

**REPORT TO THE
MINUTES OF THE BOARD OF
CARBON COUNTY COMMISSIONERS
REGULAR MEETING
Wednesday, July 5, 2023 @ 9:00 a.m.
Carbon Building- Courthouse Annex,
215 W. Buffalo Street, Second Floor, Rawlins, WY**

A regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Wednesday, July 5, 2023, at 9:00 a.m. at the Carbon Building-Courthouse Annex in Rawlins, WY. Attending the meeting were Chairman, Sue Jones, Vice Chairman, Travis Moore, Commissioners John Johnson, John Espy and Byron Barkhurst.

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

ADDITIONS / CORRECTIONS

Chairman Jones added a discussion of reallocating Mullen Fire funding to Albany County under commissioners. Commissioner Johnson moved to approve the amended agenda. Commissioner Espy seconded and the motion passed unanimously.

VOUCHERS

Commissioner Barkhurst moved to approve payment to Sunrise Sanitation for \$75.00. Commissioner Moore seconded and the motion passed with all voting for the motion except Commissioner Jones who abstained due to personal conflicts.

Commissioner Barkhurst moved to approve the report of expenditures in the amount of \$412,100.96 for an aggregate total today of \$412,175.96. Commissioner Johnson seconded and the motion passed unanimously.

Albrechtson, Mary Kay	Jury Trial Bailiff	\$150.00
American Planning Association	APA Membership	\$313.00
Artistic Custom Badges & Coins LLC	CCSO Coins/Shipping	\$1,627.80
AXON Enterprise, Inc.	7 Tasers/Supplies	\$25,730.00
Bartlett Oilfield Service, Inc.	Blade-Cr 100	\$6,162.26
Bituminous Paving Inc.	CR203 Brush Creek Chip Seal	\$83,861.25
Black Hills Energy	Gas Services	\$8,172.70
Blakeman Propane	Propane Services	\$2,086.56
Bob Barker Company, Inc.	Jail Inmate Uniforms	\$924.04
Bob Ruwart Motors	2023 Chevy Tahoe Truck	\$89,222.75
Bomgaars Supply	Trimmer Kit/Fuel Filter/Spark Plug	\$119.90
Buchanan, Karen	Mileage	\$137.50
Casper Winnelson Co.	Plumbing Parts	\$790.55
Charm-Tex, Inc.	Inmate Jumpsuits/Socks/Shirts	\$4,571.70

CIDNET	Jail Data	\$750.00
Command Ballistics, Inc.	CCSO Ammunition	\$3,000.00
Consolidated Electrical Distributors Inc	6 Fuses	\$198.74
Cowboy Chemical	Dish Detergent/Rinse Bucket	\$189.90
Cowboy Supply House	Cleaning Supplies	\$1,428.69
Culligan Water Conditioning	Coarse Salt	\$250.00
Daikin Applied	Evap. Leak Detector Service	\$1,623.64
Dixon, Town of	Water Services-Sc	\$308.00
Dominion Energy	Gas Services	\$114.28
Dynamic Controls Inc.	Hot Water Coil Jeffrey Center	\$16,505.00
Election Systems & Software, LLC	Maint & License Ag. - Election Equip.	\$25,812.50
Elevated Safety Solutions	Dot Lab Fees	\$304.00
Elk Mountain, Town of	Water Services R&B	\$70.00
Engineering Associates	CR 351 Striping /CR 203 Chip Seal	\$6,263.49
Engstrom, James D. DDS	Inmate Dental Services	\$2,500.00
Fager, Tamlyn	Mileage	\$44.00
Fritz Welding & Machine, Inc.	Welding Services	\$954.00
Further	Health Reimbursement/FSA/Fees	\$4,137.30
Grainger	Air Filters	\$300.41
Hanna, Town of	Water Services	\$305.06
Hays, Patricia	Mileage	\$63.80
High Plains Power	Electric Services	\$393.87
Iron J Towing	Service Calls	\$969.00
Jack's Body & Fender Repair	CCSO Service Call	\$578.00
K2 Towers III, LLC	Structural Analysis Run	\$10,000.00
Kilburn Tire Company	Wheel Alignment	\$94.95
Laramie Fire Protection	Fire Alarm Monitoring	\$480.00
Lifetime Benefit Solutions, Inc.	Cobra Fee	\$25.00
Macpherson & Thompson, LLC	Legal Services	\$4,378.85
Matthew Bender & Co, Inc.	Wy Statute Books & Court Rules	\$737.67
McKesson Medical-Surgical	Blood Collection Needles	\$135.34
Memorial Hospital of Carbon County	Comprehensive Metabolic Panel	\$126.00
Merseal Law, LLC	Legal Services	\$4,540.00
Moss, Barbara	Mileage	\$121.00
Mountain Alarm	Alarm Monitoring-Youth Crisis Center	\$47.90
Napa - Saratoga	Inflow Brush/Rain X/Armor-All	\$45.28
Nation, Leslie H.	Mileage	\$61.60
National Business Furniture LLC	Jail-Mesh Chairs	\$2,542.08
Norco, Inc.	Welding Gloves	\$64.81
Offender Watch	Sex Offender Notification	\$35.00
Olde Trading Post	May Fuel	\$18.14

