

**REPORT TO THE  
MINUTES OF THE BOARD OF  
CARBON COUNTY COMMISSIONERS  
REGULAR MEETING  
Tuesday, September 1, 2020  
Carbon County Courthouse, Rawlins, WY**

A regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, September 1, 2020 at 9:00 a.m. at the Carbon County Courthouse, 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 Amanda Brown, Public Health Nurse to the agenda.

**VOUCHERS**

Commissioner Barkhurst moved to approve the report of expenditures in the amount of \$548,411.53. Commissioner Jones seconded and the motion carried unanimously.

Vendor	Detail Line Description	Total
Acme Electric Company, LLC	Misc. Electrician Services	\$13,830.03
Advanced Heating, Inc.	Completion of Remodel	\$14,940.00
Axis Forensic Toxicology, Inc.	Lab Panel	\$160.00
Bomgaars Supply	Impact Driver/ Drill Bit	\$120.89
Casper Winnelson Co	Misc. Building Supplies	\$237.22
Conoz, Manuel	Murray St Painting Services	\$2,500.00
Cowboy Chemical	Jail Laundry	\$331.95
Cowboy Supply House	Misc. Cleaning Supplies	\$593.23
Creagan, Lauren	Facebook Ads	\$1,237.50
Custom Builders	Sewer Replacement	\$4,137.97
DustBusters, Inc.	Mag Chloride/Grant	\$120,533.85
Encartele	Data Purchased	\$300.00
Erickson & Roberts	Legal Services	\$2,101.00
Further	HRA Reimbursement/FSA	\$2,022.04
GlaxoSmithKline Pharmaceuticals	Vaccines	\$2,201.57
Grainger	Misc. Supplies	\$460.70
Graphic Business Solutions, LLC	Business Cards	\$83.00
Greater Wy Big Bros/Sisters	July 2020 County Prevention	\$2,847.09
Hagan, Walter	Bailiff For Jury Trial	\$75.00
High Plains Power	Electric Services	\$815.23

Honnen Equipment	Tie Rod Repair on Blade	\$223.96
IML Security Supply	Keypad Entry	\$455.70
Jack's Body & Fender Repair	Service Call	\$145.00
Kenco Security and Technology	Monthly Monitoring	\$44.00
King Soopers Customer Charges	Misc. Charges	\$62.77
Martz, Ladessa	Mileage	\$168.40
McKesson Medical-Surgical	Sanitizing Wipes	\$6.72
Memorial Hospital of Carbon County	Lab Fees	\$376.75
MetroCount USA Inc.	Traffic Counters	\$1,230.00
My Office Etc.	Office Supplies	\$9.91
Parker, Elizabeth	Lysol Wipes	\$17.46
Perkins Oil Co	Fuel	\$1,078.15
PMCH	Audit Services	\$71,731.77
Quill Corporation	Toner	\$408.99
R.P Lumber Company, Inc.	Misc. Supplies	\$115.32
Ricoh USA Inc	It Copiers	\$690.59
Rodabaugh, Sherry	Bailiff for Jury Trial	\$75.00
Saratoga Auto Parts, Inc.	Misc. Parts	\$92.64
Saratoga Sun	Misc. Ads	\$8,052.00
Sheets, Ed	Hang/Tape/Texture Sheetrock	\$2,820.00
Shepard Construction Inc	Misc. Const. Svcs. Med Bow Bldg.	\$137,523.00
Shepard's	Fuel	\$393.31
Shively Hardware	New 4wd Tractor/Tires	\$49,130.00
Shred-It USA	County Offices Shred Services	\$2,976.55
Slow and Steady Law Office, PLLC	Legal Services	\$3,010.00
State of Wyoming A & I	Titles Mainframe Access	\$14.46
Stinker Stores, Inc.	Fuel	\$3,133.95
Summit Food Service	Jail Meals	\$3,281.83
Terminix	Pest Control Services	\$175.00
The Cowboy Couture	Embroidery on Shirts	\$25.00
Thos. Y. Pickett & Co., Inc.	2nd Installment 2021 Valuation Contract	\$6,000.00
Tin Boy Garage	Welder Tire Replacement	\$222.00
T-O Engineers	DWX Repair Runway 6/24	\$15,240.40
Trudiligence, LLC	Driving Record/Background Checks	\$20.74
True North Steel	Cattleguard Blocks	\$5,400.00
True Value of Rawlins	Misc. Parts	\$1,841.99
Tyler Technologies, Inc	IDOC/ITAX/IREG	\$3,128.90
Volunteer Firemen Pension Fund	July Vol Fire Retirement	\$1,200.00
Wohl, Judith	Mileage	\$36.00
Wy Machinery Company	New Lowboy Trailer	\$58,325.00

## CONSENT AGENDA

Commissioner Espy moved to approve the consent agenda noting any item could be removed for separate action. The consent agenda includes the August 25, 2020 regular meeting minutes, August 25 & 28, 2020 Special Meeting Minutes, monthly receipts from Planning and Development in the amount of \$1,925.00, and monthly receipts from Road and Bridge in the amount of \$200.00. Commissioner Moore seconded and the motion carried unanimously.

## **ELECTED OFFICIALS & DEPARTMENT HEADS**

### **Public Health**

Public Health Nurse, Amanda Brown requested and received authorization to fill two vacant registered nurse positions. Amanda provided an update on COVID-19 cases in the county including 167 cases plus 26 probable cases. Most of these cases are associated with the WY State Penitentiary. Ms. Brown said there will be plenty of flu vaccinations for the public.

