

**MINUTES OF THE BOARD OF
CARBON COUNTY COMMISSIONERS
REGULAR MEETING
Tuesday, July 3, 2012
County Courthouse, Rawlins, Wyoming**

The regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, July 3, 2012 at the County Courthouse in Rawlins, Wyoming. Attending the meeting were Chairman Terry Weickum; Vice Chairman Jerry Paxton; Commissioner Leo Chapman; Deputy County Attorney Mike Kelly; and County Clerk Gwynn Bartlett.

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

AGENDA AMENDMENT

Commissioner Paxton moved to amend the agenda to add an item at 11:45 a.m. for a private road to a county road with Jerry and Mary Jo Faddis. Commissioner Chapman seconded and the motion carried unanimously.

OATH OF OFFICE

Cheryl Ross took her two oaths of office as Carbon County Assessor before Judge Wade Waldrip.

VOUCHERS

Commissioner Chapman moved to approve voucher number 1171 in the amount of \$374.31. Commissioner Paxton seconded and the motion carried unanimously.

Vendor	Detail Line Description	Total
CARBON COUNTY TREASURER	VARIOUS CASH ITEMS	\$374.31

CLERK

Minutes

Commissioner Chapman moved to approve the minutes of the June 19 and 20, 2012 regular meeting and June 27, 2012 Special Meeting and Budget Workshop of the Board of Carbon County Commissioners as presented. Commissioner Paxton seconded and the motion carried unanimously.

Monthly Receipts

Commissioner Chapman moved to approve the monthly statement of fees collected for June 2012 for the County Clerk in the amount of \$19,942.75, Planning and Development Department receipts for the month of June 2012 in the amount of \$1,980.00, Road & Bridge receipts for June 2012 in the amount of \$100.00 and Carbon County Attorney discovery billing of earnings for June 2012 in the amount of \$289.20. Commissioner Paxton seconded and the motion carried unanimously.

Fire Costs

Clerk Bartlett discussed a letter that was received from Governor Mead regarding the various fires in Wyoming and that he has set aside \$6 million to supplement the Emergency Fire Suppression Account and the State Forester's Fire Budget if necessary.

24-Hour Malt Beverage Permit

Clerk Bartlett reported she issued a 24-hour malt beverage permit to the Wolf Hotel for the Roping for Habitat Rocky Mountain Elk Foundation event at Buck Springs Arena in Saratoga for June 30.

Carbon County Salary Publication

Commissioner Chapman moved to approve the Publication of Gross Salaries for Carbon County Wyoming as of July 2012. Commissioner Paxton seconded and the motion carried unanimously.

Auditing Services

Clerk Bartlett advised that per our procurement policy she has bid out for audit services for two years and only received one proposal from Mader Tschacher Peterson & Co, LLC. She advised that she and County Treasurer Cindy Baldwin recommend accepting this proposal.

Commissioner Chapman moved to approve the proposal from Mader Tschacher Peterson & Co, LLC for the fiscal years ending June 30, 2012 and June 30, 2013. Commissioner Paxton seconded and the motion carried unanimously.

Private Road Application

Clerk Bartlett advised that she and Deputy County Attorney Mike Kelly have reviewed a private road application submitted by Alice Platt. The two felt the application was incomplete per the statutory requirements and they recommended asking Ms. Platt for additional information to include with her original submission. After further discussion of timelines and the reason that Ms. Platt may need a private road, Chairman Weickum asked that a letter be prepared to Ms. Platt to identify the shortcomings of her application.

ELECTED OFFICIALS / DEPARTMENT HEADS

Attorney

Deputy Attorney Mike Kelly presented a contract for juvenile jail billing from the Sheriff's Office at a rate of \$195.00 per day and discussed the duties.

Commissioner Paxton moved to approve a provider agreement between the Carbon County Sheriff's Department and Natrona County, Wyoming to provide detention services to juveniles. Commissioner Chapman seconded and the motion carried unanimously.

Commissioner Paxton moved to approve a Certificate of State Grant-In-Aid for the Dixon Airport NAVAIDs project in the amount of \$3,699.00 or 20%. Commissioner Chapman seconded and the motion carried unanimously.

Commissioner Paxton moved to approve an agreement between Carbon County, Wyoming and Dayco Construction for the Dixon Airport NAVAIDs project in the amount of \$124,172.00. Commissioner Chapman seconded and the motion carried unanimously.

Mr. Kelly reported he received notice regarding the Green Mountain Common Allotment and a party has filed a lawsuit to throw out the temporary grazing allotments and he will keep the BOCC up to date on this.

Mr. Kelly reported he and Clerk Bartlett met with Cathy MacPherson regarding the update of the county's personnel and benefit manual. He has also met with Power Company of Wyoming regarding their proposed project and the final environmental impact statement has been released. He has also been watching the programmatic agreement on the Chokecherry / Sierra Madre project as well. There is an upcoming meeting to finalize the agreement.

Commissioner Paxton moved to approve Addendum A to the Agreement for the Dixon Airport NAVAIDs project between Carbon County and GDA Engineers raising the cost by \$1,750.00 to \$35,446.50. Commissioner Chapman seconded and the motion carried unanimously.