O'Reilly Auto Parts	Towels/Detailer	\$35.46
Perspective Enterprises Inc.	Digital Scale/Infant Board/ Supplies	\$1,865.00
Positive Promotions	Bicycle Safety-Reflectors & Badges	\$50.00
R.P. Lumber Company, Inc.	Painting Supplies	\$265.09
Rapid Fire Protection, Inc.	Annual Sprinkler Inspection	\$3,290.00
Rawlins Automotive	Oil/Filters/Parts	\$895.77
Rawlins Glass Center, Inc.	Glass Putty Replacement-CC Museum	\$327.83
Rawlins, City of	Water Services	\$6,892.19
Schaeffer Mfg. Co.	Lube-3 Drums	\$1,918.74
Shepard's	Fuel	\$66.04
Shively Hardware	Filters/Gaskets/Bulbs	\$128.70
Stage Stop General Store	Dawn Soap/Toilet Paper	\$20.12
Staples Advantage	Flash Drives	\$136.42
State Of Wyoming DCI	Sex Offender Fees	\$50.00
Stinker Stores Inc	Diesel Fuel	\$12,566.79
Summit Food Service	Jail Meals	\$4,088.53
Sunrise Sanitation Service, LLC	Trash Services	\$75.00
Swanson Services Corporation	Jail Commissary	\$1,600.30
T.W. Enterprises, Inc.	Oil Filter/Generator Repair	\$1,174.89
Terminix	Pest Control- Jail	\$193.00
The Masters Touch, LLC	DMV Post Card Postage	\$7,087.26
Tin Boy Garage	Brake Pads & Rotors-Front & Rear	\$1,268.22
United States Treasury	2022 PCORI Fees	\$761.67
UPRSWDD	Trash Services	\$190.00
W.A.R.M. Property Insurance Pool	Crime Insurance	\$768.79
Williams, Porter, Day & Neville, P.C.	Cherokee Rd Hearing Examiner	\$5,153.27
Wilson, Karon	Mileage	\$31.35
WLEA-Advanced Training	Officer Training	\$1,214.00
Wohl, Judith	Mileage	\$38.50
Wreck-A-Mend	Install Stickers-21 Ford F150	\$240.00
WY County Commissioner's Assoc.	WCCA FY24 Dues/Loan Payoffs	\$26,957.00
WY Dept Of Transportation	CR 203 Bridge Over North Platte	\$3,002.69
WY Diesel Service	Install Intake Connection Manifold	\$2,460.50
WY Machinery Company	Wear Stripping/Service Kit	\$1,122.86
Wyoming Cleaning & Solutions LLC	Cleaning Services-Jeffrey Center	\$500.00
Y2 Consultants, LLC	Meetings/Research & Analysis	\$2,773.50
ZOCO Unlimited Inc.	Water For Mag	\$5,926.78
Zumbrennen Electric Inc.	Light & Breaker Replacement	\$2,652.39

CONSENT AGENDA

Commissioner Espy moved to approve the consent agenda noting any item could be removed for separate action. Clerk Bartlett noted the consent agenda includes the June 20, 2023, regular meeting minutes; monthly receipts for Planning & Development for June 2023 in the amount of \$10,626.66. Commissioner Barkhurst seconded and the motion passed unanimously.

Employee Recognition

Gwynn Bartlett, County Clerk overviewed employees having reached years of service milestones in July.

DEMOLITION DERBY

Lonnie Pacheco who organizes the Rawlins demolition derby also known as the RawTown Riot requested authorization to set off fireworks during the event at the Fairgrounds this August. He stated he is working with the Rawlins Fire Department as he did last year and the display would be dependent upon fire weather. He must have the county's approval as the landowner to obtain a permit from the City of Rawlins. The BOCC informally approved Lonnie Pacheco, the Superintendent of the RawTown Riot, the use pyrotechnics on the county fairgrounds property during the 2023 RawTown Riot Demolition Derby subject to City of Rawlins approval.

ELECTED OFFICIALS & DEPARTMENT HEADS

IT

IT Director, Matt Webster presented a lease agreement for 3 new mail machines for board approval and Chairman's signature. The county currently has three machines, two of which will no longer be valid for use with the US Postal Service later this year. The other one is 5 years old and would cost approximately the same amount to lease as a new one would. Mr. Webster stated that the current lease is \$425.83 per month. If the county was to just update all 3 machines with equivalent replacements (no upgrades) the lease would be \$517.45. With the recommended upgrade for the Courthouse this would change to \$827.39.

Commissioner Johnson moved to approve the lease agreement with Midwest Connect for 3 new mail machines for the Courthouse, Carbon Building and the jail for a term of 60 months and in the amount of \$827.39 per month and authorize the Chairman's signature. Commissioner Moore seconded and the motion passed unanimously.

Planning and Development

Sarah Brugger, County Planning Director presented a comment letter on behalf of the BOCC to the Bureau of Land Management regarding the proposed Conservation and Landscape Health Rule.

Commissioner Espy moved to authorize the Chairman's signature on the comment letter to the Bureau of Land Management regarding the proposed Conservation and Landscape Health Rule. Commissioner Barkhurst seconded and the motion passed unanimously.

Ms. Brugger reported she has received five total applications for the Carbon County Land Use Plan Update Steering Committee. Three were received late however she recommended the BOCC review these and discuss them later today. Applications were received from Jenita Calton, Richard Wilson, Marcell Astle, Cristiano Miranda, and Penny Walters. Because some were received late the BOCC opted to give themselves more time to read these and reach out to others to apply.