### **Emergency Management**

Emergency Management Coordinator Lenny Layman and the Sinclair Refining Company Public Relations Team presented the Commissioners with a \$15,000.00 check for the Carbon County Coordination Center. The center would be a physical center where his office would function out of and he noted that he and a large team from the county toured the center in Loveland, CO.

The team introduced themselves – Jodi Smith, Keith Miles, Rob Phipps, Jim Larscheid, and Dorothy Wilkerson. Mr. Layman noted that Ryan Wells from the Sinclair Refinery was integral to the process and donation as well. Now Mr. Layman can apply to the state for a Homeland Security grant to match these funds.

Mr. Layman requested the Commissioner's approval and signature on Amendment #1 to the "Code Red" homeland security grant changing the language to Public Alert and Warning System grant.

Commissioner Jones moved to approve the Chairman's signature on Amendment #1 to the 2019 State Homeland Security Program (SHSP) Award 19-SHSP-CAR-SC-HEP19 for Carbon County to change the language to "Public Alert and Warning System" from "Code Red". Commissioner Espy seconded and the motion carried unanimously.

Mr. Layman requested and received the Commissioner's approval on the Integrated Public Alert and Warning System (IPAWS) Memorandum of Agreement (MOA) Application. This agreement is how Carbon County shows its compliance with IPAWS to the Wyoming Office of Homeland Security.

Mr. Layman discussed the FEMA floodplain mapping process. FEMA will be holding Zoom meetings so he has helped arrange public viewings for those that can't watch from home. The City of Rawlins had sent a survey asking if the BOCC was in favor of the City participating in the FEMA special flood hazard area or not. Commissioner Espy felt there were so many errors in the mapping process he does not have faith in it. Mr. Layman recommended that if there were changes

supported by data the county should support municipalities in making suggested changes to FEMA all at once.

Cali O'Hare mentioned that the City of Rawlins hired an engineer to help support the inaccuracies of the FEMA maps and Mr. Layman suggested the county could hire the recently retired County Planner, Sid Fox on a part-time basis to assist the county if needed. Commissioner Moore thought that some things could be disputed without hiring anyone to dispute it.

### **Mental Health**

County Attorney Davis introduced Denise Rice as the new Mental Health Examiner for Carbon County. Ms. Rice overviewed her qualifications.

### **Extension Office**

Abby Perry, Rangeland Extension Educator discussed the possibility offering landscaping at the Carbon Building after the remodel is complete. This could be a way for the public to have questions answered visually by viewing various types of landscaping. The BOCC agreed she should investigate this further.

### **Assessor**

County Assessor Renee Snider reported she received the TY Pickett contract for 2020 and 2021. There was a \$2000.00 increase from last year but identifies additional properties they will handle on behalf of the county. The BOCC approved the contract verbally.

County Assessor, Renee Snider requested and received authorization to fill a vacant position in her office.

### **Buildings & Grounds**

Jim Piche, Buildings & Grounds Manager presented bids that were received for Rawlins Carbon County Senior Center heat and A/C replacement. Base bids to remove two heaters and replace with four were requested plus Option 1 of replacement of two additional heaters. Bids were received from Advanced Heating Inc. in the amount of \$58,480 for the base bid plus \$10,860.00 for Option 1. Long Building Technologies bid \$58,450 for the base bid plus \$14,900.00 for Option 1. Mr. Piche recommended awarding the bid to the lowest bidder for the base plus Option 1. All heaters are over 25 years old and need replaced. Mr. Piche reported that Advanced Heating has offered an irrevocable letter of credit for the project in lieu of bonding.

Commissioner Barkhurst moved to accept the low bid from Advanced Heating in the amount of \$69,340.00 to remove and replace heating and air conditioning with six units at the Rawlins Senior Center. Commissioner Espy seconded and the motion carried unanimously.

Mr. Piche reported that he will be comfortable with substantial completion by the week's end at the Medicine Bow complex. He requested that upon the engineer's report of completion that he be authorized to advertise for the release of final payment 41 days later. The BOCC agreed to this request.

Commissioner Espy moved to authorize Jim Piche to advertise completion of the Medicine Bow complex once documentation has been provided from the engineer to the board of county commissioner and the clerk. Commissioner Barkhurst seconded and the motion carried unanimously.

Commissioner Jones thanked numerous volunteers for painting the Medicine Bow Library noting that Mr. Piche supplied the paint.

## **IT**

Matt Webster, IT Director presented the SpyCare Service Agreement for Commissioner approval and signature. SpyCare monitors phone line usage and finds opportunities to save the county money. This is a three-year agreement in the amount of \$3,150 per year. Commissioner Barkhurst asked if Mr. Webster anticipates seeing a cost savings of more than we will pay each year and Mr. Webster stated that he could not guarantee this but he still sees benefits to the program as he will have a portal where he can find the best pricing and vendors in each location for phone service. This company would essentially act as agent for the county for these services. Mr. Webster further explained that the company reviewed renewal agreements and ensures the county is utilizing the services it is paying for and with many projects and building moves coming up he sees this as a necessity with his limited staff.

Commissioner Barkhurst moved to authorize the Chairman to sign the SpyCare Service Agreement for a term of 3 years in the amount of \$3,150.00 per year. Commissioner Moore seconded and the motion carried unanimously.