Mr. Kelly stated the comment period for the amendment to the draft environment impact statement on the Gateway West Transmission Line Project for a sage grouse analysis will close August 3 and he offered to forward comments to the appropriate party.

Mr. Kelly stated the Battle Lake Townsite has platted roads and the determination has been made that these roads were never vacated therefore he feels that since these areas have been deeded to owners, he thinks it is best to have a workshop with the Planning Department and the Assessor as well as inviting the existing owners.

Treasurer

County Treasurer Cindy Baldwin reported she will be advertising for properties to be sold in the upcoming tax sale. She noted there is also a conference call July 5 regarding payment in lieu of taxes (PILT) and other funds with the Wyoming County Commissioners Association and Wyoming's Congressional delegation staff.

Assessor

Deputy County Assessor Cheryl Ross presented abates and rebates for the Chairman's signature. She noted the locally assessed values in the abstract have been approved.

RECESS

Chairman Weickum called a recess at 10:09 a.m. and reconvened at 10:14 a.m.

Road & Bridge

Road & Bridge Superintendent Bill Nation stated he will review the channeling around existing bridges. He added he met with Power Company of Wyoming regarding the Chokecherry / Sierra Madre wind farm about the use of county roads during the project. He advised the Highway 70 preconstruction meeting started at 10:30 a.m. this morning and High Country Construction was the successful bidder and noted the slide will be taken care of today. He advised last Friday he put two traffic counters on Seminole Road and they will be there through the July 4th week to count the number of axels, time, date and speed and will use this data for the Dugway Safety Project. He advised the other counter was put up at the entrance to the Seminole Boat Club to help their committee get a handle on the use of the road during the year.

Planning

Planning Director Sid Fox and Tom Powell of that department submitted comments for the BOCC's consideration regarding the Rawlins Visual Resource Management Plan.

Commissioner Paxton moved to approve the Rawlins Visual Resource Management Plan comments submitted by Planning & Development on behalf of the BOCC subject to review before Friday morning. Commissioner Chapman seconded and the motion carried unanimously.

Cooperative Extension Service (CES)

Ron Cunningham and Cathy Craig from CES reported that Cathy Craig will be the new 4-H educator beginning the end of the month. They requested and received authorization to hire her replacement as the administrative assistant.

RECESS

Chairman Weickum called a recess at 10:39 a.m. and reconvened at 11:00 a.m.

MEMORIAL HOSPITAL OF CARBON COUNTY (MHCC)

Ned Hill, Chief Executive Officer and Brenda Rees, MHCC Chief Financial Officer discussed the hospital's financial status as of May 31, 2012 and presented an operational and cash budget for the fiscal year ending June 30, 2013. Dr. Cesko and Loren Simmitt from the board were also present. Ms. Rees noted that the reported accounts payable (AP) is all what they owe vendors but some leases and Medicare leaving the true accounts payable at \$1.9 million. Ms. Rees stated the AP should be caught up to owing approximately \$500,000 or 45 days out by December or January. Ms. Rees also noted a 5% rate increase has been approved however Medicaid and Medicare will not pay more.

IT

Matt Webster, IT Director, reported that Union Telephone has discontinued the current cellular plan the Sheriff's Office uses and the new plans require contracts.

Commissioner Paxton moved to approve business flex calling plans with Union Wireless for the Sheriff's Office noting a \$200/month increase over the last plan. Commissioner Chapman seconded and the motion carried unanimously.

BOARD INTERVIEWS / APPOINTMENTS

Leon Corpuz, Jr. and Cynthia Ogburn were interviewed in person for consideration of reappointment to the Museum Board and Debari Martinez was interviewed by telephone for consideration of appointment to the Museum Board.

Commissioner Paxton moved to reappoint Leon Corpuz Jr. to the Museum Board for a three-year term expiring July 2015. Commissioner Chapman seconded and the motion carried unanimously.

The BOCC stated it hopes that the other applicants will still be involved and volunteer with the Museum.

COMMISSIONERS DISCUSSION

Commissioner Paxton reported he attended the Public Lands Sub-Committee, a joint committee with the state house and senate. They discussed the national forest health situation and the need to review opportunities to reinvigorate the forest industry. He noted he gave a presentation on the matter.

PRIVATE ROAD / COUNTY ROAD

Jerry and Mary Jo Faddis discussed making their private road off of Mineral X, 15 miles north of Rawlins into a no maintenance county road. Mr. Faddis presented a map showing where the road is. Chairman Weickum asked Mr. Nation to provide information about the request. Mr. Nation stated that Wyoming Statutes outline the process for creation of a road and he would recommend following those. He noted he has contacted Uinta County regarding a similar request and the process they used for identifying all county roads at a specific point in the past. Mr. Nation stated that if the BOCC directs him to, he will investigate how they can obtain a right-of-way over a public land.

Mr. Faddis stated his concern with the existing road is the Uinta County case where he says due to a change in leadership with that Bureau of Land Management (BLM) Office, an individual lost their right to use a road they had used and maintained for years.

Commissioner Paxton suggested a long-term lease between the Faddis' and the BLM and Chairman Weickum suggested the Faddis' contact the BLM. There was also discussion of the existing application with the Wyoming Business Council for grant funds to improve some of this road. Mr. Nation offered to meet with the BLM with the couple.

