

**MINUTES OF THE BOARD OF
CARBON COUNTY COMMISSIONERS
REGULAR MEETING
Tuesday, October 2, 2012
County Courthouse, Rawlins, Wyoming**

The regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, October 2, 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 Deputy Clerk Kathy Turner.

Chairman Weickum called the meeting to order at 9:10 a.m.

AGENDA AMENDMENT

Commissioner Chapman moved to amend the agenda by moving the Certifications of Recommended Action from 1:30 p.m. to 9:45 a.m. Commissioner Paxton seconded and the motion carried unanimously.

VOUCHERS

Commissioner Chapman moved to approve the report of expenditures in the amount of \$65,339.36. Commissioner Paxton seconded and the motion carried unanimously.

Commissioner Chapman moved to approve payment to Candy Mountain in the amount of \$22.50. Commissioner Paxton seconded and the motion carried with Commissioners Chapman and Paxton voting for the motion and Chairman Weickum abstained noting he owns this company.

| Vendor | Detail Line Description | Total |
|---------------------------|----------------------------|------------|
| BOB BARKER COMPANY, INC. | SUPPLIES | \$345.29 |
| BRESNAN COMMUNICATIONS | CABLE SERVICES | \$26.37 |
| BROWN'S TOWING & RECOVERY | TOW CHARGES | \$65.00 |
| BRUCO, INC | SUPPLIES | \$67.87 |
| BUCHANAN, KAREN | MILEAGE | \$48.00 |
| CANDY MOUNTAIN | SUPPLIES | \$22.50 |
| CARBON POWER & LIGHT INC | ELECTRICAL SERVICES | \$311.46 |
| CBM FOOD SERVICE | JAIL MEALS | \$3,359.36 |
| DAILY TIMES | NEWSPAPER ADS/SUBSCRIPTION | \$705.22 |
| DELEON, JOHN | LEGAL SERVICES | \$1,515.75 |
| DIXON, TOWN OF | WATER/SEWER SERVICES | \$130.00 |
| EASTMAN, PATRICK | MILEAGE | \$28.50 |
| ELK MOUNTAIN CONOCO | FUEL | \$738.69 |
| ERICKSON & ROBERTS | LEGAL SERVICES | \$3,003.05 |
| FARMER BROTHERS COFFEE | SUPPLIES | \$197.56 |
| FEDEX | POSTAGE | \$19.14 |

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| FRUDE, CANDICE | MEAL/MILEAGE | \$203.45 |
| GDA ENGINEERS | PROFESSIONAL SERVICES | \$3,742.00 |
| GRAINGER | SUPPLIES | \$92.12 |
| HEROLD IRON WORKS | SUPPLIES | \$758.16 |
| HERRING, ROS | LAWN CARE | \$27.00 |
| HIGH DESERT WELDING & MACHINE LLC | SUPPLIES | \$20.96 |
| HIGH PLAINS POWER | ELECTRICAL SERVICES | \$736.95 |
| HILLCREST SPRING WATER, INC. | EQUIPMENT RENTAL | \$26.00 |
| HILLTOP LUBE & AUTOMOTIVE | TIRE REPAIR | \$65.00 |
| HORIZON LABORATORY, LLC | LABORATORY SERVICES | \$1,001.50 |
| IRON J TOWING | TOW CHARGES | \$1,140.00 |
| J H KASPAR OIL COMPANY | FUEL | \$747.00 |
| J.J. KELLER | EMERGENCY RESPONSE GUIDE | \$952.41 |
| JACKALOPE PRINTING | SUPPLIES | \$929.23 |
| KENCO SECURITY AND TECHNOLOGY | ALARM MONITORING | \$34.00 |
| KILBURN TIRE COMPANY | VEHICLE MAINTENANCE | \$2,102.49 |
| KING SOOPERS CUSTOMER CHARGES | SUPPLIES | \$157.75 |
| L & L ELECTRIC | ELECTRICAL REPAIRS | \$366.50 |
| LONG BUILDING TECHNOLOGIES, INC. | BUILDING MAINTENANCE | \$1,923.50 |
| MARTINEZ, JANICE | SUPPLIES | \$88.03 |
| MEMORIAL HOSPITAL OF CARBON CTY | MEDICAL SERVICES | \$4,843.52 |
| MILLER, JULI | MEAL/MILEAGE | \$135.92 |
| MOORE MEDICAL CORP. | SUPPLIES | \$71.97 |
| MOSS, BARBARA | MILEAGE | \$54.60 |
| MURANE & BOSTWICK, LLC. | PROFESSIONAL SERVICES | \$224.00 |
| MY OFFICE ETC. | SUPPLIES | \$868.45 |
| NORCO, INC. | CYLINDER RENTAL/SUPPLIES | \$98.38 |
| OFFICE DEPOT | SUPPLIES | \$80.50 |
| QUILL CORPORATION | SUPPLIES | \$92.59 |
| RAWLINS FIRE EXTINGUISHER | FIRE EXTINGUISHER INSPECTIONS | \$125.00 |
| RAWLINS, CITY OF | WATER SERVICES/FIRE EQUIP USE | \$10,024.20 |
| RELIABLE | SUPPLIES | \$376.48 |
| REMICK, SHELIA | POSTAGE | \$2.25 |
| RESERVE ACCOUNT | POSTAGE | \$10,000.00 |
| RIVERSIDE GARAGE & CABINS | SUPPLIES | \$13.46 |
| ROCKY MOUNTAIN POWER | ELECTRICAL SERVICES | \$603.74 |
| RYAN ELECTRONICS INC | RADIO | \$465.75 |
| SARATOGA SUN | NEWSPAPER ADS | \$90.00 |
| SHEA, DIXIE F | MILEAGE | \$24.00 |
| SHEPARD'S | FUEL | \$394.99 |
| SNAKE RIVER PRESS | NEWSPAPER ADS | \$576.00 |
| SOURCE GAS | GAS SERVICES | \$1,900.35 |