## **CARBON COUNTY MUSEUM**

Ken Klouda, Steve Dinero, Lori Smith and Jennifer Moore updated the BOCC on the status of the Hugus Ferguson Building remodel for the Carbon County Museum. Mr. Klouda reported that the Museum Board unanimously wants a new museum downtown but realizes the reality of this is not likely any time soon and they don't feel it is financially responsible to pursue this project.

He noted the building is still an asset as asbestos has been abated and it has a new façade and roof. Mr. Klouda stated the board will continue to investigate options for their existing facility and hopes the BOCC appreciates the honesty. Chairman Johnson would like the BOCC to work with the Museum Board to come up with ideas on how to keep this building intact for some type of use downtown.

## **EXECUTIVE SESSION**

Commissioner Espy moved to go into executive session at 10:49 a.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 11:02 a.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Barkhurst seconded and the motion carried unanimously.

### **MEMORIAL HOSPITAL OF CARBON COUNTY (MHCC)**

Ken Harmon, Chief Executive Officer for Memorial Hospital of Carbon County presented a monthly update on the status of MHCC including financials. Board Trustee Rod Waeckerlin was also present.

Mr. Harmon also discussed the hospital's Action Management Plan. This includes clinical quality offered at the hospital, community growth, financial viability, and more. In addition, the hospital has partnered with Fremont Therapy and has created a joint venture to meet billing requirements so these services will be billed as a new agency.

Mr. Waeckerlin thanked the hospital's foundation for their efforts running a golf tournament noting that due to COVID it was not run as usual. There is a silent auction online currently and he encouraged the board to purchase an item in support.

### **Public Hearing - Z.C. Case #2020-07**

Chairman Johnson opened a public hearing at 11:23 a.m. to hear Planning & Zoning Z.C. Case #2020-07, Michael and Nina Martin's request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Rural Residential Agriculture (RRA-80) encompassing approximately 80 acres; located approximately 14 miles east of Rawlins on the north side of I-80, just east of the Fort Steele Rest Area off Tie Town Road. 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. Planning and Zoning GIS Specialist Sarah Hutchins presented the case.

Chairman Johnson called for comments for or against the case. There being no comments, Chairman Johnson closed the hearing at 11:25 a.m.

Commissioner Espy moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2020-38, 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 #2020-07, Michael and Nina Martin's request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Rural Residential Agriculture (RRA-80) encompassing approximately 80 acres; located approximately 14 miles east of Rawlins on the north side of I-80, just east of the Fort Steele Rest Area off Tie Town Road. Commissioner Jones seconded and the motion carried unanimously.

### **Resolution No. 2020-38**

**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 #2020-07**

**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, August 3, 2020, which hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

**WHEREAS**, at the Monday, August 3, 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, August 3, 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, September 1, 2020; and

**WHEREAS**, at said public hearing on September 1, 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 #2020-07:** Request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Rural Residential Agriculture (RRA-80) encompassing approximately 80 acres. 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.

**Petitioners:** Michael and Nina Martin (Applicants and Landowners)

**Parcel Identification Number:** 21853620004300

**General Site Location:** Approximately 14 miles east of Rawlins on the north side of I-80, just east of the Fort Steele Rest Area off Tie Town Road.

**Legal Description-taken from Warranty Deed in Book 1350, Page 213:** N1/2 NW1/4, Section 36, T21N, R85W, 6<sup>th</sup> P.M., Carbon County, WY.

**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 Rural Residential Agriculture (RRA-80) encompassing approximately 80 acres.

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming on this 1<sup>st</sup> day of September 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 #2020-04**

Chairman Johnson opened a public hearing at 11:27 a.m. to hear Planning & Zoning C.U. Case #2020-04, Michael and Nina Martin's application for a Conditional Use Permit in the Rural Residential Agriculture (RRA) Zone. The request is to permit a business (construction business – "High Desert Construction") that will not substantially distract from the agricultural or residential character of the area, located approximately 14 miles east of Rawlins on the north side of I-80, just east of the Fort Steele Rest Area off Tie Town Road. Planning and Zoning GIS Specialist Sarah Hutchins presented the case noting the case is essentially to add a shop to the property.

Chairman Johnson called for comments for or against the case. There being no comments, Chairman Johnson closed the hearing at 11:29 a.m.

Commissioner Jones moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2020-39, 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 #2020-04, Michael and Nina Martin's application for a Conditional Use Permit in the Rural Residential Agriculture (RRA) Zone. The request is to permit a business (construction business – "High Desert Construction") that will not substantially distract from the agricultural or residential character of the area, located approximately 14 miles east of Rawlins on the north side of I-80, just east of the Fort Steele Rest Area off Tie Town Road. Commissioner Moore seconded and the motion carried unanimously.

**Resolution No. 2020-39**

**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 #2020-04 – “High Desert Construction”**

**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, August 3, 2020, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

**WHEREAS**, at the Monday, August 3, 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, August 3, 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, September 1, 2020; and

**WHEREAS**, at said public hearing on September 1, 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 #2020-04:** Application for a Conditional Use Permit in the Rural Residential Agriculture (RRA) Zone. The request is to permit a business (construction business – “High Desert Construction”) that will not substantially distract from the agricultural or residential character of the area.

**Petitioners:** Michael and Nina Martin (Applicants and Landowners)

**Parcel Identification Number:** 21853620004300

**General Site Location:** Approximately 14 miles east of Rawlins on the north side of I-80, just east of the Fort Steele Rest Area off Tie Town Road.