RECESS

Chairman Weickum recessed for lunch at 12:10 p.m. and reconvened at 1:35 p.m.

PLANNING & ZONING

Public Hearing – Z.C. Case File No. 2012-06

Chairman Weickum opened a public hearing at 1:35 p.m. to hear Planning & Zoning Z.C. Case File No. 2012-06. Tom Powell of the Planning Department presented Z.C. Case File No. 2012-06 – Mark K. Hansen’s request for a Zone Change from Ranching, Agriculture, Mining (RAM) to Rural Residential Agriculture (RRA-40) and (RRA-20). Chairman Weickum called for comments for or against this matter. There being no comments Chairman Weickum closed the public hearing at 1:40 p.m.

Commissioner Chapman moved to approve Resolution No. 2012-24 A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding Zone Change Case File No. 2012-06. Commissioner Paxton seconded and the motion carried unanimously.

Resolution No. 2012 – 24

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

Z.C. Case File #2012-06

WHEREAS, pursuant to Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission advertised to hold a public hearing on Monday, April 2, 2012, which said public notice was published at least thirty (30) days prior to the hearing; and

WHEREAS, at the April 30, 2012, regular meeting, the public hearing was cancelled due to a lack of quorum. The public hearing was advertised and rescheduled for Monday, May 21, 2012; and

WHEREAS, the Carbon County Planning and Zoning Commission held and reopened said public hearing and concluded said public hearing held on Monday, May 21, 2012; and 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 hearings; and

WHEREAS, at the conclusion of said Monday, May 21, 2012, 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 changes as an amendment to the Carbon County Zoning Resolution of 2003 for Carbon County, Wyoming; and

WHEREAS, the Carbon County Board of County Commissioners, pursuant to Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation for approval of this amendment to the Carbon County Zoning Resolution of 2003, 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, July 3, 2012; and

WHEREAS, at said public hearing, 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 amendments; and

WHEREAS, the Carbon County Board of County Commissioners in considering the said amendment have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended; and the Carbon County Zoning Resolution of 2003, 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 the applicable provisions of the Zoning Resolution; 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 amendment to the Carbon County Zoning Resolution of 2003.

Z.C. Case File #2012-06 – Mark K. Hansen (Applicant and Owner):

Zone Change Request from Ranching, Agriculture, Mining (RAM) to Rural Residential Agriculture (RRA-40) on the 80 acre parcel and RRA-20 on the 20 acre parcel. The RRA Zone is intended to be applied to areas of the County which are particularly suited to large lot development that allow both agricultural and residential uses.

Legal Description:

Approximately 100 acres located in the N1/2 SE1/4 and the E1/2 SE1/4 SE1/4, Section 11, T21N, R88W, 6th P.M., Carbon County, Wyoming.

Parcel Numbers: 21881140000500 and 21881140003700

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

1. That the Carbon County Board of County Commissioners, hereby adopt 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, Mining (RAM) to Rural Residential Agriculture (RRA) as follows: RRA-40 on the 80 acre parcel (N½ SE¼, Section 11, T21N, R88W) and RRA-20 on the 20 acre parcel (E½ SE¼ SE¼, Section 11, T21N, R88W).

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 3rd day of July, 2012.

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

By: -s- Terry Weickum, Chairman
-s- Jerry D. Paxton, Vice Chair
-s- Leo Chapman, Member

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

Public Hearing – Z.C. Case File No. 2012-07

Chairman Weickum opened a public hearing at 1:41 p.m. to hear Planning & Zoning Z.C. Case File No. 2012-07. Sid Fox, Planning Director presented Z.C. Case File No. 2012-07 – Sinclair Wyoming Refining Company's request for a Zone Change from RAM to Heavy Industrial (MH). Mr. Fox also updated the BOCC on the status of the vapor intrusion study for the new office building at the refinery site. He stated if approved, the county zoning map would reference the case number as a footnote. Chairman Weickum called for comments for or against this matter. There being no comments Chairman Weickum closed the public hearing at 1:49 p.m.

Commissioner Chapman moved to approve Resolution No. 2012-25 A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon

County Planning and Zoning Commission regarding Zone Change Case File No. 2012-07. Commissioner Paxton seconded and the motion carried unanimously.

Resolution No. 2012 - 25

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 #2012-07

WHEREAS, pursuant to Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission held an initial public hearing on Monday, April 30, 2012, which said hearing was advertised by public notice at least thirty (30) days prior to the hearing; and

WHEREAS, at the April 30, 2012, regular meeting, the public hearing was cancelled due to a lack of quorum. The public hearing was advertised and rescheduled for Monday, May 21, 2012; and

WHEREAS, the Carbon County Planning and Zoning Commission held and reopened said public hearing and concluded said public hearing held on Monday, May 21, 2012; and 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 hearings; and

WHEREAS, at the conclusion of said Monday, May 21, 2012, 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 changes as an amendment to the Carbon County Zoning Resolution of 2003 for Carbon County, Wyoming; and

WHEREAS, the Carbon County Board of County Commissioners, pursuant to Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation for approval of this amendment to the Carbon County Zoning Resolution of 2003, 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, July 3, 2012; and

WHEREAS, at said public hearing, 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 amendments; and

WHEREAS, the Carbon County Board of County Commissioners in considering the said amendment have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended; and the Carbon County Zoning Resolution of 2003, 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 the applicable provisions of the Zoning Resolution; 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 amendment to the Carbon County Zoning Resolution of 2003.