Ms. Brugger reported the subdivision regulation amendments will be heard July 31 by the Planning Commission who will provide a recommendation to the BOCC who will likely hear this in October.

Sheriff

Sheriff Alex Bakken reported the new ATV was utilized this weekend for various purposes and he thanked the board for the funds. Next week he will be working with the Town of Hanna on an agreement to provide law enforcement for the town.

Clerk

Carbon County Clerk Gwynn Bartlett reminded the BOCC the county was awarded a State Loan & Investment Board grant earlier this year for an ambulance for the Memorial Hospital of Carbon County. This is an ARPA grant and Clerk Bartlett will work with the hospital to ensure they comply with bidding requirements.

Commissioner Johnson moved to authorize the Chairman's signature on the ARPA Grant Agreement, Grant ARPA-LG-1345 with the State of Wyoming State Loan and Investment Board in the amount of \$183,330 for an ambulance of the Memorial Hospital of Carbon County. Commissioner Espy seconded and the motion passed unanimously.

Attorney

Deputy Attorney Ashley Davis presented Amendment One for the Juvenile Services Board grant agreement. The amendment changes the Board's responsibilities to now include eleven additional responsibilities from the Secretary of State's Office rules.

Commissioner Barkhurst moved to authorize the Chairman's signature on Amendment One to the Contract Between Wyoming Department of Family Services and Carbon County Board of Commissioners amending the responsibilities of the Carbon County Juvenile Services Board. Commissioner Moore seconded and the motion passed unanimously.

Commissioners

Commissioner Espy moved to direct the County Clerk to publish the statement of revenue and expenses required by Wyoming Statute 18-3-515. Commissioner Moore seconded and the motion passed unanimously.

Attorney Davis presented a Certificate that includes the legal description for the formal establishment of County Road 451, Cherokee Road as well as the final Plat containing the survey.

Commissioner Espy authorized the Chairman's signature on the Certificate that includes the legal description for the formal establishment of County Road 451, Cherokee Road as well as the final Plat containing the survey. Commissioner Moore seconded and the motion passed unanimously.

Attorney Davis reported the Carbon County Fire Protection District (CCFPD) was originally slated to lease space in the Carbon Building-Courthouse Annex however would now like to occupy the Interim Justice Center at 812 E. Murray Street in Rawlins. She presented a proposed lease agreement and asked if the group could occupy immediately. Warden John Rutherford recommended the east portion of the building. Mr. Webster stated the CCFPD Vice President requested that the county keep their IT equipment in the facility currently which requires the fiber line at a cost of approximately \$500 per month.

Commissioner Moore moved to authorize the Chairman's signature on the revised Lease Agreement Between Carbon County and the Carbon County Fire Protection District for 812 E. Murray Street in Rawlins with no consideration to occupy immediately. Commissioner Johnson seconded and the motion passed unanimously.

After the Mullen Fire, the A Bar A Ranch was allocated federal funding to utilize related to fire cleanup and the ranch does not desire to utilize the funding and therefore can transfer it to a governmental entity, in this case Albany County.

Commissioner Espy moved to reallocate Mullen Fire funds to Albany County and to authorize signature by any commissioner as needed to effectuate the transfer. Commissioner Espy seconded and the motion passed unanimously.

Commissioner Discussion

Commissioner Moore reported the Carbon County Council of Governments is approaching in Baggs. Commissioner Espy recently attended the Western Governor's Conference in Boulder, CO and Governor Gordon led a meeting on recreational impacts to these counties especially pertaining to search & rescue activities in small communities and the cost of those things. There was discussion of potentially diverting some sales tax revenue for this use. He will also attend the upcoming Western Interstate Region meeting. He will attend the Sage Grouse Implementation meeting in Lander tomorrow.

EXECUTIVE SESSION

Commissioner Espy moved to go into executive session at 9:51 a.m. with Clerk Bartlett and Ashley Mayfield Davis to discuss personnel, potential litigation and other matters considered confidential by law. Commissioner Barkhurst seconded and the motion passed unanimously.

Commissioner Espy moved to come out of executive session at 10:55 a.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Barkhurst seconded and the motion passed unanimously.

MEMORIAL HOSPITAL OF CARBON COUNTY (MHCC)

Mark Kostovny, MHCC Board Trustee introduced Rex Walk, Interim Chief Executive Officer. Also, present was Stephanie Hinkle, Marketing Director. Mr. Walk discussed the hospital's issues as financial, people and processes. The priority being financial. The audit firm they formerly used is assisting in getting the financials current. He feels many of the issues are related to their Cerner conversion and once this is fixed, he feels the revenue cycle should be fixed. Cerner is the electronic medical records (EMR). They had NetHost and moved from that September 2022 to Cerner. They can produce manual billing statements without Cerner working properly but this is not how it was meant to be used. Mr. Walk promised answers in two weeks and offered to return in two weeks with more financial information.

Mr. Walk reported MHCC is working on reducing turnover, revenue generation including a swing bed program, expanding the orthopedic program, changing clinics to rural healthcare clinics and that the Governor's Office approved a \$1.2 million emergency loan to be repaid in a year at 0% interest.