**Legal Description-taken from Warranty Deed in Book 1350, Page 213:** N1/2 NW1/4, Section 36, T21N, R85W, 6<sup>th</sup> P.M., Carbon County, WY.

**TERMS AND CONDITIONS OF APPROVAL:**

1. Building Permit(s) are required prior to the start of construction. Approved WDEQ and WSEO permits (if applicable) will be required and must be submitted along with the building permit application.
2. If using a BLM Road, an approved BLM Right-of-Way access permit is required.
3. In the event of an emergency, an Emergency Contact Information shall be posted on the site and visible from Tie Town Road.
4. The Applicant(s) shall 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.
5. In the event the actions occurring pursuant to this permit are found to be in material violation of the terms and conditions of this permit, or are found to have been obtained by fraud, this permit shall be subject to all remedies allowed by law. Violation of any of the above restrictions can be grounds for terminating this Conditional Use Permit.

**Amendments to Conditional Use Permits:** A Conditional Use Permit may be amended pursuant to the procedures and standards as required for a new CUP 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 #2020-04 – “High Desert Construction”).

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 1<sup>st</sup> day of September 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 #2020-06**

Chairman Johnson opened a public hearing at 11:30 a.m. to hear Planning & Zoning C.U. Case #2020-06, Union Telephone Company’s request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to permit an increase in the height of an existing telecommunication tower height from 45 feet to 140 feet; at the Needles Peak Site located approximately 5-6 miles north of the Town of Encampment and approximately 1-2 miles east of

State HWY 230. Planning and Zoning GIS Specialist Sarah Hutchins presented the case in addition to the next three cases that will be heard. She briefly explained each case noting these are communications towers and the applicant wants to add a new tower and leave the existing tower for up to 4 years so they can put microwave equipment on the new tower. Most towers are 42'-45' currently and the new could be permitted up to 140'. What would be constructed would be less than what is requesting to be permitted to allow them in the future to build taller if needed without going through the conditional use process but rather obtain a building permit at that time. Ms. Hutchins state that Jeb Steward did submit a letter regarding his concerns to the visual impact of the permit.

Declan Murphy representing Union Wireless was present and Chairman Johnson asked why it would take 4 years to transfer equipment to the new towers. Mr. Murphy reported it probably won't take 4 years however these are remote rural areas requiring microwave licenses from the Federal Communications Commission (FCC) and that process can be time consuming. In addition, the permits are overdesigned so that additional carriers could be added at later times creating the necessary vertical separation between each.

Chairman Johnson called for comments for or against the case. There being no comments, Chairman Johnson closed the hearing at 11:57 a.m.

Commissioner Espy moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2020-40, 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 #2020-06, Union Telephone Company's request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to permit an increase in the height of an existing telecommunication tower height from 45 feet to 140 feet; at the Needles Peak Site located approximately 5-6 miles north of the Town of Encampment and approximately 1-2 miles east of State HWY 230. Commissioner Moore seconded and the motion carried with Commissioners Espy, Jones and Moore voting for the motion and Commissioner Barkhurst and Chairman Johnson voting against.

#### **Resolution No. 2020-40**

##### **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 #2020-06 – “Needles Peak 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, August 3, 2020, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

**WHEREAS**, at the Monday, August 3, 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, August 3, 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, September 1, 2020; and

**WHEREAS**, at said public hearing on September 1, 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 #2020-06:** Request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to permit an increase in the height of an existing telecommunication tower height from 45 feet to 140 feet.

**Project/Site Name:** Needles Peak

**Applicant:** Union Telephone Company

**Land Owner:** BLM

**General Site Location:** Needles Peak Site is located approximately 5-6 miles north of the Town of Encampment and approximately 1-2 miles east of State HWY 230.

**Legal Description:** A seventy two (72') foot by one hundred and forty seven (147') foot parcel of property located in the NW1/4 of Section 9, Township 15 North, Range 83 West of the 6<sup>th</sup> Principal Meridian, Carbon County, Wyoming. Said parcel contains 0.24 acres.

#### **TERMS AND CONDITIONS OF APPROVAL:**

6. 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.
7. 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.
8. Any modifications to the structure that increase its surface footprint or is over the permitted tower height will require a new Conditional Use Permit.

9. Building Permit(s) are required prior to the start of construction.
10. Prior to the start of construction, the Applicant shall submit an approved Wyoming Game and Fish DDCT Analysis worksheet and related maps to the Carbon County Planning & Development Department.
11. 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>.
12. 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.
13. The existing tower will be removed within four (4) years from the date of approval of this conditional use permit. The Applicant will submit documentation to the Carbon County Planning & Development Department regarding the removal of the existing tower that will be replaced with a new tower.
14. 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 #2020-06 – “Needles Peak Communications Site”).

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 1<sup>st</sup> day of September 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 #2020-07**

Chairman Johnson opened a public hearing at 11:59 a.m. to hear Planning & Zoning C.U. Case #2020-07, Union Telephone Company's request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to permit an increase in the height of an existing telecommunication tower height from 32 feet to 140 feet; located at the Hanna Hill Site approximately 2 miles north of Elmo and approximately 1 mile west of Carbon County Road #291 (Hanna-Leo/Kortes Road). Sarah Hutchins presented the case and partially explained the case in the hearing for 2020-06 earlier today.

Chairman Johnson called for comments for or against the case. There being no comments, Chairman Johnson closed the hearing at 12:03 p.m.