Z.C. Case File #2012-07 – Sinclair Wyoming Refining Company (Applicant and Owner): Zone Change from Ranching, Agriculture, Mining (RAM) to Heavy Industrial (MH). The MH Zone is intended to apply to areas devoted to normal operations of industries. The subject property is located north and east of the Town of Sinclair.

Legal Description: A parcel of land in Sec. 15, 16, and 22 of T21N, R86W, Carbon County, Wyoming, more completely described as follows: Beginning at the point where the East line of 6th Street of the original Town of Parco, now Sinclair, meets the North line of said Sec. 21; Thence East along the North

Corporate Limit of the Town of Sinclair and North line of said Sec. 21 to the Northeast corner of said Corporate Limit, and Northeast corner of said Sec. 21; Thence South, along the East line of said Town of Sinclair Corporate Limits and West line of said Sec. 22, to the North right of way of the Union Pacific Railroad (UPRR); Thence Easterly, along the North right of way of the UPRR to the North/South centerline of the Northwest ¼ of said Sec. 22; Thence North along said North /South centerline of the NW ¼ of said Sec. 22 to the North line of said Sec. 22; Thence North along the North/South centerline of the Southwest ¼ of said Sec. 15 to the East/West Centerline of said Sec. 15; Thence West along the East/West centerline of said Sec. 15 to the West ¼ corner of said Sec. 15; Thence North along the West line of said Sec. 15 to the South right of way of Carbon County Road 324; Thence Westerly and Southwesterly along the Southerly right of way of said County Road 324 to the Southeasterly right of way of Carbon County Road 351; Thence Southwesterly along the Southeasterly right of way of Carbon County Road 351 to an intersection with a Northerly projection of the Easterly right of way of said 6th Street; Thence South along the Northerly projection of the Easterly right of way of 6th Street to the point of beginning.

Parcel Numbers: 21861310002200 and 218616400002500

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

1. That the Carbon County Board of County Commissioners, hereby adopt 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, Mining (RAM) to Heavy Industrial (MH).

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 3rd day of July, 2012.

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

By: -s- Terry Weickum, Chairman
-s- Jerry D. Paxton, Vice Chair
-s- Leo Chapman, Member

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

Public Hearing – C.U. Case File No. 2012-02

Chairman Weickum opened a public hearing at 1:50 p.m. to hear Planning & Zoning C.U. Case File No. 2012-02. Mr. Powell presented C.U. Case File No. 2012-02 – Stateline Energy, LLC (Applicant) and Sophie Echeverria (Owner’s) request for a Conditional Use Permit in a RAM zone district to allow the construction and operation of an off-site oil and gas well produced wastewater storage, treatment and evaporation ponds. Mr. Powell also discussed seven recommended staff conditions be attached to approval of the case. Chairman Weickum called for comments for or against this matter. There being no comments Chairman Weickum closed the public hearing at 2:02 p.m.

Commissioner Chapman moved to approve Resolution No. 2012-26 A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding Conditional Use Permit Case File No. 2012-02

conditional to the seven conditions outlined in the case file. Commissioner Paxton seconded and the motion carried unanimously.

Resolution No. 2012 - 26

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 #2012-02

WHEREAS, pursuant to the Carbon County Zoning Resolution of 2003, as amended, specifically, Section 5.6, Conditional Use Permits, and Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission held a public hearing on Monday, April 30, 2012, which said hearing was advertised by public notice at least within thirty (30) days prior to said hearing; and

WHEREAS, at the April 30, 2012, public hearing, was cancelled due to a lack of quorum, the public hearing was rescheduled for a special meeting date for Monday, May 21, 2012; and

WHEREAS, the Carbon County Planning and Zoning Commission held and reopened said public hearing and concluded said public hearing held on Monday, May 21, 2012; and provided the public the opportunity to comment; and

WHEREAS, at the conclusion of said Monday, May 21, 2012, 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 hearing; and

WHEREAS, at the conclusion of said Monday, May 21, 2012, 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 2003, as amended, specifically, Section 5.6, Conditional Use Permits, for Carbon County, Wyoming; and

WHEREAS, the Carbon County Board of County Commissioners, pursuant to the Carbon County Zoning Resolution of 2003, as amended, specifically, Section 5.6, Conditional Use Permits, 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, July 3, 2012; and

WHEREAS, at said public hearing, 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(s); 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 2003, as amended, specifically, Section 5.6, Conditional Use Permits; 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 the Carbon County Zoning Resolution of 2003, as amended 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 #2012-02 – State Line Energy, LLC (Applicant) and Sophie Echeverria (Owner):
Request for a Conditional Use Permit in the Ranching, Agriculture, Mining (RAM) Zone District to

allow the construction and operation of an off-site oil and gas well produced wastewater storage, treatment & evaporation ponds. The proposed site is located Exit 184 off I-80; approximately 8 miles south of Wamsutter off the Echo Springs Road.