CARBON COUNTY FIRE PROTECTION DISTRICT

Jim Piche, Vice-Chairman of the Carbon County Fire Protection District provided a monthly update. He stated once the lease is finalized with the county for the property at 812 E. Murray, they will be working on contracts with municipalities for fire service. Their base plan is to work those agreements out for a July 2024 live date.

PUBLIC HEARING – C.U. Case #2023-04 – Union Telephone Company and Lee and Francelle Robinson

Commissioner Espy moved to table C.U. Case File 2023-04, Union Telephone Company's request for a Conditional Use Permit. Commissioner Barkhurst seconded and the motion passed unanimously.

Chairman Jones opened a public hearing at 11:28 a.m. to hear Planning & Zoning C.U. Case #2023-04, Union Telephone Company's request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to permit a telecommunications tower up to 105 feet tall and related facilities/equipment. at the Savery Communications Site. The Site is located approximately 3/4 of a mile east of Savery on the north side of HWY 70. Planning Director Sarah Brugger stated the case was tabled to allow the applicant time to apply for a variance due to the county's clear zone requirement. Ultimately the applicant decided to move the tower location.

Patty Kirby and Thomas Lebuda Both with Union Telephone reported they moved the tower southwest to accommodate the fall zone area and requested the BOCC's favorable consideration.

Chairman Jones called for comments for or against the case. There being no comments, she closed the hearing at 11:32 a.m.

Commissioner Barkhurst moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2023-22, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding Planning and Zoning C.U. Case #2023-04, Union Telephone Company's request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone, located approximately 3/4 of a mile east of Savery on the north side of HWY 70 at the Savery Communications Site. Commissioner Moore seconded and the motion passed unanimously.

Resolution No. 2023 – 22

**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 #2023-04 – “Savery 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, April 3, 2023, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at the Monday, April 3, 2023, 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, April 3, 2023, 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, May 2, 2023; and

WHEREAS, at said public hearing on May 2, 2023, 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, at the conclusion of the public hearing on May 2, 2023, the Carbon County Board of County Commissioners tabled C.U. Case #2023-04 until Wednesday, July 5, 2023; and

WHEREAS, at said public hearing on July 5, 2023, 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 #2023-04: Request for a Conditional Use Permit in the Rural Residential Agriculture (RRA) Zone. The request is to permit a telecommunications tower up to 105 feet tall and related facilities/equipment.

Project/Site Name: Savery Communications Site

Applicant: Union Telephone Company

Land Owners: Lee H. and Francelle Robinson

Parcel Identification Number: 12890820003000

Rural Address: 1213A E. State Highway 70

General Site Location: Savery Communications Site is located approximately 3/4 of a mile east of Savery on the north side of HWY 70.

Legal Description: A tract of leased land (10,000 sq. ft.) located in the SE1/4 NW1/4, Section 8, T12N, R89W, Carbon County, Wyoming.

TERMS AND CONDITIONS OF APPROVAL:

1. If the telecommunication tower is removed from service pursuant to this Conditional Use Permit, the Applicant shall reclaim the existing foundations to a depth of 36 inches or to the existing depths required at the time of reclamation, whichever standards are more stringent shall apply.
2. An area with a radius equal to at least 110% of the tower height must be maintained by the land owner 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.
3. 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.
4. Any modifications to the structure that increase its surface footprint or is over the permitted tower height will require a new Conditional Use Permit.
5. Building Permit(s) are required prior to the start of construction.
6. The Owner(s) or Operator(s) shall limit construction activity in areas that have been designated by the Wyoming Game & Fish Department as Sage Grouse Core areas between the dates of March 15th to June 30th. In the event the owners or operators need to carry out construction activities in this time period and within said ranges, it shall notify and consult with both the Wyoming Game & Fish Department and Carbon County to determine how the activity in question will be passed out without undue harm to sage grouse populations.
7. 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>.

8. 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.
9. 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.

9. 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

**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 #2023-04 – “Savery Communications Site”).

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 5th day of July 2023.

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

By: -s- Sue Jones, Chairman
On behalf of the Carbon County
Board of County Commissioners

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

PUBLIC HEARING - Z.C. Case #2023-02 – Curtis and Brenda James

Chairman Jones opened a public hearing at 1:30 p.m. to hear Planning & Zoning Z.C. Case #2023-02, Curtis and Brenda James's request for a Zone Change from Residential (RD-20) and Rural Residential Agriculture (RRA-10) to Rural Residential Agriculture (RRA) for Lots 1-5 located in the proposed James Minor Subdivision encompassing approximately 29.84 acres. RRA-9.94 (Lot 1); RRA-4.98 (Lot 2); RRA-4.98 (Lot 3); RRA-4.97 (Lot 4); and RRA-4.97 (Lot 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. It is located 4.5 miles northeast of Saratoga off Carbon County Road #205 (Lake Creek/205 Extension Road) on the south side. Planning Director Sarah Brugger presented the case. She clarified this is a 20-acre parcel being divided into two, approximately 10-acre parcels based on feedback from the public

comment process. She also outlined comments received against the case from Mary Read, Cindy Carnes, Nadine Brown, Patricia Forbes and for the case from Bill Saulcy.

Chairman Jones called for comments for or against the case. There being no comments, she closed the hearing at 1:46 p.m.