Commissioner Jones moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2020-41, 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 #2020-07, Union Telephone Company's request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to permit an increase in the height of an existing telecommunication tower height from 32 feet to 140 feet; located at the Hanna Hill Site approximately 2 miles north of Elmo and approximately 1 mile west of Carbon County Road #291 (Hanna-Leo/Kortes Road). Commissioner Espy seconded and the motion carried with Commissioners Espy, Jones and Moore voting for the motion and Commissioner Barkhurst and Chairman Johnson voting against.

**Resolution No. 2020-41**

**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 #2020-07 – “Hanna Hill 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, August 3, 2020, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

**WHEREAS**, at the Monday, August 3, 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, August 3, 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, September 1, 2020; and

**WHEREAS**, at said public hearing on September 1, 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 #2020-07:** Request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to permit an increase in the height of an existing telecommunication tower height from 32 feet to 140 feet.

**Project/Site Name:** Hanna Hill

**Applicant:** Union Telephone Company

**Landowner:** Anadarko

**General Site Location:** Hanna Hill Site is located approximately 2 miles north of Elmo and approximately 1 mile west of Carbon County Road #291 (Hanna-Leo/Kortes Road).

**Legal Description:** A communication facility lease site located in the SW1/4NE1/4, Section 5, T.22N., R.81W., 6<sup>th</sup> P.M., Carbon County, Wyoming more particularly described as follows: Commencing at the southeast corner of said Section 5, from which the northeast corner of the SE1/4, Section 32, T.23N., R.81W., 6<sup>th</sup> P.M. bears N00°23'06"W 7810.36 feet; thence N32°45'09"W 3476.46 feet to the point of beginning; thence N50°45'06"W 90.00 feet; thence N39°14'54"E 66.00 feet; thence S50°45'06"E 90.00 feet; thence S39°14'54"W 66.00 feet to the point of beginning of this description containing 5,940 square feet more or less. Subject to an existing utility pole guy anchor near northeast most corner of this site.

#### **TERMS AND CONDITIONS OF APPROVAL:**

15. 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.

16. 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.
17. Any modifications to the structure that increase its surface footprint or is over the permitted tower height will require a new Conditional Use Permit.
18. Building Permit(s) are required prior to the start of construction.
19. 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>.
20. 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.
21. The existing tower will be removed within four (4) years from the date of approval of this conditional use permit. The Applicant will submit documentation to the Carbon County Planning & Development Department regarding the removal of the existing tower that will be replaced with a new tower.
22. Upon approval by the Board, the following provisions from the Zoning Resolution will be incorporated into the final Resolution:

- e. 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.

- f. 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.
- g. 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:
  2. 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.
  - h. 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 #2020-07 – “Hanna Hill Communications Site”).

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 1<sup>st</sup> day of September 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 #2020-08**

Chairman Johnson opened a public hearing at 12:04 p.m. to hear Planning & Zoning C.U. Case #2020-08, Union Telephone Company's request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to permit an increase in the height of an existing telecommunication tower height from 82 feet to 100 feet; at the Shirley Mountain Site located approximately 5.1 miles southwest from State HWY 77 and approximately 22 miles north northeast of the Town of Hanna. Sarah Hutchins presented the case and partially explained the case in the hearing for 2020-06 earlier today.

Chairman Johnson called for comments for or against the case. There being no comments, Chairman Johnson closed the hearing at 12:07 p.m.

Commissioner Moore moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2020-42, 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 #2020-08, Union Telephone Company's request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to permit an increase in the height of an existing telecommunication tower height from 82 feet to 100 feet; at the Shirley Mountain Site located approximately 5.1 miles southwest from State HWY 77 and approximately 22 miles north northeast of the Town of Hanna. Commissioner Espy seconded and the motion carried with Commissioners Espy, Jones and Moore voting for the motion and Commissioner Barkhurst and Chairman Johnson voting against.

**Resolution No. 2020-42**

**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 #2020-08 – “Shirley Mountain 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, August 3, 2020, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

**WHEREAS**, at the Monday, August 3, 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, August 3, 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, September 1, 2020; and

**WHEREAS**, at said public hearing on September 1, 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 #2020-08:** Request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to permit an increase in the height of an existing telecommunication tower height from 82 feet to 100 feet.

**Project/Site Name:** Shirley Mountain

**Applicant:** Union Telephone Company

**Land Owner:** Q Creek Land and Livestock Company LLC

**General Site Location:** Shirley Mountain Site is located approximately 5.1 miles southwest from State HWY 77 and approximately 22 miles north northeast of the Town of Hanna.

**Legal Description:** A communication facility lease site located in the SW1/4NE1/4, Section 11, T.25N., R.80W., 6th P.M., Carbon County, Wyoming more particularly described as follows: Commencing at the southwest corner of the N1/2, said Section 11, from which the northwest corner of said N1/2 bears N00°26' 45"W 2648.80'; thence N84°12'46"E 2842.83 feet to the point of beginning; thence N74°24'53"E 100.00 feet; thence S15°35'07" E 100.00 feet; thence S74°24'53"W 100.00 feet; thence N15°35'07"W 100.00 feet more or less to the point of beginning of this description containing 10,000 square feet more or less.

