimously.

Mr. Fisher asked for clarification and expressed his frustration. He confirmed the BOCC wanted them to return with cost and time to relocate approximately 3 miles under Carbon County's zoning realizing they have authorization for everything on BLM lands. Attorney Davis replied that yes, they are required to obtain a county permit therefore the BOCC is asking for cost and time estimates for relocation. He stated he will "lawyer up" for the process.

Clerk

Clerk Bartlett presented a Special Construction Proposal with CenturyLink in the amount of \$5,463.00 to move the DMARC at the Carbon Building to the new third floor communications room. Clerk Bartlett will overnight the agreement and payment today.

Commissioner Jones moved to authorize the Chairman's signature on the Special Construction Proposal with CenturyLink with advanced payment in the amount of \$5,463.00 to move the DMARC at the Carbon Building. Commissioner Barkhurst seconded, and the motion carried unanimously.

CITIZEN'S / COMMISSIONER'S DISCUSSION

Commissioner Moore reported that he attended the public input portion of the Natural Resource Management Plan via Zoom and the public will have ample opportunity to continue to participate. Mr. Moore also noted that City Manager Shawn Metcalf came earlier but missed it to support the transfer of the arson dog from the City to the County and he appreciates that cooperation from the city.

Commissioner Barkhurst thanked county employees for their service during the pandemic.

Commissioner Jones and Campbell County Commissioner Reardon are serving on a working group with the University to discuss siting and permitting of large industrial renewable energy projects.

Chairman Johnson invited the BOCC to a tour of the Carbon Building and asked Clerk Bartlett to schedule for 4 p.m. next Monday prior to its special meeting.

EXECUTIVE SESSION

Commissioner Espy moved to go into executive session at 3:21 p.m. with Clerk Bartlett, Ashley Mayfield Davis, Patty Bentsen, and Lenny Layman to discuss personnel, potential litigation and

other matters considered confidential by law. Commissioner Barkhurst seconded, and the motion carried unanimously.

Patty left at 3:33 p.m. Lenny Layman joined at 4:04 p.m. and left at 4:19 p.m.

Commissioner Espy moved to come out of executive session at 4:34 p.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Barkhurst seconded, and the motion carried unanimously.

COMMISSIONERS

Commissioner Moore moved to make an offer of employment for Dixon Airport Manager for any commissioner's signature. Commissioner Jones seconded and the motion carried unanimously.

ADJOURNMENT

Commissioner Barkhurst moved to adjourn the meeting at 4:34 p.m. Commissioner Espy seconded and the motion carried unanimously.

A regular meeting of this Board will be held Tuesday, January 19, 2021 at 9:00 a.m. at the Carbon County Courthouse, in Rawlins, WY. The public is invited to attend, or you can listen online at the website listed below. To get on the agenda, call the Clerk's Office by the Thursday before the meeting. Per Wyo. Stat. §18-3-516(f), access to county information can be obtained at or by calling the Clerk's Office at (307) 328-2668 or 1-800-250-9812.