Commissioner Barkhurst moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2023-23, 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 #2023-02, Curtis and Brenda James's request for a Zone Change from Residential (RD-20) and Rural Residential Agriculture (RRA-10) to Rural Residential Agriculture (RRA) for Lots 1-5 located in the proposed James Minor Subdivision encompassing approximately 29.84 acres. RRA-9.94 (Lot 1); RRA-4.98 (Lot 2); RRA-4.98 (Lot 3); RRA-4.97 (Lot 4); and RRA-4.97 (Lot 5) and located 4.5 miles northeast of Saratoga off Carbon County Road #205 (Lake Creek/205 Extension Road) on the south side. Commissioner Espy seconded and the motion passed unanimously.

Resolution No. 2023 – 23

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 #2023-02

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, May 1, 2023, which hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at the Monday, May 1, 2023, 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, May 1, 2023, public hearing, the Carbon County Planning and Zoning Commission tabled Z.C. Case #2023-02 until June 5, 2023; and

WHEREAS, at the Monday, June 5, 2023, 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, June 5, 2023, 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 Wednesday, July 5, 2023; and

WHEREAS, at said public hearing on July 5, 2023, 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 #2023-02: Request for a Zone Change from Residential (RD-20) to Rural Residential Agriculture (RRA) for Lots 1 and 2 located in the proposed James Minor Subdivision encompassing approximately 19.88 acres. RRA-9.94 (Lot 1) and RRA-9.94 (Lot 2). 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--Minor Subdivision Case File #2023-01: Minor Subdivision Request to create two (2) lots (Lot 1 = 9.94 Acres and Lot 2 = 9.94 Acres). The applicant is also applying for a zone change request (see above Z.C. Case #2023-02) to comply with the Carbon County Zoning Resolution of 2015, as amended.

Minor Subdivision Name: James Minor Subdivision

Petitioners: Curtis and Brenda James (Applicants and Land Owners)

Parcel Identification Number: 18833310004100

General Site Location: Approximately 4.5 miles northeast of Saratoga off Carbon County Road #205 (Lake Creek/205 Extension Road) on the south side.

Legal Description:

A PARCEL OF LAND BEING THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWNSHIP 18 NORTH, RANGE 83 WEST OF THE 6TH P.M., CARBON COUNTY, WYOMING, BEING FURTHER DESCRIBED AS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 33, THENCE S89°26'02"W ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 33, A DISTANCE OF 661.48 FEET, (AGAINST A RECORD DISTANCE OF 661.54 FEET) TO THE E-E1/64 CORNER OF SAID SECTION 33, THE POINT OF BEGINNING; THENCE S00°42'39"E ALONG THE EAST LINE OF SAID WEST 1/2 OF NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33 A DISTANCE OF 654.81 FEET (AGAINST A RECORD DISTANCE OF 654.96 FEET) TO THE NE-NE1/64 CORNER OF SAID SECTION 33; THENCE S00°42'39"E ALONG THE EAST LINE OF SAID WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33 A DISTANCE OF 654.85 FEET (AGAINST A RECORD DISTANCE OF 654.96 FEET) TO THE C-E-NE1/64 CORNER OF SAID SECTION 33; THENCE S89°30'01"W ALONG THE SOUTH LINE OF SAID WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33 A DISTANCE OF

660.99 FEET (AGAINST A RECORD DISTANCE OF 661.13 FEET) TO THE NE1/16 CORNER OF SAID SECTION 33; THENCE N00°44'59"W ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33 A DISTANCE OF 654.71 FEET (AGAINST A RECORD DISTANCE OF 654.62 FEET) TO THE C-N-NE1/64 CORNER OF SAID SECTION 33; THENCE N00°43'04"W ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33 A DISTANCE OF 654.40 FEET (AGAINST A RECORD DISTANCE OF 654.62 FEET) TO THE E1/16 CORNER OF SAID SECTION 33; THENCE N89°27'08"E ALONG THE NORTH LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33 A DISTANCE OF 661.51 FEET (AGAINST A RECORD DISTANCE OF 661.54 FEET) TO THE POINT OF BEGINNING. CONTAINING 866094.62 SQUARE FEET OR 19.88 ACRES MORE OR LESS. SUBJECT TO ALL EASEMENTS, CONDITIONS, RESERVATIONS, EXCEPTIONS, AND RESTRICTIONS CONTAINED IN PRIOR CONVEYANCES OF RECORD.

**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 Residential (RD-20) to Rural Residential Agriculture (RRA) for Lots 1 and 2 located in the proposed James Minor Subdivision encompassing approximately 19.88 acres, more specifically, RRA-9.94 (Lot 1) and RRA-9.94 (Lot 2).

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on the 5th of July 2023.

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

By: -s- Sue Jones, Chairman
On behalf of the Carbon County
Board of County Commissioners

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

PUBLIC HEARING - MIN SUB Case #2023-01 "James Minor Subdivision"

Chairman Jones opened a public hearing at 1:48 p.m. to hear Planning & Zoning Minor Subdivision Case File #2023-01, Curtis and Brenda James's Request to create five (5) lots (Lot 1 = 9.94 Acres; Lot 2 = 4.98 Acres; Lot 3 = 4.98 Acres; Lot 4 = 4.97; and Lot 5 = 4.97 Acres). The applicant is also applying for a zone change request (see above Z.C. Case #2023-02) to comply with the Carbon County Zoning Resolution of 2015, as amended and is located approximately located 4.5 miles northeast of Saratoga off Carbon County Road #205 (Lake Creek/205 Extension Road) on the south side. Planning Director Sarah Brugger presented the case. She reminded the board this is an approximate 20-acre parcel to be divided into two approximately 10 acre parcels.