#### **TERMS AND CONDITIONS OF APPROVAL:**

23. 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.
24. 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.
25. Any modifications to the structure that increase its surface footprint or is over the permitted tower height will require a new Conditional Use Permit.
26. Building Permit(s) are required prior to the start of construction.
27. 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>.
28. 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.
29. The existing tower will be removed within four (4) years from the date of approval of this conditional use permit. The Applicant will submit documentation to the Carbon County Planning & Development Department regarding the removal of the existing tower that will be replaced with a new tower.
30. Upon approval by the Board, the following provisions from the Zoning Resolution will be incorporated into the final Resolution:
  - i. 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.
  - j. 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.

5. 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.
6. No permit shall expire during the time the decision on the extension is being considered.
- k. 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:
  3. The Board may authorize transfers of permits to a different person if:
    - i. 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.
    - j. The permit transfer request is heard by the Board at a public meeting after notice is published.
    - k. The permit transfer administrative fee has been paid.
    - l. Board approval shall not be unreasonably withheld upon good cause shown.
  - l. 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 #2020-08 – “Shirley Mountain Communications Site”).

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 1<sup>st</sup> day of September 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 #2020-09**

Chairman Johnson opened a public hearing at 12:08 p.m. to hear Planning & Zoning C.U. Case #2020-09, Union Telephone Company’s request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to permit an increase in the height of an existing telecommunication tower height from 45 feet to 100 feet; at the Weber Mesa Site located approximately 1 mile north of Carbon County Road #702 (Baggs-Dixon Road) near Baggs, Wyoming. Sarah Hutchins presented the case and partially explained the case in the hearing for 2020-06 earlier today.

Chairman Johnson called for comments for or against the case. There being no comments, Chairman Johnson closed the hearing at 12:11 p.m.

Commissioner Jones moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2020-43, 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 #2020-09, Union Telephone Company’s request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to permit an increase in the height of an existing telecommunication tower height from 45 feet to 100 feet; at the Weber Mesa Site located approximately 1 mile north of Carbon County Road #702 (Baggs-Dixon Road) near Baggs, Wyoming. Commissioner Espy seconded and the motion carried with Commissioners Espy, Jones and Moore voting for the motion and Commissioner Barkhurst and Chairman Johnson voting against.

**Resolution No. 2020 – 43**

**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 #2020-09 – “Weber Mesa 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, August 3, 2020, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

**WHEREAS**, at the Monday, August 3, 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, August 3, 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, September 1, 2020; and

**WHEREAS**, at said public hearing on September 1, 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 #2020-09:** Request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to permit an increase in the height of an existing telecommunication tower height from 45 feet to 100 feet.

**Project/Site Name:** Weber Mesa

**Applicant:** Union Telephone Company

**Landowner:** Ronald Crawford

**General Site Location:** Weber Mesa Site is located approximately 1 mile north of Carbon County Road #702 (Baggs-Dixon Road) near Baggs, Wyoming

**Legal Description:** A communication facility lease site located in the W1/2SE1/4, Section 35, T.13N., R.91W., 6<sup>th</sup> P.M., Carbon County, Wyoming more particularly described as follows: Commencing at the northeast corner of the SE1/4, said Section 35; from which the southwest corner of said Section 35 bears S63°59'11"W 5891.66 feet; thence S49°26'34"W 1930.20 feet to the point of beginning; thence S30°45'47"W 74.00 feet; thence N59°14'13"W 70.00 feet; thence

N30°45'47"E 74.00 feet; thence S59°14'13"E 70.00 feet to the point of beginning of this description containing 5,180 square feet more or less.

**TERMS AND CONDITIONS OF APPROVAL:**

31. 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.
32. 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.
33. Any modifications to the structure that increase its surface footprint or is over the permitted tower height will require a new Conditional Use Permit.
34. Building Permit(s) are required prior to the start of construction.
35. 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>.
36. 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.
37. The existing tower will be removed within four (4) years from the date of approval of this conditional use permit. The Applicant will submit documentation to the Carbon County Planning & Development Department regarding the removal of the existing tower that will be replaced with a new tower.
38. Upon approval by the Board, the following provisions from the Zoning Resolution will be incorporated into the final Resolution:

- m. 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.

n. 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.

7. 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.
8. No permit shall expire during the time the decision on the extension is being considered.

o. 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:

4. The Board may authorize transfers of permits to a different person if:
  - m. 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.
  - n. The permit transfer request is heard by the Board at a public meeting after notice is published.
  - o. The permit transfer administrative fee has been paid.
  - p. Board approval shall not be unreasonably withheld upon good cause shown.

p. 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 #2020-09 – “Weber Mesa Communications Site”).

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 1<sup>st</sup> day of September 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

Chairman Johnson explained his votes against these cases were because he did not have his questions answered about these towers creating a more positive experience for the cell phone users.

**CARBON COUNTY COUNSELLING CENTER**

Patrick Gonzales Chief Executive Officer for the Carbon County Counseling Center requested the BOCC support in an acquisition/merger between High Country Behavioral Health and Carbon County Counselling Center. He explained that the WY Department of Health has already approved the merger and they would like the BOCC’s support as well. Commissioner Espy asked why the BOCC’s support is needed.

Mr. Gonzales replied that the DOH wants to ensure that the BOCC is in support of the services they provide as a formality to ensure services are being provided.

Attorney Davis asked Mr. Gonzales if the support is needed due to the merger as she doesn’t recall this being requested in the past. He replied that letters of support for funding have been signed by the county in the past, but they are now on a 2-year schedule.