Project Name: State Line Energy-Wamsutter Facility

Parcel Number: 19930110000400

Legal Description:

The entire area of Section 5, T19N, R93W, 6th P.M., Carbon County, Wyoming.

VIOLATION:

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.

CONDITIONS OF APPROVAL:

1. The total disturbed area is not to exceed 160 acres. If the applicant desires to construct a larger facility in the future at this site an amendment or additional C.U.P. will be required.
2. County building permits will be required for the construction of the facility. The building permit application must include a copy of the WDEQ permit(s) and final plans for construction.
3. State Line Energy will contact the Carbon County Planning & Development Department once construction has begun on the site so the county can promptly issue a rural address to the site.
4. This conditional use permit is not valid without approval by the Wyoming Department of Environmental Quality of the final designs for the facility.
5. This permit expires upon expiration or revocation of any associated permit from the Wyoming Department of Environmental Quality.

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

1. That the Carbon County Board of County Commissioners, hereby approve this CUP-Conditional Use Permit as certified to them in writing by the Carbon County Planning and Zoning Commission regarding the Conditional Use Permit (C.U. Case #2012-02) on approximately 160 acres in the Ranching, Agriculture, Mining (RAM) Zone.

2. That any use for which this conditional use permit is granted must be commenced within two (2) years from the date of approval, otherwise this conditional use permit shall become null and void and be of no further effect in the absence of further action on the part of Carbon County.

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 3rd day of July, 2012.

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

By: -s- Terry Weickum, Chairman
-s- Jerry D. Paxton, Vice Chair
-s- Leo Chapman, Member

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

Public Hearing – P.U.D. Case File No. 2012-02

Chairman Weickum opened a public hearing at 2:05 p.m. to hear Planning & Zoning P.U.D. Case File No. 2012-02. Mr. Fox presented P.U.D. Case File No. 2012-02 – Cassidy River Ranch – Third revision to the Cassidy River Ranch Planned Unit Development. Chairman Weickum called for comments for or against this matter. There being no comments Chairman Weickum closed the public hearing at 2:11 p.m.

Commissioner Chapman moved to approve Resolution No. 2012-27 A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding Planned Unit Development Case File No. 2012-02. Commissioner Paxton seconded and there was discussion by Mr. Fox that the motion should also authorize the Chairman to sign the Third Revision Plat and the Consent to Third Revision Plat of the Cassidy River Ranch Development Plan (not a subdivision plat). Commissioner Chapman amended his motion to include these documents as part of the motion. The amended motion carried unanimously.

Resolution No. 2012 - 27

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

**P.U.D. Case File #2012-02
(Cassidy River Ranch Planned Unit Development)**

WHEREAS, pursuant to Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission held a public hearing on Monday, June 4, 2012, which said hearing was advertised by public notice at least thirty (30) days prior to hearing; and

WHEREAS, at the Monday, June 4, 2012, public hearing, the Carbon County Planning and Zoning Commission provided the public the opportunity to comment and the Carbon County Planning and Zoning Commission considered any public comments which were made at said public hearing; and

WHEREAS, at the conclusion of said Monday, June 4, 2012, 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 approve the Third Revision Plat of the Cassidy River Ranch Development Plan-(not a subdivision plat); and

WHEREAS, the Carbon County Board of County Commissioners, pursuant to Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation of this amendment(s) to Cassidy River Ranch Planned Unit Development, advertised by public notice at least 14 days prior to a public hearing to take public input and comments on the proposed amendment(s), which said hearing occurred on Tuesday, July 3, 2012; and

WHEREAS, at said public hearing, 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(s); and

WHEREAS, the Carbon County Board of County Commissioners in considering said amendment(s) have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended; and the Carbon County Wyoming Zoning Resolution of 2003, as amended; and

WHEREAS, the Carbon County Board of County Commissioners have determined that the proposed amendment(s) is in general conformance with the Carbon County Comprehensive Land Use

Plan, as amended, and the applicable provisions of the Carbon County Zoning Resolution of 2003, 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 Third Revision Plat of the Cassidy River Ranch Development Plan-(not a subdivision plat) and to authorize the Chairman’s signature on the attached Exhibit, Consent To Third Revision Plat of the Cassidy River Ranch Development Plan-(not a subdivision plat).

P.U.D. Case File #2012-02 – Wyoming Ranch Company and Robert Duca (Applicants and Owners):

Request for a PUD Amendment-3rd Corrective Change for the “Cassidy River Ranch- Planned Unit Development.” Cassidy River Ranch Planned Unit Development is located northeast of the Town of Medicine Bow on Carbon County Road #262 (Marshall Road). The purpose of the PUD Amendment is to further divide the following lots with each lot being at least 35 acres in size:

LOTS to be divided:

- | | | |
|----------------------|------------------------|------------------------|
| Lot 10 = 10A, 10B | Lot 12 = 12A, 12B | Lot 20 = 20A, 20B |
| Lot 36 = 36A, 36B | Lot 73 = 73A, 73B, 73C | Lot 74 = 74A, 74B, 74C |
| Lot 84 = 84A, 84B | Lot 85 = 85A, 85B | Lot 101 = 101A, 101B |
| Lot 104 = 104A, 104B | Lot 110 = 110A, 110B | Lot 111 = 111A, 111B |
| Lot 112 = 112A, 112B | Lot 113 = 113A, 113B | |

P.U.D. Name: Cassidy River Ranch Planned Unit Development

Legal Description:

T23N, R77W

Section 5, South of centerline of Medicine Bow River, Section 6, South of centerline of Medicine Bow River, Section 7, Section 8, Section 17, Section 18, Except E1/2 and E1/2E1/2NW1/4, Section 19, Section 29

T23N, R78W

Section 1, South of centerline of Medicine Bow River, Section 11, East of centerline of Medicine Bow River, Section 12, South of centerline of Medicine Bow River, Section 13, Section 14, Except S1/2 and portion of NW1/4 West of centerline of Medicine Bow River Section 23 and Section 25.