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| STEPHENSON, LEE ANN | MILEAGE | \$37.20 |
| SWISHER HYGIENE FRANCHISEE TRUST | SUPPLIES | \$106.65 |
| TANDAN SANITATION SERVICES | GARBAGE SERVICES | \$40.00 |
| TERMINIX | PEST CONTROL | \$656.00 |
| THOS. Y. PICKETT & CO., INC. | VALUATION CONTRACT INSTALLMT | \$5,250.00 |
| TRAPP, LARRY W | MILEAGE/MEALS/MOTEL | \$304.00 |
| TRIPLE XXX CONTRACTING, INC. | GARBAGE SERVICES | \$100.00 |
| TRUE VALUE OF RAWLINS | SUPPLIES | \$182.45 |
| T'S KEYS | SUPPLIES | \$30.00 |
| VAN'S WHOLESALE LLC | SUPPLIES | \$578.74 |
| WEST PAYMENT CENTER | MONTHLY INFORMATION CHARGES | \$533.70 |
| WY BRAND INDUSTRIES | SUPPLIES | \$129.60 |
| WY COUNTY CLERKS ASSOCIATION | 12-13 DUES | \$100.00 |
| WY LIVESTOCK ROUNDUP | EXTENSION OFFICE RENEWAL | \$50.00 |
| WY RENTS | EQUIPMENT RENTAL | \$225.00 |
| YAMPA VALLEY ELECTRIC | ELECTRICAL SERVICES | \$250.56 |
| YOCUM, LEO | MILEAGE | \$24.00 |
| GRAND TOTAL | | \$65,361.86 |

CLERK

Minutes

Commissioner Chapman moved to approve the minutes of the September 25, 2012 regular meeting of the Board of Carbon County Commissioners as presented. Commissioner Paxton seconded and the motion carried unanimously.

Monthly Receipts

Commissioner Chapman moved to accept the monthly statement of fees collected for September 2012 for the County Clerk in the amount of \$12,440.75, Planning and Development Department receipts for the month of September 2012 in the amount of \$928.66 and Carbon County Attorney discovery billing of earnings for September 2012 in the amount of \$158.00. Commissioner Paxton seconded and the motion carried unanimously.

Little Rascals Preschool

Deputy Clerk Kathy Turner advised that County Clerk Gwynn Bartlett and Deputy County Attorney Mike Kelly are working on a contract for the Little Rascals Preschool feasibility study and requested authorization for the Chairman to sign the contract when it is completed.

Commissioner Chapman moved to authorize the Chairman's signature on a contract for a feasibility study for Little Rascals Preschool when it is completed. Commissioner Paxton seconded and the motion carried unanimously.

PLANNING & ZONING

Certifications

County Planning Director Sid Fox presented three Certifications of Recommended Action to be set for public hearing.

Commissioner Chapman moved to schedule a public hearing for November 13, 2012 at 1:30 p.m. for Zone Change Case File No. 2012-11 submitted by David L. and Rita I. Bustos, Minor Subdivision Case File No. 2012-01 submitted by David L. and Rita I. Bustos and Conditional Use Permit Case File No. 2012-05 submitted by Union Telephone Company (Applicant) and Seminole Boat Club Association (Owner). Commissioner Paxton seconded and the motion carried unanimously.

ELECTED OFFICIALS / DEPARTMENT HEADS

Attorney

Deputy Attorney Kelly advised the NAVAIDS project has been completed at the Dixon Airport. Mr. Kelly advised our relationship with GDA has terminated as this project is complete and his intent is in January to put out a request for proposals to hire an engineering consultant for the 5 year window that the Federal Aviation Administration (FAA) prefers.

Mr. Kelly discussed a letter from Jerry Wilson relating to the meeting in Dixon, Wyoming about the Dixon Airport. There was discussion of having another meeting or replying in writing to Mr. Wilson. Mr. Kelly stated he will try to set up a meeting with Mr. Wilson or respond in writing to him indicating our desire to work something out on the north side hangar that he has. Mr. Kelly is also working with hangar owner Brent Wilson on insurance requirements on his hangar.

Ms. Turner confirmed that five applications have been received for interest in a Dixon Airport Board and two are possibly husband and wife and another applicant is not a qualified elector. Mr. Kelly advised there is nothing statutorily that prohibits a husband and wife from being on the same board and he explained to the applicant the potential conflicts and they would have to be careful in certain situations.

Emergency Management

Emergency Management Coordinator John Zeiger advised that the month of September was National Preparedness Month and he supplied portable weather radios for the radio station to give away. He advised he will be hosting two classes in December dealing with the press for emergency responders and the other one for the jail and penitentiary with recognizing gang activity within a jail. He advised the training is free as long as at least 20 people sign up for the training. He stated that on October 10 at 9:00 a.m. at the Jeffrey Center the Local Emergency Planning Committee will be reorganized.

Sheriff

Sheriff Colson opened four sealed bids for the purchase of one new 2012 or newer model four wheel drive full size half ton four door crew cab short bed pickup for the Sheriff's Department. He advised notice was published in the newspaper and faxed to all the local car dealers. He stated they will also be

trading in a 2004 Ford Explorer. Skyline Motors bid \$28,068.00, Dallin Motors bid \$23,000.00, White Mountain Motors of Casper bid \$26,450.00 and Griener Ford of Casper bid \$26,181.00 and \$26,211.00. Sheriff Colson will return later in the meeting with a recommendation.

Assessor

County Assessor Cheryl Ross presented abates and rebates for the Chairman's signature and stated most are for the Battle Lake Townsite corrections.

Road & Bridge

Road & Bridge Superintendent Bill Nation provided photographs of the Pick Bridge Project and discussed the progress that has been made. He stated another project they are working on is County Road 401 and discussed this project. Mr. Nation advised the prebid meeting for the Congestion Mitigation Air Quality for the Dad/Wamsutter Road is 9:00 a.m. October 9, due date for the bids is 3:00 p.m. October 11 and will open the bids October 16.

RECESS

Chairman Weickum declared a recess at 10:02 a.m. and reconvened at 10:20 a.m.

TREASURER

County Treasurer Cindy Baldwin reported the tax bills are out and they will be collecting approximately \$58,000,000.00 in taxes this year. She reported our sales tax revenue is up and advised she has rebilled Anadarko for their 2012 taxes reducing their tax bill each half by \$104,000.00 reducing this year's taxes by \$208,000.000.

Ms. Baldwin advised she is on a committee for mobile machinery as there is a lot of controversy around the state and will be meeting on October 10 with some of the port of entries. She noted that Cheryl Ross has also been appointed to this committee.

Ms. Baldwin advised there are transportation bills coming down increasing the gas tax and doubling state fees that will fund the highways. She advised she distributed the county motor vehicle fees and noted they are up \$73,000.00.