Chairman Jones called for comments for or against the case. There being no comments, Chairman Jones closed the hearing at 1:51 p.m.

Commissioner Espy moved to authorize the Chairman's signature on the Minor Subdivision Case File #2023-01, Curtis and Brenda James's Request to create five (5) lots (Lot 1 = 9.94 Acres; Lot 2 = 4.98 Acres; Lot 3 = 4.98 Acres; Lot 4 = 4.97; and Lot 5 = 4.97 Acres) and is located approximately located 4.5 miles northeast of Saratoga off Carbon County Road #205 (Lake Creek/205 Extension Road) on the south side. Commissioner Barkhurst seconded and Chairman Jones noted that by law there are guidelines outlining what the BOCC can regulate including the number of wells, the depth of wells, game & fish concerns and other public concerns brought to the BOCC by the public. She wanted the public that was in opposition to know the BOCC did hear the concerns and the applicant heard the concerns as they cut their proposed lots in half. Growth is inevitable and rapid, particularly in that area of the county. The motion passed unanimously.

PUBLIC HEARING - Z.C. Case #2023-05 – Goodwin, Dennis and Mandy

Chairman Jones opened a public hearing at 1:55 p.m. to hear Planning & Zoning Z.C. Case #2023-05, Dennis and Mandy Goodwin's request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Forestry Production and Seasonal Recreation (FPSR-31.06) on approximately 31.06 acres. The FPSR Zone is intended to be applied to areas of the County in which timber production and seasonally accessible recreation uses are the desirable predominant uses. It is located approximately 13 miles west of Encampment off WY HWY 70 on the north side. Planning Director Sarah Brugger presented the case.

Chairman Jones called for comments for or against the case. There being no comments, she closed the hearing at 2:00 p.m.

Commissioner Johnson moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2023-24, 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 #2023-05, Dennis and Mandy Goodwin's request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Forestry Production and Seasonal Recreation (FPSR-31.06) on approximately 31.06 acres and is located approximately 13 miles west of Encampment off WY HWY 70 on the north side, including a waiver of the 40' easement requirement. Commissioner Barkhurst seconded and the motion passed unanimously.

Resolution No. 2023 – 24

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 #2023-05

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, June 5, 2023, which hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at the Monday, June 5, 2023, 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, June 5, 2023, 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 Wednesday, July 5, 2023; and

WHEREAS, at said public hearing on July 5, 2023, 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 #2023-05: Request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Forestry Production and Seasonal Recreation (FPSR-31.02) on approximately 31.02 acres. The FPSR Zone is intended to be applied to areas of the County in which timber production and seasonally accessible recreation uses are the desirable predominant uses.

Petitioners: Dennis and Mandy Goodwin (Applicants and Land Owners)

Parcel Identification Number: 14862620002600

General Site Location: Approximately 13 miles west of Encampment off WY HWY 70 on the north side.

Legal Description (taken from Deed, Book 1384, Page 33):

Parcel 1: The East 3/4 of the Central No. 1 claim, designated by the Surveyor General as Lot No. 209 and described in Patent recorded in Book 100, Page 436, Records of Carbon County, Wyoming; located in Section 26, Township 14 North, Range 86 West, 6th P.M., Carbon County, Wyoming, more particularly described as follows: Beginning at a point which bears S.08°48'W., 657.4 feet from the N $\frac{1}{4}$ corner of Section 26, Township 14 North, Range 86 West, 6th P.M., said point being the original stone corner No. 1 of Central No. 1 Lode; thence N.84°05'W., 1125.4 feet to set a 5/8" diameter rebar with G/B survey cap; thence S.05°58'W., 599.8 feet to set a 5/8" diameter rebar with G/B survey cap; thence S.84°04'E., 1125.6 feet to set a 5/8" diameter rebar with G/B survey cap; thence N.05°57'E., 600.00 feet to the point of beginning.

Parcel 2: The West 3/4 of the Central No. 2 lode mining claim, designated by the Surveyor General as Lot No. 209 and described in Patent recorded in Book 100, Page 436, Records of Carbon County, Wyoming; and located in Section 26, Township 14 North, Range 86 West, 6th P.M., Carbon County, Wyoming; more particularly described as follows: Beginning at a point which bears S.23°56'W., 1321.3 feet from the N $\frac{1}{4}$ corner of Section 26, Township 14 North, Range 86 West, 6th P.M., said point being a set 5/8" diameter rebar with G/B survey cap; thence S.05°57'W., 600.3 feet to a set 5/8" diameter rebar with G/B survey cap; thence N.84°07'W., 1124.6 feet to the original stone corner No. 3 of the Central No. 2 Lode; thence N.05°52'E., 601.1 feet to the original stone corner No. 4 of the Central No. 2 Lode; thence S.84°04'E., 1125.5 feet to the point of beginning.

**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 Forestry Production and Seasonal Recreation (FPSR-31.02) on approximately 31.02 acres.

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 5th of July 2023.