Commissioner Moore asked if the preferred provider language is in the letter and Kipp Dana stated that the funds that were given to the Carbon County area will now go to the new owner. Commissioner Espy asked if the preferred provider is the only one that can use funding in Carbon County. Mr. Dana confirmed that and mentioned that there could be challenges to this.

Clerk Bartlett asked if the funding would be used here and how much it is. Mr. Dana explained that it can be more efficient to join forces and provide services together and that the total is \$2.3 million over the biennium for Carbon County. There was no promise it would be used in Carbon County though. Mr. Gonzales added that this would also allow them to provide services in outlying areas of the county.

Attorney Davis asked if since High Country has taken over in Thermopolis were funds used elsewhere and Mr. Dana stated that in Thermopolis, they are having problems finding people who want to live there and because of this funds are being used in other counties to cover the deficit that Thermopolis is experiencing. Davis also asked for more information about High Country programs and Mr. Dana provided.

### **Attorney**

County Attorney Ashley Mayfield received official confirmation that the Juvenile Services Board funding will be cut effective July 2021 which is how half of the county's diversion officer is currently funded.

### **Clerk**

Gwynn Bartlett, County Clerk reported that her office has 2,083 absentee requests as of today and will be mailing them September 18. Additional requests will be taken through the day before the General Election. Gwynn invited the public to the county's Courthouse and Carbon Building project commencement September 8 from 12-1 p.m. on the south Courthouse lawn.

Clerk Bartlett reported that the county has sponsored a Temporary Assistance for Needy Families (TANF) grant and presented the Contract for Services Agreements for Greater Wyoming Big Brothers Big Sisters.

Commissioner Jones moved to authorize the Chairman's signature on Contract Between Wyoming Department of Family Services and Carbon County Commissioners in the amount of \$24,500.00 for the Temporary Assistance for Needy Families Community Partnership Initiative (TANF CPI) grant. Commissioner Barkhurst seconded and the motion carried unanimously.

Clerk Bartlett advised that Chairman Johnson signed a Memorandum of Understanding for Gateway South Impact Assistance Funds at the board's special meeting that was continued to August 28 and asked the BOCC to ratify the Chairman's signature.

Commissioner Espy moved to ratify the Chairman's signature on Memorandum of Understanding for Gateway South Impact Assistance Funds. Commissioner Moore seconded and the motion carried unanimously.

### **Public Hearing – C.U. Case #2020-03**

Chairman Johnson opened a public hearing at 1:26 p.m. to hear Planning & Zoning C.U. Case #2020-03, PacifiCorp doing business as Rocky Mountain Power's request for a Conditional Use Permit for the Gateway South Transmission Project (Project). Kristy Rowan Office Manager and Deputy Zoning Administrator presented the case. The Project consists of a single circuit, 500 kV transmission line between the Aeolus Substation and the Moffatt County, Colorado border. The request is to construct the Carbon County segment of the Gateway South Transmission Project (which includes expansion of the Aeolus Substation). The Gateway South Transmission line is generally co-located and off set from the existing Gateway West Transmission line. The Project

will consist of 500-kV alternating current (AC) electric transmission lines and associated substation facilities as part of the PacifiCorp Energy Vision 2020 Plan. The general site location is approximately 107.7 miles through Carbon County from the Aeolus Substation to the border with Colorado.

Rod Fisher of Rocky Mountain Power reported the project has submitted its industrial siting application to the Department of Environmental Quality and on October 21-22 the council will hear the case. Mr. Fisher stated they are fully agreeable to negotiate a road use agreement with the county as well.

Mr. Fisher reported one thing that will be done differently is that Rocky Mountain Power will acquire all materials, and most will be held in a 55-acre parcel in the Rawlins area for all transmission materials. The only other materials would be delivered to the Aeolus area.

Chairman Johnson discussed a potential condition of a permit that RMP will enter into a road use agreement with the county and the Town of Hanna as well. Mr. Fisher stated he will negotiate, in good faith, an agreement with any entity that feels this is necessary. He added that there is also mine subsidence in Hanna and therefore impacting their roads as well.

Chairman Johnson asked why tower design was changed and Mr. Fisher stated the new V-design requires much less steel and is therefore less expensive. There was discussion about how sales tax would be remitted to the WY Department of Revenue and Mr. Fisher reported that they will be paying those taxes themselves as the purchaser of those goods and contracts with subs will include language about payment of sales tax.

Chairman Johnson stated there have been multiple complaints about contractors speeding on county roads and asked Mr. Fisher if he would request this be a condition to the permit or better handled in a road use agreement. Mr. Fisher stated that they have requirements for their subcontractors to travel at 35 m.p.h. and they are doing their best to monitor this, and he feels this is best addressed in the road use agreement.

Chairman Johnson also requested that no camping is allowed for contractors and Mr. Fisher agreed stating they have tried to police this as best as possibly.

Chairman Johnson stated that Carbon County is strapped for cash and we are relying on the impact assistance payments to provide safety measures out along the project so he is considering putting a condition on our conditional use permit that would be contingent on full funding from Wyoming and DEQ Industrial Siting Council. Mr. Fisher stated that this would tie to road use agreement negotiations and the timing could be after the industrial siting permit and if the council were to not allow full funding this could be addressed at that time.

Attorney Sarah Chavez was present and recommended the county include language about retirement for road use agreements with municipalities. Mr. Fisher requested that if this is a condition that the local municipality desires to enter into a road use agreement, they should notify Mr. Fisher.