Access: Access is gained from Carbon County Road #262 (Marshall Road) and BLM access.

Parcel Numbers:

- | | | | |
|----------------|----------------|----------------|----------------|
| 23770740002800 | 23770810003000 | 23770820003200 | 23771730004400 |
| 23771710004100 | 23771920005600 | 23771920005700 | 23772920006800 |
| 23772920006900 | 23772910006500 | 23772910006600 | 23781240021000 |
| 23782530005700 | 23782540006000 | | |

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

1. That the Carbon County Board of County Commissioners, hereby adopt this amendment(s) as certified to them in writing by the Carbon County Planning and Zoning Commission for the PUD Amendment-3rd Corrective Change for the “Cassidy River Ranch Planned Unit Development-(not a subdivision plat)”.

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 3rd day of July, 2012.

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

By: -s- Terry Weickum, Chairman
-s- Jerry D. Paxton, Vice Chair
-s- Leo Chapman, Member

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

Public Hearing – Z.C. Case File No. 2012-08

Chairman Weickum opened a public hearing at 2:15 p.m. to hear Planning & Zoning Z.C. Case File No. 2012-08. Mr. Powell presented Z.C. Case File No. 2012-08 – Rick and Carol Hughes’ request for a Zone Change from RAM to FPSR-5. Chairman Weickum called for comments for or against this matter. There being no comments Chairman Weickum closed the public hearing at 2:19 p.m.

Commissioner Chapman moved to approve Resolution No. 2012-28 A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding Zone Change Case File No. 2012-08. Commissioner Paxton seconded and the motion carried unanimously.

Resolution No. 2012 – 28

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 #2012-08

WHEREAS, pursuant to Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission held a public hearing on Monday, June 4, 2012, which said hearing was advertised by public notice at least thirty (30) days prior to hearing; and

WHEREAS, at the Monday, June 4, 2012, 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(s); and

WHEREAS, at the conclusion of said Monday, June 4, 2012, 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 change(s) 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 Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation of this amendment(s) 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(s), which said hearing occurred on Tuesday, July 3, 2012; and

WHEREAS, at said public hearing, 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(s); and

WHEREAS, the Carbon County Board of County Commissioners in considering said amendment(s) have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended; and the Carbon County Wyoming Zoning Resolution of 2003, as amended; and

WHEREAS, the Carbon County Board of County Commissioners have determined that the proposed amendment(s) is in general conformance with the Carbon County Comprehensive Land Use Plan, as amended, and the applicable provisions of the Carbon County Zoning Resolution of 2003, 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 amendment(s) to the Carbon County Official Zoning Map.

Z.C. Case File #2012-08 – Rick and Carol Hughes (Applicants and Owners):

Zone Change from Ranching, Agriculture, Mining (RAM) to Forestry Production & Seasonal Recreation (FPSR) on approximately 5 acres. The FPSR Zone is intended to be applied to areas of the County in which timber production and seasonally accessible recreation uses are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare.

Legal Description:

The Kurtz-Chatterton Mill Site, recorded in Book 56, M. L. R., Page 7, Carbon County, Wyoming, described more particularly as follows: BEGINNING at Cor. No. 1, a pine post 4.5 feet long, 5 inches square, set 18 inches in the ground with mound of earth and stone; scribed 1-153-B. Whence the SE cor. of Sec. 29, T14N, R84W, 6th P.M. bears S84°20'E 890.1 ft; thence N9°44'E 330 ft. to cor. No. 2, a pine post 4 ft. long, 6 inches square, set 18 inches in the ground with mound of earth and stone; scribed 2-153-B; thence N80°16'W 655.7 ft. to corner No. 3, a pine post 4.5 feet long, 6 inches square, set 18 inches in the ground with mound of earth and stone; scribed 3-153-B; thence S9°44'W, 330 ft. to cor. No. 4, a pine post 4.5 ft. long, 6 inches square, set 18 inches in the ground with mound of earth and stone; scribed 4-153-B; thence S80°16'E 655.7 ft. to the PLACE OF BEGINNING.

Parcel Number: 14842940005700

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

1. That the Carbon County Board of County Commissioners, hereby adopt this amendment(s) as certified to them in writing by the Carbon County Planning and Zoning Commission and the existing zone shall be changed from Ranching, Agriculture, Mining (RAM) to Forestry Production and Seasonal Recreation (FPSR-5).

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 3rd day of July, 2012.