COMMISSIONERS DISCUSSION

Commissioner Paxton advised he participated in a telephone conversation yesterday for the drought relief for livestock producers who have lost a lot of their pasture and fences through wildfires. He stated that in addition pastures were lost due to the dry conditions and therefore livestock producers had to either sell livestock or buy hay at an extremely high price. He noted that the Wyoming Constitution states that the state cannot give direct assistance to a private business and that precludes the State of Wyoming from entering into any drought relief opportunities. He discussed fees that can be waived. He stated that on the federal level there is not much that can happen, but there are capital gains forgiveness taxes and discussed this.

Commissioner Chapman discussed the Economic Development Corporation (EDC) meeting he attended last night pertaining to the potential for jobs in the next two years and the impact of those jobs. He stated that if you compare that to available housing and infrastructure we have, it is a frightening situation and we will have to deal with this in the future.

Chairman Weickum advised there was a discussion at Wyoming Association of County Officials (WACO) of a pipeline that was built in Wyoming that affected four counties. He stated the pipe came from back east and went to Nebraska where the pipe got a coating put on it and then was trucked to the four counties in Wyoming. He stated the sales tax went to Nebraska because the pipe was delivered there. He stated there are sales tax laws and rules on how sales tax is treated, shared and split among the counties and between states. He stated this is a problem that plagues all counties and it will be looked at through rules or it will have to be done through legislation to try to change the sales tax rules.

Commissioner Chapman noted he has heard from a credible source that DKRW has stated they intend to be doing some major dirt work within nine months.

RECESS

Chairman Weickum declared a recess at 10:41 a.m. and reconvened at 10:56 a.m.

SHERIFF

Sheriff Colson advised he has reviewed the bids and recommends accepting the bid from Dallin Motors in the amount of \$23,000.00 for one 2013 1500 Tradesman crew cab.

Commissioner Chapman moved to accept a bid from Dallin motors in the amount of \$23,000.00 for a 2013 1500 crew cab Tradesman 4x4 pickup noting that it is the low bid. Commissioner Paxton seconded and the motion carried unanimously.

MEMORIAL HOSPITAL OF CARBON COUNTY (MHCC)

Ned Hill, Chief Executive Officer and Brenda Rees, Chief Financial Officer discussed the hospital's financial status as of August 31, 2012. Loren Simnett from the board was also present.

Ms. Rees noted the cash is low and the cash was completely reconciled in June for the first time in 15 years. Mr. Hill stated that reconciling cash means they have accounted for all the dollars that have previously been unaccounted for. Ms. Rees advised payables are down at \$1.4 million outstanding. She advised they have settled with Medicare for 2011 and rather than reimbursing \$600,000.00 they have negotiated it to only \$14,000.00. She noted the match for Medicaid that they have borrowed from the county in the past will be \$119,000.00 this year and they will not need help from the county. She advised the last piece of the operating room should be ready for inspection by the end of this month.

Ms. Rees noted the capital budget submitted will need to be revised as they have a couple of physicians that have signed with them as visiting physicians and the capital budget included an ambulance which they will not need. She advised she will submit a revised budget next week for instruments that these physicians will need.

Mr. Hill discussed patient billings that are being returned undeliverable and some ways to strengthen the hospital's policy on this. The BOCC agreed they should look at alternative procedures to ensure this doesn't happen.

RECESS

Chairman Weickum recessed at 11:19 a.m. and reconvened at 11:30 a.m.

UNION TELEPHONE GRANT

Chairman Weickum discussed the county's sponsoring of the Union Telephone Grant and the county's nervousness about moving forward and Union seems to fail to recognize that the project construction must be bid.

Tony Vehar, attorney for Union Telephone advised the most recent inquiry to the Attorney General's Office was made by him to ensure he understood the requirements of the grant. Chairman Weickum ensured Union would be very involved in the entire process if the county is to move forward. It was also clarified that a Construction Manager at Risk (CMAR) will be hired and Mr. Vehar noted that is not an issue. It was also made clear that County Clerk Gwynn Bartlett is the contact for Union rather than Union representatives contacting EDC directly.

Cindy Wallace from the EDC stated that Pat Robbins from the Wyoming Business Council would explain the next procedure. Ms. Robbins stated at this point the BOCC just needs to sign the grant agreement, send it in to the state, they will sign it and will give notice to proceed.

Jan Fasselin of Union Telephone, Cindy Wallace of EDC and Pat Robbins of the Wyoming Business Council were also present.

RECESS

Chairman Weickum recessed for lunch at 11:42 a.m. and reconvened at 1:30 p.m.

PLANNING & ZONING

Public Hearing – C.U.W. Case File No. 2012-01

Chairman Weickum explained that everyone will be limited to a three minute comment and to spell their name and advise who they represent. He advised the meeting will be run by the Roberts Rule of Order and all comments will be addressed through the Chairman. Chairman Weickum discussed the structures of how the BOCC has to operate.

Chairman Weickum opened a public hearing at 1:32 p.m. to hear Planning & Zoning C.U.W. Case File No. 2012-01. Sid Fox, Planning Director presented C.U.W. Case File No. 2012-01 – Power Company of Wyoming, LLC's request for a Conditional Use Wind permit for a Commercial Wind Energy Facility in a Ranching, Agriculture, Mining (RAM) Zone to install, construct, operate, and maintain the "Chokecherry and Sierra Madre Wind Energy Project". Mr. Fox stated this project is proposed south of Rawlins and south of Sinclair for up to 1,000 wind turbines. He advised after the county process concludes there is a state review of the proposed use and typically the county through the County

Commissioners and towns participate in that review process. Mr. Fox advised we operate under a regulatory structure and in 2010 the state of Wyoming passed new legislation that required any significant energy project to get a permit from the local jurisdiction. Mr. Fox reviewed the Comprehensive Land Use Plan goals and an overview of the purpose and intent of the zoning resolutions, specifically the wind energy facility zoning. Mr. Fox pointed out the applicant has proposed a 26,000 acre wind energy conservation easement on parts of the Ranch, the Overland Trail Cattle Company and no further wind energy can be developed on the 26,000 acres. He advised one item that came up in the Planning Commission is there is some talk in extending domestic water from the City of Rawlins and Town of Sinclair to some of the buildings proposed to support the wind energy project. Mr. Fox advised the applicant has requested a setback waiver for some of the turbines for County Road 505 east and west. He stated that all conditional use permits in Carbon County require initiation of the project within two years from the date of the permit approval and the applicant is asking for a third year on commencement of electrical generation.