Commissioner Barkhurst thanked Mr. Fisher for his candor and transparency. He added that his concern about sales tax is that he sees a large amount of materials being utilized in the county however there seems to be a huge gap with the county being paid that much more in tax. He asked what the final cost of a turbine is and Mr. Fisher wasn't aware of that exact cost today but acknowledged there is an obvious gap in payment of tax for some projects and mentioned he is committed to working with the county to determine the best course to ensure tax is paid.

Chairman Johnson also asked for a preconstruction meeting for various types of issues the county sees such as vehicle licensing, permits for equipment and other matters.

Commissioner Moore stated that while the county is learning as we go but we have had to add controls that should have been added at the state level for transparency purposes and that is very frustrating. At this juncture and for this body when guidance should have come from other places.

Chairman Johnson called for comments for or against the case. There being no comments, Chairman Johnson closed the hearing at 2:10 p.m.

Commissioner Espy declared he is owner and officer of a parcel that this project is 6% on and asked Attorney Chavez if there is a conflict. Attorney Chavez did not see a conflict.

With the changed condition #6 that Rocky Mountain Power enter into a road use agreement with the county and any other entity that requests and can successfully negotiate one, and that if the entities are not granted full-funding of impact assistance payments this will be addressed in a road agreement and an added condition that sales tax reporting and payments will be provided to the County Clerk and County Treasurer on a quarterly basis.

Commissioner Jones moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2020-44, 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 #2020-03, PacifiCorp doing business as Rocky Mountain Power's request for a Conditional Use Permit for the Gateway South Transmission Project (Project), with the change to the proposed resolution that condition #6 be amended requiring that Rocky Mountain Power negotiates in good faith and enters into road use agreement(s) with the county and any other impacted Carbon County entity party to the Memorandum of Understanding for Impact Assistance Funds for the Gateway South Transmission Line ("MOU"), and if Carbon County impacted entities which are party to the MOU are not granted full-funding of impact assistance payments, the Applicant will address any unfunded road impacts with impacted entities in road use agreement(s), and an added condition that sales tax reporting and payments will be provided to the County Clerk and County Treasurer on a quarterly basis. Commissioner Moore seconded and the motion carried unanimously.

#### **Resolution No. 2020-44**

**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 #2020-03 – “Gateway South Transmission 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, August 3, 2020, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

**WHEREAS**, at the Monday, August 3, 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, August 3, 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, September 1, 2020; and

**WHEREAS**, at said public hearing on September 1, 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 #2020-03:** Request for a Conditional Use Permit for the Gateway South Transmission Project (Project). The Project consists of a single circuit, 500 kV transmission line between the Aeolus Substation and the Moffatt County, Colorado border. The request is to construct the Carbon County segment of the Gateway South Transmission Project (which includes expansion of the Aeolus Substation). The Gateway South Transmission line is generally co-located and off set from the existing Gateway West Transmission line. The Project will consist of 500-kV alternating current (AC) electric transmission lines and associated substation facilities as part of the PacifiCorp Energy Vision 2020 Plan.

**Project/Site Name:** Gateway South Transmission Project

**Petitioner:** PacifiCorp doing business as Rocky Mountain Power

**General Site Location:** The Project crosses approximately 107.7 miles through Carbon County from the Aeolus Substation to the border with Colorado.

**TERMS AND CONDITIONS OF APPROVAL:**

1. Site Plan Approval is required through the Building Permit review process. Building permit application(s) are required and must be submitted prior to construction.
2. The Applicant will provide survey or engineering drawings to the Carbon County Planning & Development Department prior to construction.
3. The Applicant will submit proof of legal access to the Carbon County Planning & Development Department prior to construction.
4. 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. 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.
5. The Applicant will submit the Project PODs to the Carbon County Planning & Development Department when completed and approved by BLM.
6. Rocky Mountain Power shall negotiate in good faith and enter into road use agreement(s) with the county and any other impacted Carbon County entity party to the Memorandum of Understanding for Impact Assistance Funds for the Gateway South Transmission Line (“MOU”), and if Carbon County impacted entities which are party to the MOU are not granted full-funding of impact assistance payments, the Applicant will address any unfunded road impacts with impacted entities in road use agreement(s)
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.

9. 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.

10. 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.

5. The Board may authorize transfers of permits to a different person if:

q. 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.

r. The permit transfer request is heard by the Board at a public meeting after notice is published.

s. The permit transfer administrative fee has been paid.

t. 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.
- 8. The Applicant shall obtain and provide all required state and federal permits to the Carbon County Planning & Development Department.
- 9. Rocky Mountain Power 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.

**Amendments to Conditional Use Permits:** A Conditional Use Permit may be amended pursuant to the procedures and standards as required for a new CUP 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 #2020-03 – “Gateway South Transmission Project”).

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 1<sup>st</sup> day of September 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

Mr. Fisher noted that Rocky Mountain Power will be submitting a conditional use permit application for an additional 230 KV transmission lines north of Medicine Bow to the Glenrock area. This project does not meet requirements for an industrial siting permit. He committed to continue to reporting sales tax to the county as with the Gateway South commission.

**ADJOURNMENT**

Commissioner Barkhurst moved to adjourn the meeting at 2:16 p.m. Commissioner Moore seconded, and the motion carried unanimously.

A regular meeting of this Board will be held Tuesday, October 6, 2020 at 2:00 p.m. at the Carbon County Courthouse, 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.