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

By: -s- Sue Jones, Chairman
On behalf of the Carbon County
Board of County Commissioners

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

**PUBLIC HEARING – C.U. Case 2023-06 – Rocky Mountain Power - Gateway West D-1
Transmission Line Project**

Chairman Jones opened a public hearing at 2:02 p.m. to hear Planning & Zoning C.U. Case 2023-06, PacifiCorp's (dba Rocky Mountain Power) request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone to construct, operate, and maintain the Gateway West Segment D-1Transmission Project (Project). The Project will comprise two segments – Segment 1W(a) and Segment 1W(c). The Project will transmit the electricity generated from the existing Shirley Basin Substation in Carbon County to the Windstar Substation and Dave Johnson Substation in Converse County. The Project will consist of two parallel 230 kilovolt (kV), overhead, single-circuit, alternating current (AC) electric transmission lines, associated substations, and related facilities. Segment 1W(a) is a new 230 kV transmission line extending approximately 60 miles between the existing Shirley Basin Substation in Carbon County to the Windstar Substation in Converse County. Segment 1W(c) is a rebuild of an existing 230 kV transmission line extending approximately 58 miles between the existing Shirley Basin Substation in Carbon County and the existing Dave Johnson Substation in Converse County. These two segments comprise the Gateway West Segment D-1 Transmission Line Project. The Project

includes construction of the Heward Substation and expansion of the Freezeout Substation. The Project is designed to accommodate increasing development of renewable generation in southeastern Wyoming. In addition, the Project also includes rebuilding 4.1 miles of transmission line from the Aeolus Substation to the Freezeout Substation (Aeolus-Freezeout Rebuild) located in Carbon County.

Segment 1W(a) is a 20.1-mile-long route that crosses 16.3 miles of BLM administered land, 0.5 miles of State of Wyoming administered land, and 3.3 miles of private land in Carbon County. Segment 1W(c) is a 19.4-mile-long route that crosses 15.3 miles of BLM administered land, 1.3 miles of State of Wyoming administered land, and 2.8 miles of private land in Carbon County. The Aeolus-Freezeout Rebuild is a 4.1-mile-long route that crosses approximately 1.0 mile of BLM administered land and 3.0 miles of private land in Carbon County. Planning Director Sarah Brugger presented the case noting February 2, 2021, the group was granted 2 years to commence construction on this project and they did not begin construction so they have submitted a new CUP.

Brandon Smith, RMP Director of Project Delivery stated they have received materials for the Carbon County segments and they are prepared to begin construction as soon as they receive the permit. They are on track to complete the project next year, they have land rights in place, and have worked with Road & Bridge on a road use agreement. Commissioner Johnson noted that at the last meeting there was discussion about moving the line to the opposite side of the road and asked how those discussions went with that landowner. Mr. Smith replied they need to minimize risk of something happening to two lines simultaneously therefore after analyzing impacts, separation from existing facilities, and while he was not personally involved in those discussions the landowner has agreed to allow RMP to proceed but he is unsure if the landowner is completely satisfied. Commissioner Johnson discussed load limits on the bridge over the Little Medicine Bow River to ensure RMP was aware, and Mr. Smith acknowledged this.

Chairman Jones asked about mitigation to which Mr. Smith replied they paid \$1.7 million to the BLM that was deposited into the WY National Trust Fund. Mr. Smith confirmed Forbes Construction is the chosen contractor.

Commissioner Johnson asked how far the group has negotiated with Ms. Fritz on a road use agreement and Ms. Fritz asked how much of County Road 97 would be utilized.

Chairman Jones called for comments for or against the case. There being no comments, she closed the hearing at 2:27 p.m.

Commissioner Espy moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2023-25, 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 2023-06, PacifiCorp's (dba Rocky Mountain Power) request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone to construct, operate, and maintain the Gateway West Segment D-1Transmission Project (Project). The Project will comprise two segments – Segment 1W(a) and Segment 1W(c). Segment 1W(a) is a 20.1-mile-long route that crosses 16.3 miles of BLM administered land, 0.5 miles of State of Wyoming administered land, and 3.3 miles of private land in Carbon County.

Segment 1W(c) is a 19.4-mile-long route that crosses 15.3 miles of BLM administered land, 1.3 miles of State of Wyoming administered land, and 2.8 miles of private land in Carbon County changing Condition 14 to state that “prior to issuance of a building permit” rather than “prior to construction”. Commissioner Johnson seconded and the motion passed unanimously.

Resolution No. 2023 – 25

**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 #2023-06 – “Gateway West Segment D-1 Transmission Line Project”

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, June 5, 2023, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at the Monday, June 5, 2023, 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, June 5, 2023, 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 Wednesday, July 5, 2023; and

WHEREAS, at said public hearing on July 5, 2023, 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 #2023-06: Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone to construct, operate, and maintain the Gateway West Segment D-1 Transmission Project (Project). The Project will comprise two segments – Segment 1W(a) and Segment 1W(c). The

Project will transmit the electricity generated from the existing Shirley Basin Substation in Carbon County to the Windstar Substation and Dave Johnson Substation in Converse County. The Project will consist of two parallel 230 kilovolt (kV), overhead, single-circuit, alternating current (AC) electric transmission lines, associated substations, and related facilities. Segment 1W(a) is a new 230 kV transmission line extending approximately 60 miles between the existing Shirley Basin Substation in Carbon County to the Windstar Substation in Converse County. Segment 1W(c) is a rebuild of an existing 230 kV transmission line extending approximately 58 miles between the existing Shirley Basin Substation in Carbon County and the existing Dave Johnson Substation in Converse County. These two segments comprise the Gateway West Segment D-1 Transmission Line Project. The Project includes construction of the Heward Substation and expansion of the Freezeout Substation. The Project is designed to accommodate increasing development of renewable generation in southeastern Wyoming. In addition, the Project also includes rebuilding 4.1 miles of transmission line from the Aeolus Substation to the Freezeout Substation (Aeolus-Freezeout Rebuild) located in Carbon County.