Mr. Fox advised written comments were received from Shelby and Russ Caldon from Encampment, supportive; Julie Evans from Saratoga, opposed; Mike Houck, Rawlins businessman, supportive; L&L Electric, Harry Lovato, supportive; Saratoga-Encampment-Rawlins Conservation District identifying federal deficiencies; Wyoming Department of Transportation would like to take a close look at exit 221 service road; State Department of Environmental Quality Industrial Siting Division, Tia Raamot acknowledging that the state does have housing jurisdiction agreeing with the applicant for the extent of the potential housing impact; State Geological Survey stated that their concerns had been addressed with the applicant in the application; State Historic Preservation Office, a Programmatic Agreement defining how Section 106 of the National Historic Preservation Act will be implemented and was executed and provided PCW complies with the terms of the agreement, they have no objection to the issuance of the permit.

Mr. Fox stated the County Comprehensive Land Use Plan is a policy document, and quoted Chapter 6 that talks about economic issues. *“With its reputation as reliable, strong source of wind power, Carbon County is likely to continue to attract wind industry projects. Wind energy is an important component of a diversified energy development portfolio for the county. There has been general support for the development of alternative energy and the creation of new jobs although the average wind farm is not regarded as a significant source of employment opportunities. At the same time, as new proposals for wind farms have surfaced throughout the county, local residents and officials have begun to express concerns about the impacts of housing temporary construction workers, emergency service provisions, trash disposal, road access, and drive time to the sites”*.

Mr. Fox stated the zoning code is regulatory with five to six criteria; the project will service an obvious public need such as job creation; four to six billion dollar capital investment and critical infrastructure; significant increase in assessed valuation of the county which is property tax; and anticipated \$674-\$820 million in total tax revenue over an assumed 20 year economical life. He stated that no agriculture use will be sacrificed for the project. Mr. Fox advised that through the local process the staff recommends the mitigations be included. He advised a Public Road Use Agreement is required and his staff is working on this. He discussed environmental problems and mitigation. Mr. Fox advised the Planning Commission did vote 4-1 to recommend approval with conditions. He advised the Planning Commission did not unanimously support the setbacks but maintain the 1/4 mile setback. He advised that the applicant has since dropped the setback request on Highway 71 and County Road 401. He advised if the BOCC does approve the permit the Planning Commission is recommending approval with 17 conditions.

Bill Miller, President of the National Resource Group for the Anschutz Corporation stated that his company has been in Wyoming for over 50 years and acquired the Overland Trail Cattle Company in 1996 and continues to operate it today. He provided a history of his company and discussed what his company does.

Garry Miller, Vice President of Land and Environmental affairs for the Power Company of Wyoming (PCW) presented an overview of the project.

Roxane Perusso, Vice President and General Counsel for PCW presented the economic benefits for Carbon County including jobs to hire as many local skilled workers as available and tax revenues with an estimated amount of \$445-\$562 million to Carbon County over a 20 year period.

Garry Miller presented the existing uses, road use and access and stated they would have a rail distribution facility at Sinclair to minimize heavy truck traffic on public roads. He discussed environmental issues including permitting processes and stated they anticipate that the Bureau of Land Management (BLM) will have a Record of Decision this month for this project and anticipate they will approve the project. Garry Miller discussed land and water use, wildlife, visual resources, reclamation, decommissioning and socioeconomic issues. He discussed the Land Use Plan goals that pertain to this project.

Ryan Jacobson, Director of Engineering and Construction for PCW presented the five year project construction schedule and stated they intend on starting construction in 2013. He stated in year three they will begin turbine installation on the project. He stated the current schedule calls for generating electricity starting near the end of the third year of construction and therefore to line up their schedule they are asking for a one year extension of that portion of the timing requirements to give them until the end of year three of their construction schedule to commence electricity generation. He presented the public right-of-way setback and stated they are requesting a waiver of the 1/4 mile setback specifically on two county roads on top of Miller Hill Road (County Road 505 west) and County Road 505 east. He stated the top of Miller Hill has a high wind source and they are keen on keeping it in the project. He stated that the top of Miller Hill has very low use, seasonable and is closed for six to seven months a year.

Commissioner Paxton provided a background of what involvement the BOCC has had in wind development in the last six years and noted that the wind farms already in existence and wind farms that were being developed were certainly not paying their own way and they were concerned about this. He advised that through the Wyoming County Commissioners Association they got a law passed to take care of those concerns. He discussed the sales and use tax and that a huge amount of revenue did not come into Carbon County and long term benefit to Carbon County is production tax. He stated that on behalf of PCW they were the only wind developer that did not make statements against our proposed legislation and legislation was passed to provide for decommissioning. He stated they were concerned with the setbacks as a possibility of a tower coming down as one did in Arlington. Commissioner Paxton stated he would read State Statute 18-5-504 Minimum standard; incorporation into other processes, and noted the 18-5-500 series is dedicated to primarily wind development. He stated there are statutory limitations and he thinks it is important that they know what the Board of County Commissioners are and are not capable of and what they can and cannot do by statute and he read the statute. He stated this is what they can and cannot do and recourse if they make a decision someone feels they are aggrieved by.

Chairman Weickum called for comments for or against this matter. Note to minutes – these comments are generalized comments and not verbatim.

Commissioner Paxton noted they received a letter from the Saratoga-Encampment-Rawlins Conservation District and maybe their representatives here today could address those problems concerning wildlife issues. He advised they also received a letter from Julie Evans who is against permitting this project and asks a number of questions including the issue about decommissioning and if the costs of that project will be covered by taxes and most of the issues have already been covered today.

Chairman Weickum explained again that everyone will be limited to a three minute comment and to spell their name and advise who they represent.

Robert Dunn, private citizen from Dixon, Wyoming stated he feels this is a mandated project and it lasts as long as the mandates do. He added that the project is at the mercy of the end user.

Leigh Nation, private citizen stated she is very much in favor of this project and hopes that it does go forward and the BOCC approves the permit.

Scott Kerbs, private citizen stated this is an intrusion into the open space remaining in Carbon County and on public land. Mr. Kerbs also discussed his feelings on problems with wind generation in general and other projects.

Chairman Weickum asked individuals to keep their comments to the current project.

Mike Houck, stated he owns Rawlins Rentals spoke about socioeconomic issues and stated he is in favor of the project.