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

By: -s- Terry Weickum, Chairman
-s- Jerry D. Paxton, Vice Chair
-s- Leo Chapman, Member

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

Public Hearing – Z.C. Case File No. 2012-09

Chairman Weickum opened a public hearing at 2:20 p.m. to hear Planning & Zoning Z.C. Case File No. 2012-09. Mr. Fox presented Z.C. Case File No. 2012-09 – Jeremy and Robin Brown’s request for a Zone Change from RAM to Residential. Chairman Weickum called for comments for or against this matter. There being no comments Chairman Weickum closed the public hearing at 2:24 p.m.

Commissioner Chapman moved to approve Resolution No. 2012-29 A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding Zone Change Case File No. 2012-09. Commissioner Paxton seconded and the motion carried unanimously.

Resolution No. 2012 - 29

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 #2012-09

WHEREAS, pursuant to Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission held a public hearing on Monday, June 4, 2012, which said hearing was advertised by public notice at least thirty (30) days prior to hearing; and

WHEREAS, at the Monday, June 4, 2012, 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(s); and

WHEREAS, at the conclusion of said Monday, June 4, 2012, 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 change(s) 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 Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation of this amendment(s) 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(s), which said hearing occurred on Tuesday, July 3, 2012; and

WHEREAS, at said public hearing, 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(s); and

WHEREAS, the Carbon County Board of County Commissioners in considering said amendment(s) have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended; and the Carbon County Wyoming Zoning Resolution of 2003, as amended; and

WHEREAS, the Carbon County Board of County Commissioners have determined that the proposed amendment(s) is in general conformance with the Carbon County Comprehensive Land Use Plan, as amended, and the applicable provisions of the Carbon County Zoning Resolution of 2003, 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 amendment(s) to the Carbon County Official Zoning Map.

Z.C. Case File #2012-09 – Jeremy and Robin Brown (Applicants and Owners):

Zone Change from Ranching, Agriculture, Mining (RAM) to Residential (RD-0.5) on approximately 0.5 acres. The zoning designation requested (RD-0.5) allows one (1) principal dwelling unit on the existing lot: Lot 29, Tract “A” located in Ryan Park. The land use and density for the RD zoning district is described in the Carbon County Zoning Resolution, Section 4.7, Residential Single Family Zone.

Legal Description:

Lot 29, Tract “A” in Ryan Park, Wyoming, as the same is platted in Book 525 at Page 205, covering a portion of the SW1/4 Section 28, T16N, R81W, 6th P.M., Carbon County, Wyoming, as said lot and tract are platted and appear of record in the office of the County Clerk and Ex-Officio Registrar of Deeds, Carbon County, Wyoming.

Parcel Number: 16812830102900

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

1. That the Carbon County Board of County Commissioners, hereby adopt this amendment(s) as certified to them in writing by the Carbon County Planning and Zoning Commission and the existing zone shall be changed from Ranching, Agriculture, Mining (RAM) to Residential RD-0.5) on approximately 0.5 acres (Lot 29, Tract “A”, Ryan Park).

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 3rd day of July, 2012.

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

By: -s- Terry Weickum, Chairman
-s- Jerry D. Paxton, Vice Chair
-s- Leo Chapman, Member

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

Public Hearing – Z.C. Case File No. 2012-10

Chairman Weickum opened a public hearing at 2:26 p.m. to hear Planning & Zoning Z.C. Case File No. 2012-10. Mr. Powell presented Z.C. Case File No. 2012-10 – Jonathan and Carrie Haberkorn’s request for a Zone Change from RAM to FPSR. Chairman Weickum called for comments for or against this matter. Deputy Attorney Kelly reported that the FPSR zoning is normally on 5 acres or greater and this is a 4.35 acre lot however it is in a platted subdivision. Mr. Powell stated the 5 acres minimum does not apply because it is within the subdivision. Chairman Weickum asked if the plan were to have multiple structures however nobody knew the answer. Commissioner Chapman stated since this is a subdivision, why was this not addressed earlier. Mr. Powell stated the property was subdivided in the 70’s and Chairman Weickum stated that when zoning began, by default everything was made RAM that was not

specifically zoned otherwise. There being no further comments, Chairman Weickum closed the public hearing at 2:35 p.m.

Commissioner Chapman moved to approve Resolution No. 2012-30 A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding Zone Change Case File No. 2012-10. Commissioner Paxton seconded and the motion carried unanimously.

Resolution No. 2012 - 30

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 #2012-10

WHEREAS, pursuant to Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission held a public hearing on Monday, June 4, 2012, which said hearing was advertised by public notice at least thirty (30) days prior to hearing; and

WHEREAS, at the Monday, June 4, 2012, 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(s); and

WHEREAS, at the conclusion of said Monday, June 4, 2012, 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 change(s) 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 Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation of this amendment(s) 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(s), which said hearing occurred on Tuesday, July 3, 2012; and

WHEREAS, at said public hearing, 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(s); and

WHEREAS, the Carbon County Board of County Commissioners in considering said amendment(s) have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended; and the Carbon County Wyoming Zoning Resolution of 2003, as amended; and

WHEREAS, the Carbon County Board of County Commissioners have determined that the proposed amendment(s) is in general conformance with the Carbon County Comprehensive Land Use Plan, as amended, and the applicable provisions of the Carbon County Zoning Resolution of 2003, 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 amendment(s) to the Carbon County Official Zoning Map.