Segment 1W(a) is a 20.1-mile-long route crosses 16.3 miles of BLM-administered land, 0.5 miles of State of Wyoming-administered land, and 3.3 miles of private land in Carbon County. Segment 1W(c) is a 19.4-mile-long route crosses 15.3 miles of BLM-administered land, 1.3 miles of State of Wyoming-administered land, and 2.8 miles of private land in Carbon County. The Aeolus-Freezeout Rebuild is a 4.1-mile-long route crosses approximately 1.0 mile of BLM-administered land and 3.0 miles of private land in Carbon County.

Project/Site Name: Gateway West Segment D-1 Transmission Line Project

Applicant: PacifiCorp doing business as Rocky Mountain Power

Application Area/General Location: The Project crosses approximately 20 miles through Carbon County from the existing Shirley Basin Substation to the Carbon and Natrona County line.

TERMS AND CONDITIONS OF APPROVAL:

1. If the transmission towers are removed from service pursuant to this Conditional Use Permit, the Applicant shall reclaim the existing foundations to a depth of a minimum of 36 inches or to current State standards, whichever standards are more stringent shall apply.
2. The maximum transmission tower height is 150 feet total.
3. Site Plan Approval is required through the Building Permit review process. Building permit application(s) are required and must be submitted prior to construction.
4. The Applicant will provide survey or engineering drawings to the Carbon County Planning & Development Department prior to construction.
5. The Applicant will submit proof of legal access to the Carbon County Planning & Development Department prior to construction.
6. If adjustments to the transmission line centerline and access roads are required beyond those described in the Conditional Use Permit application, the applicant shall:
 - a. Notify the Carbon County Planning & Development Department in writing describing the proposed adjustments.

- b. Upon receipt of a notice of proposed adjustments to the transmission line centerline and access roads, the Planning Director or designee shall approve the adjustments by issuance of a building permit\zoning certificate; or,
- c. The Planning Director shall place the notice of the proposed adjustments on the next available Planning and Zoning Commission's agenda.
- d. The Planning and Zoning Commission shall determine whether the proposed adjustments remain in general conformance with this Conditional Use Permit; or,
- e. If the proposed adjustments are deemed significant by the Planning Director or designee, the applicant may be required to submit a new Conditional Use Permit Application.

7. Any contractors involved in construction activities shall appoint a representative to attend a meeting with all Carbon County department heads impacted by said activities prior to commencement of construction.
8. Point of Sale for all construction materials utilized in this Conditional Use Permit shall be Carbon County, Wyoming.
9. The Owner(s) or Operator(s) of the Project shall provide copies of all reports and payments of sales tax to the County Clerk and County Treasurer related to this project on a quarterly basis.
10. All machinery and motorized equipment utilized in construction activities for this Conditional Use Permit shall obtain necessary registration, plates, and permits from the Carbon County Treasurer's Office and Carbon County Road and Bridge Department prior to being utilized for construction.
11. If the applicant is hauling water in Carbon County, they shall provide a copy of any agreement to the Carbon County Planning & Development Department. When hauling water, the applicant should follow the best management practices on aquatic habitat in accordance with the comment letter provided from the Wyoming Game & Fish Department.
12. The Applicant shall negotiate in good faith and enter into road use agreements with Carbon County and any other town or municipality with roadways that are impacted by this Conditional Use Permit.
13. The Applicant shall obtain and provide all required state and federal permits to the Carbon County Planning & Development Department prior to issuance of a building permit.
14. The Applicant shall provide a copy of the executed Carbon County Road Use Agreement to the Carbon County Planning & Development Department prior to issuance of a building permit.

15. The Applicant shall negotiate in good faith with Carbon County to cover impact costs to the Carbon County Sheriff's Office from construction pursuant to this Conditional Use Permit.
16. 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.
3. 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.

4. 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:
 - e. 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.
 - f. The permit transfer request is heard by the Board at a public meeting after notice is published.
 - g. The permit transfer administrative fee has been paid.
 - h. 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 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 #2023-06 – “Gateway West Segment D-1 Transmission Line Project”).

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 5th day of July 2023.

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

By: -s- Sue Jones, Chairman
On behalf of the Carbon County
Board of County Commissioners

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

ADJOURNMENT

Commissioner Espy moved to adjourn the meeting at 2:35 p.m. Commissioner Moore seconded and the motion passed unanimously.

A regular meeting of this Board will be held Tuesday, August 1, 2023, at 9:00 a.m. at the Carbon Building – Courthouse Annex, located at 215 W. Buffalo St. Suite 240C, 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 www.carbonwy.com or by calling the Clerk's Office at (307) 328-2668 or 1-800-250-9812.