Shelby Caldon, private citizen living in Cherokee Meadows stated she agrees with Mr. Houck that our national resources, coal, uranium and its environmental impact on places that it is produced and what the earth looks like after reclamation. She stated that if in fact this wind farm doesn't work out and it does have to be taken down, it is not affecting the earth as uranium and coal does. She stated she is for the project and thinks that Carbon County needs to go forward.

Dave Shadrack, resident of Saratoga, stated that the residents of Carbon County are interested in enhanced services and no one is concerned as to how we pay for this. He stated the opportunity to develop our resources is a gift that we should inspire and promote and we should be supporting this project.

Richard Rackness stated that the wind mills south of Medicine Bow were put up in his pasture and the deer, antelope, cows, and sage grouse form around them to get in the shade. He stated the noise from the wind turbine does not bother any animal of any kind that he could see.

Mr. Dunn pointed out his concerns that this project will set precedent for future similar projects and that it must be tightly controlled because of this.

Rona Sinvally asked who will monitor the project. Chairman Weickum stated this conditional use permit is just one small step and if the BOCC passes this, it allows PCW to go to the Industrial Siting Council,

and he explained that process. He advised there are minimum standards that must be met throughout the state and the counties were able to set their standards a little bit higher than that. He stated when someone goes to the Industrial Siting Council it is through the Department of Environmental Quality and the state does police them and if there are conditions placed on them, they have to have it. He stated there are people that will be watching this, County Planning & Zoning (P&Z) will as it is their job that these conditions are being complied with and the state will have their own also.

Mr. Kerbs further discussed his concerns referencing the Carbon County Land Use Plan.

Richard Wilson, Vice Chairman of the P&Z Commission advised that after several discussions, the consensus of the P&Z Commission was not to approve the waiver. He stated that for the resident's safety on our roads even though they are limited use, stick to the 1/4 mile setback.

Cindy Wallace Carbon County EDC stated they have been in support of the project and have worked with PCW throughout this process. She discussed job creation, potential company expansion, tourism, and a possible interpretation center.

Chairman Weickum asked PCW to respond to some of the questions that have been raised so far.

Ms. Perruso replied they are happy to respond to any of the questions that the Board would like them to respond to.

Commissioner Paxton stated one question that Mr. Dunn brought up about the renewable portfolio has been one of his concerns from the beginning and he thinks California is around 20% renewable portfolio and asked PCW if there would be available space on their transmission line that could be used by fossil fuel generated or nuclear power to carry that electricity out of the state to other places and is it their intention to use it only for renewal energy or is it to be used for other sources of electricity also. Ms. Perruso stated that their project TransWest Express is slated to have a 3,000 megawatt capacity and their wind farm because of the intermittent of wind will need about 2,000 megawatts of that capacity for the wind for their wind farm so there will be additional capacity on the line that would be available to any type of energy. She discussed transmission lines and California's statutory goal is 33% by the year 2020. She stated they will not build this project if it is not economic and would have in place power purchase agreements with utilities in California, Nevada and Arizona and they are typically 20 year contracts. She noted that if a mandate were to go away there would be 20 years or more to deliver that power.

Mr. Dunn asked if they are going to transmit AC power from other sources down the PC line. Garry Miller addressed their transmission project, the TransWest Express line that will have a DC terminal located outside of Sinclair and that terminal is capable of taking power from any AC source so whatever source of power may be there to the extent there may be capacity available on that line an AC line will connect into there and will turn into a DC current and from that it will transmit down to the market place that will be converted back to an AC current and put on the grid at that point.

Russ Caldon, Cherokee Meadows, commended everyone especially the Commissioners on the planning of this and stated they have left no stone unturned so far and he fully supports this project.

Sandy Streeter, private citizen from Saratoga asked PCW if they could provide more information on the reclamation and decommissioning plan. She stated that the permit application on page 6 states "at the

end of the project's life, PCW will completely and properly decommission the project to reclaim the affected ranch lands to their original condition". Garry Miller stated there is a plan in place to do reclamation and decommissioning on BLM lands and private lands. He stated the BLM plan will be enforced by the BLM and private lands have already been addressed through the Industrial Siting Council, Department of Environmental Quality. He stated the reclamation plan is to take off the pedestal that the turbines sat on and to remove it down to a level with the rest of the concrete, back fill it and put dirt over the top of it. Ms. Streeter confirmed there will still be massive concrete pads underground. Garry Miller stated that yes the bulk of the concrete will stay in place as it would cause more of a disturbance to remove it then by leaving it in place. He stated the top soil does allow for vegetation and adequate growth over the top of these foundations. Mr. Jacobson stated the foundations will most likely be used in all locations and the pedestals will be 3-4 feet from ground level to the top of the mat that is a round concrete piece that is beneath it and from surface to the bottom of that mat is approximately 10 feet but the top 4 feet of it is the pedestal that will be removed with the mat staying in place. Commissioner Chapman asked if \$10,000.00 will be sufficient to remove the pedestal and the towers on the basis of a \$10,000.00 bond and Mr. Jacobson stated he does not have a decommissioning cost estimate created yet to answer the question.

Commissioner Paxton asked if PCW or Anschutz sells the property does it dissolve PCW from the liability of decommissioning. Garry Miller stated that for any permits to transfer you have to go through a formal process to transfer the permits and bonds otherwise PCW remains liable. Ms. Perruso stated if they were to need to transfer the permits then the county board would have to approve this. She explained the process and stated that the bonding and security to reclaim and decommission still goes forward no matter who owns the wind farm.

Ms. Streeter stated that since we all now know that the concrete will stay in the ground, per the application the land will not be going back to its original condition and asked if she heard that correctly. Chairman Weickum stated he believes she is correct.

Chairman Weickum called for Commissioner comments.

Commissioner Chapman stated his concerns now are the waivers and he takes special interest in what Mr. Wilson and the Planning Commission recommends and it would be in their best interest to follow their recommendation regarding waivers.

Chairman Weickum asked why the waivers they are still asking for are proper. Mr. Jacobson stated they believe it is proper because of the seasonal and low use of the roads and the impact to the project. Chairman Weickum asked what kind of a burden it would be to this project to comply with that setback fully. Mr. Jacobson replied 21 turbines that would be located on Miller Hill would have to be relocated in the project. Commissioner Chapman asked if it would be feasible to reroute the county road and would that be a solution to both issues. Mr. Jacobson replied it is not within their power and he has not looked at that and the issue becomes the development on top of Miller Hill from the lip of the hill one mile to the sage grouse core area boundaries and it runs throughout the edge of that hill and relocating that road slightly does not change the fact that it is crossing through that development area.