Z.C. Case File #2012-10 – Jonathan David and Carrie L. Haberkorn (Applicants and Owners):

Zone Change from Ranching, Agriculture, Mining (RAM) to Forestry Production and Seasonal Recreation (FPSR) on Tract 51 located in the Overlook Retreat Subdivision. The FPSR Zone is

intended to be applied to areas of the County in which timber production and seasonally accessible recreation uses are the desirable predominant uses.

Legal Description:

Tract 51, Overlook Retreat Subdivision, in Section 14, Township 17 North, Range 80 West, 6th P.M., Carbon County, Wyoming.

Parcel Number: 17801430305100

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

1. That the Carbon County Board of County Commissioners, hereby adopt this amendment(s) as certified to them in writing by the Carbon County Planning and Zoning Commission and the existing zone shall be changed from Ranching, Agriculture, Mining (RAM) to Forestry Production and Seasonal Recreation (FPSR) on Tract 51, Overlook Retreat Subdivision.

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 3rd day of July, 2012.

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

By: -s- Terry Weickum, Chairman
-s- Jerry D. Paxton, Vice Chair
-s- Leo Chapman, Member

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

RECESS

Chairman Weickum called a recess at 2:36 p.m. and reconvened at 2:43 p.m.

PLANNING & ZONING

Public Hearing – Appeal VAR Case File No. 2011-01

Chairman Weickum opened a public hearing at 2:43 p.m. to hear Planning & Zoning Appeal VAR Case File No. 2011-01. Mr. Fox presented Appeal VAR Case File No. 2011-01 – Louis and Kinee Waits' request that the Board delete or modify the condition of approval by the Planning & Zoning Commission that after construction, the applicant / owner must submit a Record of Survey-Improvements Location Survey prior to the issuance of a Certificate of Zoning Compliance. Mr. Fox explained that the condition was not applicable if the applicant is the owner of the W1/2 of 3rd Street and he noted that this relates to the workshop scheduled for July 17 regarding the Battle Lake Townsite. Commissioner Paxton clarified that he currently owns the W1/2 of 3rd Street and Mr. Kelly stated that there was a specific exception in his deed for this area therefore he does not own this area.

Mr. Waits asked why he is paying taxes on the streets if he does not own the area and Chairman Weickum told Mr. Waits about the workshop planned for the 17th to discuss this further. Chairman

Weickum added that there may be no decisions made at the workshop. Mr. Waits stated Mr. Fox has come up with modified wording that could be used instead and he was agreeable to this.

Richard Wilson from the Planning & Zoning Commission reported he was involved in the original survey and the property is marked with corners and explained the issues. Mr. Waits stated he has made a string line from the four corners but there is one tree blocking the line of sight however he went on his side of that tree and he measured from that line to the foundation and he stated the foundation is five feet, three feet over the required two feet.

Chairman Weickum asked what would happen if Mr. Waits was incorrect and it was too close to the street. Mr. Kelly stated that the procedure for contested cases should be followed on this case however an informal interview could be done per these rules and that today's conversation should be this informal interview and he advised against making any decision contrary to the Planning & Zoning's recommendation and advised following established procedures. He added the answer to Chairman's question might depend on what's determined at the upcoming workshop.

Commissioner Paxton asked more about Mr. Waits suggestion to use Mr. Fox's amended language. Mr. Fox stated that a judgment by the Zoning Officer could be made to determine if the two foot setback was followed and if there was a question, a survey could be made. Commissioner Paxton asked if the final decision was the BOCC's or if the Planning Commission could take final action. Mr. Kelly stated that may be a possibility but only in accordance with their rules, if any existed. There was discussion of whether or not to request a post construction survey. Chairman Weickum clarified that if the building was not set back properly, the county could make the owner move it.

Mr. Kelly recommended remanding the issue to the Planning Commission for reconsideration of new information and new language or to set this for a contested case hearing.

RECESS

Chairman Weickum called a recess at 3:15 p.m. and reconvened at 3:18 p.m.

PLANNING & ZONING

Public Hearing – Appeal VAR Case File No. 2011-01

Mr. Waits stated he would like to withdraw his appeal and he indicated he would have a survey performed. Chairman Weickum closed the public hearing at 3:19 p.m.

Chairman Weickum stated the entire situation is unfortunate and the BOCC will do its best to resolve the situation.

Certification

Mr. Powell presented the Certification of Recommended Action for C.U. Case File No. 2012-04.

Commissioner Paxton moved to set a public hearing for August 7, 2012 at 1:30 p.m. at the County Courthouse in Rawlins, Wyoming for Conditional Use Permit Case File No. 2012-04 submitted by

Technology Associates / SiteMaster, Inc. (Applicant) and Level 3 Communications, LLC (Owner). Commissioner Chapman seconded and the motion carried unanimously.

ADJOURNMENT

Commissioner Paxton moved to adjourn the meeting at 3:23 p.m. Commissioner Chapman seconded and the motion carried unanimously.

-s- Gwynn G. Bartlett, Carbon County Clerk

Approved this 17th day of July 2012

BOARD OF COUNTY COMMISSIONERS
CARBON COUNTY, WYOMING

-s- Terry Weickum, Chairman