Commissioner Paxton stated he has concerns regarding the proposed waivers and the county has responsibilities for health, safety and welfare and does not know what the debris field is and that is a bit unlikely but it has happened in Carbon County and this needs to be something we research and study further. He noted one of his other concerns is ice builds up on the props and when they turn it can be

flung off in a fairly decent radius and maybe this won't affect anyone due to the seasonal use of the road but could affect someone checking on the towers. He stated these are a couple of issues that they should take a better look at and Mr. Fox has indicated that there are 17 conditions and they do not know what they are. Garry Miller pointed out that their request is for two waivers, one for the Miller Hill Road and 505 west, which is the two track road that gets no public use except during hunting season and is very rough and unimproved and the Commission has the ability to consider both of those waiver requests. Mr. Wilson stated that the maps the BOCC have now are conceptual and not set in stone and are not their final location and will have to go through soil testing and they may or may not need the waivers but they wanted to error on the side of safety.

Mr. Fox provided a summary of the 17 conditions that were recommended by the P&Z Commission and staff. Commissioner Paxton stated that regarding condition 10.b., there are studies underway looking at strobe lights that are required by FAA right now and asked if they have had any discussion that within the time frame this may be constructed, there is a possibility that technology would be available that a low flying aircraft could trigger the strobe light to come on. Mr. Fox stated they did in context of the applicant preparation, and the code requires that the applicant demonstrate or address radar technology that the red lights only come on in time of need if there is an airplane and they did address that in the application and no there is no ongoing condition or requirement for PCW to address this in the future. Chairman Weickum stated it would be hard to set a condition on a non accepted technique. Commissioner Paxton stated it would not be unreasonable to ask them to consider any new technology that may mitigate that situation.

RECESS

Chairman Weickum recessed at 4:18 p.m. and reconvened at 4:31 p.m.

PLANNING & ZONING

Public Hearing – C.U.W. Case File No. 2012-01 (continued)

Chairman Weickum asked PCW what their feelings are on the 17 conditions that P&Z has placed on this permit. Ms. Perruso replied they have reviewed with the staff the conditions and they are fine with all of the conditions with the exception of the waivers they have asked for and terms of the time to commence construction. She stated the one condition on setback waivers actually addresses the fact that if you granted one of the other waivers it would be excluded from these conditions. Chairman Weickum stated one waiver was the setback condition and asked what the other one was. Ms. Perruso replied the extra year to generate electricity after they commence construction. Chairman Weickum asked if this was a state requirement. Mr. Kelly replied it is a state requirement under 18-5-511 and it gives us the option to revoke or suspend the permit if electricity isn't transmitted for a period of two consecutive years or more. Chairman Weickum stated it sounds like they have to make a conscious decision as to whether they want to hold them to the two years or the three years and Mr. Kelly stated that would be correct. Chairman Weickum stated that due to the size of the project he does not have a problem with giving them the extra year and Commissioners Paxton and Chapman concurred. Chairman Weickum confirmed that the setback waivers are for two different roads and asked Mr. Nation to discuss the two tract road. Mr. Nation stated in Carbon County the roads relate to the need and use of that road. He stated 505 east is in the middle of Sage Creek Basin and is used once or twice by the ranchers to scatter their salt in the spring and a few hunters go up there in the fall and therefore that is the reason it is not bladed on a regular basis. He stated 505 west is the Miller Hill Road and is also seasonally used and is

maintained and bladed as needed. He stated the top is 8,000 feet and seasonally from the end of May through the end of October and is a public access road. Chairman Weickum stated the reason for a setback is to protect the neighbor as far as noise and the various things that happen which doesn't seem to apply and to avoid any significant population basis this needs to be taken into consideration. He asked if we were to approve this permit and the waiver for 505 east but not for 505 west which according to these conditions we could address would this damage the project significantly. Garry Wilson replied no they do have the opportunity to continue to work on the project configuration but would like the ability to come back to the BOCC when they have more information and may have to ask them to reconsider. Commissioner Paxton stated he does not have a problem with 505 east and the timing requirement but would like to know more about 505 west.

Chairman Weickum provided a summary of wind energy projects over the last eight years. He stated that with all the companies they have worked with, PCW by far showed its leadership skills in helping companies like Pathfinder to understand our point of view as well as us understanding their point of view and they have been the most forthcoming of any company out there and helped us in Carbon County in many ways.

Commissioner Paxton stated that the P&Z Commission considered the waivers and turned them down yesterday and asked if that is wrong or right. Troy Maddox, Chairman of the P&Z Commission stated they considered them and decided to let the BOCC make the decision. Commissioner Paxton stated he wanted to make sure we did not do anything that is counter to the recommendations of the P&Z Commission. He asked if they considered east and west as separate issues or if they considered both of those routes together. Mr. Wilson stated they were considering east and west separate. Chairman Weickum stated that they rely on the P&Z Commission and does appreciate what Commissioner Paxton is saying about paying attention to their recommendations.

Commissioner Chapman stated he echoed Chairman Weickum's statement and respects PCW and has been pro multiple use and a property rights advocate.

Mr. Fox stated they will make a slight modification to Condition 8. second sentence and will insert 505 west into that provision. Chairman Weickum asked if this will let them look at them one at a time and Mr. Fox replied yes.

There being no further comments Chairman Weickum closed the public hearing at 4:50 p.m.

There was discussion on what to include in a potential motion.

Commissioner Paxton moved to approve Resolution No. 2012-43 A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding Conditional Use Permit Case File No. 2012-01 Commercial Wind Energy Facility Chokecherry and Sierra Madre Wind Energy Project noting that the project will serve an obvious public need; that the project will not be detrimental to the surrounding area or established uses; the project will provide adequate and safe access and circulation any resulting commercial and truck traffic shall not use a residential street nor create a hazard to a developed residential area; that the record owner has taken adequate steps to minimize and control potential environmental problems that might result from the proposed use; and that it meets the standards outlined in 18-5-507. Commissioner Chapman seconded and the motion carried unanimously.

Resolution No. 2012 – 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.W. Case File #2012-01

Commercial Wind Energy Facility

“CHOKECHERRY AND SIERRA MADRE WIND ENERGY PROJECT”

WHEREAS, pursuant to Wyo. Stat. Ann. Title 18, Ch. 5, Art. 5 Wind Energy Facilities; and 18-5-502, County Regulation of Wind Energy Project; and

WHEREAS, pursuant to Section 5.11 – Wind Energy Facilities-Overlay District of the Carbon County Zoning Resolution of 2003, as amended, the Carbon County Planning and Zoning Commission held a public meeting on Monday, September 17, 2012, which said meeting was advertised by public notice prior to said meeting; and

WHEREAS, at said public meeting, 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 meeting; and

WHEREAS, at the conclusion of said meeting, 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 5.11 – Wind Energy Facilities-Overlay District (Item #14 f), for Carbon County, Wyoming; and

WHEREAS, notice of the proposed Wind Energy Facility was published by the Applicant twice in two different weeks in the official newspaper of general circulation in Carbon County at least twenty (20) days prior to the public hearing required by Section 5.11 and W.S. §18-5-506. The notice, published in the Rawlins Daily Times on July 13, 2012 and July 14, 2012 and in the Saratoga Sun on July 18, 2012, included a brief summary of the Wind Energy Facility, invited the public to submit comments and identified the time and date of the hearing. As required by Section 5.11(d)(14)(d), the Applicant did submit affidavits of public notice as part of the second addendum to the application for Conditional Use Permit prior to the Board’s hearing. In addition, the County prepared a notice and published said notice in three newspapers of general circulation in the County that included a brief summary of the proposed Wind Energy Facility and invited the public to submit comments and identified the time and date of the hearing.

WHEREAS, the Applicant has provided to Carbon County an affidavit which certified that the Applicant has undertaken reasonable efforts to provide written notice to all owners of land within one (1) mile of the property line of the proposed Wind Energy Facility and to all cities and towns located within twenty (20) miles of the Wind Energy Facility; and

WHEREAS, the Applicant has provided to Carbon County an affidavit which certified that the Applicant has undertaken reasonable efforts to provide written notice to the record owners of mineral rights located on or under the lands where the proposed CCSM Project will be constructed. Said notice included a statement of the applicants intention to construct the Chokecherry and Sierra Madre Wind Energy Project, features of the project, a legal description of the boundaries of the project, and where the application may be examined and persons to contact for additional information.

WHEREAS, the Carbon County Board of County Commissioners, pursuant to Section 5.11 – Wind Energy Facilities-Overlay District of the Carbon County Zoning Resolution of 2003, as amended, and Wyo. Stat. Ann. Title 18, Ch. 5, Art. 5, Wind Energy Facilities and after receipt of said certified

recommendation from the Carbon County Planning and Zoning Commission; held a public hearing, which said public hearing occurred on Tuesday, October 2, 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 Wind Energy Facility; and

WHEREAS, the Carbon County Board of County Commissioners in considering said application have also reviewed and considered Wyo. Stat. Ann. Title 18, Ch. 5, Art. 5 Wind Energy Facilities and the Carbon County Comprehensive Land Use Plan, as amended; and the Carbon County Zoning Resolution of 2003, as amended, specifically, Section 5.11 – Wind Energy Facilities-Overlay District; and

WHEREAS, In accordance with Section 5.11 Wind Energy Facilities-Overlay District (d)(6) Commercial WECS Setbacks and Standards, the Board has the authority to waive minimum setback standards and the applicant has requested setback waivers from the following county roads:

1. Setbacks: The Board hereby approves the setback waiver from 1/4 mile to 110% of the tower (tip) height for the following:

a. Carbon County Road #505E-North of Red Rim Grizzly WHMA

WHEREAS, the Carbon County Board of County Commissioners have received certification that the proposed WECS project will comply with all the standards required by W.S. 18-5-504; and received certification that the proposed WECS project will comply with all applicable zoning and county land use regulations; and determined that the proposed Wind Energy Facility is in general conformance with the Carbon County Comprehensive Land Use Plan, 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 conditionally approve the following Conditional Use Permit Application for a Commercial Wind Energy Facility.

C.U.W. Case #2012-01 – Power Company of Wyoming, LLC:

Request for a Conditional Use Permit for a Commercial Wind Energy Facility in a Ranching, Agriculture, Mining (RAM) Zone. The request is to allow the applicant (Power Company of Wyoming) to install, construct, operate, and maintain the “Chokecherry and Sierra Madre Wind Energy Project,” as more specifically described in the Conditional Use Permit application dated July 17, 2012 and as amended by Appendix Q, the PCW Addendum Letter-July 2012 and the second addendum to Application for Conditional Use Permit dated September 24, 2012.

CONDITIONS OF APPROVAL:

1. Nothing in this permit’s conditions is intended to preempt other applicable State and Federal laws or regulations. All WECS Project facilities shall be constructed to meet and be maintained in compliance with all Federal, State, and County requirements, including all Wyoming Industrial Siting Council requirements. If compliance issues arise at any time during the review, development or operational phases, the Applicant(s) or Owner(s), at the discretion of the County may be requested to provide additional studies or reports prepared by qualified professionals addressing the issues and mitigation measures that may be needed to maintain compliance.

2. Conditional Use Permit is granted for up to 1,000 wind turbines and accessory uses as generally described in the application. 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.

3. This permit is subject to final approval and issuance of a permit by the Industrial Siting Council and Right of Way Grants by the Bureau of Land Management. The Applicant(s) shall submit a copy of all subsequent Federal and State approvals, including all required studies, reports and certifications prior to the issuance of any applicable building permits.

4. All structures proposed within the application area require a building permit. Multiple wind energy facilities\ turbines may be permitted with a single application as long as the site plan or plan of development includes all relevant details adequate to determine general conformance with the applicable standards and conditional use permit conditions. Structures other than wind energy facilities\ turbines require an individual building permit application for each structure.
5. Each building permit application shall include a letter of consent from the surface private property owners upon which the WECS project will be located or other legal documentation which demonstrate consent of the surface property owner.
6. When not conflicting with colors required by the Federal Aviation Administration or other Federal Agencies, towers and blades shall be painted off-white or another non-reflective, unobtrusive color. The color selected is intended to help the Project blend with the natural visual character of the area. The Applicant(s) shall submit a visual rendering of the proposed towers with color scheme for approval by the Board.
7. The Applicant(s) shall submit a Public Road Use Agreement (PRUA) for review by the County Road Superintendent and County Attorney and approval by the Board of County Commissioners prior to use of County roads by the Project's traffic. The PRUA shall ensure adequate public access on public roads during construction on roads impacted by Project's construction. The PRUA shall include a pre-construction baseline survey, paid for by the Applicant(s), to determine existing road conditions for assessing potential damage to roadways due to the Project. The PRUA shall include financial assurance in a reasonable amount at the discretion of the Board of County Commissioners, for the purpose of repairing any damage to public roads caused by constructing, operating, or maintaining the WECS Project. The amount of financial assurance shall be submitted as an estimate signed and sealed by a Wyoming Licensed Engineer. Any degradation to, or damage of public roads or other infrastructure by the Applicant(s) or others involved with the installation, operation, or maintenance of the WECS Project will require the Applicant(s) to bear all costs required to return the public roads or other infrastructure to their original or better condition prior to their use in the installation, operation, or maintenance of the WECS Project.
8. Site Specific Setback Waiver: The Applicant(s) shall submit site specific tower locations as part of the building permit application. Any tower proposed to be closer to Highway 71, Carbon County Road #401 and Carbon County Road #505W than the minimum setbacks (.25 mile) as listed in the County Commercial WECS Setbacks and Standards shall be forwarded to the Board of County Commissioners to request a setback waiver. The Applicant(s) shall submit an explanation and justification as to why each setback waiver is necessary. The foregoing requirements for setback waivers shall not apply to waivers: (1) approved by the Board in connection with the Board's approval of the Conditional Use Permit; and (2) that can be given by affected property owners under the County Commercial WECS Setbacks and Standards.
9. Operations and Maintenance:
 - a. Routine scheduled maintenance shall include the repainting of equipment and structures, and maintenance of grounds or landscaping as appropriate to the location.
 - b. All solid wastes and hazardous materials related to the construction, operation, maintenance and decommissioning of a Project shall be handled, stored or disposed of in accordance with the approved waste management plan and in accordance with all applicable Federal, State, and County laws and regulations. The permittee shall be responsible for litter control including the regular clean up of litter blown from dumpsters and similar storage areas.
 - c. On April 1st of every even numbered year after the third anniversary of the permit, the Owner(s) or Operator(s) of the WECS shall submit to the Carbon County Planning and Development Department a statement that lists all WECS currently inoperative for longer than six continuous (6) months. All WECS that remain inoperative for eighteen (18) continuous months or longer

must be removed unless the Owner(s) provides a written plan and schedule acceptable to the Carbon County Planning and Zoning Commission for refurbishing and/or reactivating the inoperative WECS.

- d. The Owner(s) or Operator(s) of the WECS shall control and eradicate noxious and invasive weed species within the disturbed areas of the project. Weed control shall be maintained as directed by the Carbon County Weed and Pest District or the appropriate public entity having jurisdiction.

10. The Applicant(s) shall provide the applicable wireless telecommunication service providers and local emergency service provider(s) (911 operators) copies of the Project's summary and site plan. To the extent that the above provider(s) demonstrate a likelihood of interference with their communications resulting from the WECS(s), the Applicant(s) shall take reasonable measures to mitigate such anticipated interference.

- a. If, after construction of the WECS(s), the Owner(s) or Operator(s) receives a written complaint related to interference with emergency services communications, local broadcast of residential television or other communication venues, the Owner(s) or Operator(s) shall take steps to respond to the complaint and take reasonable measures as necessary to alleviate or mitigate the interference.
- b. The Owner(s) or Operator(s) shall mitigate light impact on existing residences that are visible within one (1) mile of an existing residence and still meet applicable FAA requirements. Examples of light mitigation include but are not limited to: downward directed lighting, use of shielded light fixtures, eliminating lighting that casts light onto adjacent property.

11. If there are any variations in the Project's construction which would materially impact the original Emergency Management Plan, the Emergency Management Plan shall be supplemented and revised following construction of the WECS project and submitted for review and comment by the County Sheriff, Fire Warden, and Emergency Management Coordinator.

12. To the extent not inconsistent with confidentiality and security obligations under State and/or Federal law, the Owner(s) or Operator(s) shall provide the Carbon County Planning and Development Department with a detailed map of the site within ninety (90) days of when operation begins. The Project Map will include the geographic coordinates of each WECS structure, all roads within the WECS Project area, and public roads and turnouts connecting to roads of the WECS Project. The Project Map shall be updated by the Owner(s) or Operator(s) every five (5) years and after the completion of any significant additional construction.

13. The Owner(s) or Operator(s) of the WECS Project shall maintain a current General Liability Policy issued by an insurance company authorized to do business in Wyoming covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. The Applicant(s) shall provide proof of insurance to the Board of County Commissioners prior to the Board's approval of the submitted application or otherwise demonstrate adequate self-insurance. If the application is approved, the Owner(s) or Operator(s) of the WECS shall provide proof of insurance to the Board annually. Proof of insurance may be made by providing a certificate of insurance.

14. The Applicant(s) committed mitigation as included within the application and as more specifically defined in Volume II, Appendix C, of the Final Environmental Impact Statement shall become conditions by reference.

15. Except with respect to a collateral assignment in connection with project financing, no conditional use permit shall be transferred without the prior approval of the Board of County Commissioners. Board's approval shall not be unreasonably withheld upon good cause shown. Any transferee shall agree in writing to be bound by the terms of the Conditional Use Permit.

16. The permit holder shall provide an annual update of the progress of the WECS Project to the County Planning and Zoning Commission until construction is completed. The annual update shall include a

written summary of Project's progress and include an appearance at a regularly scheduled County Planning and Zoning Commission meeting.

17. 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.

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

1. That the Carbon County Board of County Commissioners, hereby approve the Conditional Use Permit – Commercial Wind Energy Facility (C.U.W. Case #2012-01) as certified to them in writing by the Carbon County Planning and Zoning Commission in the Ranching, Agriculture, Mining (RAM) Zone for the “Chokecherry and Sierra Madre Wind Energy Project”.
2. The Project 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. If the WECS Project is not operational within two (3) years from the date of commencement, then the conditional use permit shall expire and become null and void and be of no further effect. Commencement of construction of Project Structures, buildings and other physical assets, including roadways, of the Project shall be considered commencement of the project. For the purpose of this permit the Project shall be considered to be operational if the project is generating electricity.

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 2nd day of October, 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- Kathy Turner, Deputy Clerk

ADJOURNMENT

Commissioner Paxton moved to adjourn the meeting at 5:00 p.m. Commissioner Chapman seconded and the motion carried unanimously.

-s- Gwynn G. Bartlett, Carbon County Clerk

Approved this 16th day of October 2012

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

-s- Terry Weickum, Chairman