

**REPORT TO THE  
MINUTES OF THE BOARD OF  
CARBON COUNTY COMMISSIONERS  
REGULAR MEETING  
Tuesday, April 16, 2019  
Elk Mountain Senior Center, Elk Mountain, WY**

The regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, April 16, 2019 at the Elk Mountain Senior Center, Elk Mountain, WY. Attending the meeting were; Chairman John Johnson, Sue Jones, John Espy, Travis Moore, and Byron Barkhurst.

Chairman Johnson called the meeting to order at 2:00 p.m.

**ADDITIONS/CORRECTIONS**

There were no changes or additions to the agenda.

**VOUCHERS**

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

Commissioner Espy moved to approve the payroll costs of \$842,521.60 and benefit costs in the amount of \$210,818.99 and the regular report of expenditures in the amount of \$1,215,049.59 for an aggregate total today of \$2,268,458.18. Commissioner Moore seconded and the motion carried unanimously. This motion will be corrected with proper total on May 14, 2019 of \$161,709.00 for the main amount of bills for a grand total of \$1,215,117.59.

**CONSENT AGENDA**

Commissioner Espy moved to approve the consent agenda noting any item could be removed for further discussion. The consent agenda includes the April 2, 2019 regular meeting minutes and monthly receipts for the Road & Bridge Department in the amount of \$500.00; the Clerk of District Court Office in the amount of \$3,201.90; and the County Clerk's Office in the amount of \$16,182.33. Commissioner Barkhurst seconded and the motion carried unanimously.

**ELECTED OFFICIALS & DEPARTMENT HEADS**

**Road & Bridge**

Road & Bridge Superintendent, Bill Nation requested approval of a rental lease for the Road & Bridge shop located at 505 S. Adams Street in Hanna.

Commissioner Moore moved to authorize a Commissioner's signature on the rental lease for the Road & Bridge shop in Hanna. Commissioner Espy seconded and Commissioner Jones asked if there would be an amount for rent. Mr. Nation said there was not any rent during employment and

Commissioner Jones asked why another employee must pay rent. Chairman Johnson stated the Medicine Bow facility to be constructed will likely require rent in the two rental units depending on circumstances. He mentioned this may set a dangerous precedent and Commissioner Jones asked what was fair. Mr. Nation stated there are two rooms, a kitchenette and a very small bedroom. The space was previously meant for those living in another area of the county who would stay at the shop during their working days. He offered this to the employee and requested an executive session if anything is to be changed. The motion and second were withdrawn.

Mr. Nation reported that there was an extreme amount of snow removal in the county obviously pushing gravel off roads. Crews will be bringing roads back up to standard as they can. Mr. Nation reported he has an employee in Saratoga out and Encampment employees are covering. The architect and electrical engineer are working through the questions and changes from the recent workshop for the Medicine Bow complex. There should be a new set of plans for review and approval soon then those would be submitted to the State Fire Marshall.

Mr. Nation reported there will be a 9.51% county match of the likely \$1 million total replacement of the Savery Creek Bridge. This will be bid this summer by the state through the BROS program. The semi-annual first aid and CPR classes will be held April 24 for his entire staff.

Chairman Johnson asked about installing a speed limit on a county roads around new wind development sites and Mr. Nation stated that he can impose a new speed limit and place signs as needed for safety reasons and that he would review those roads.

Commissioner Barkhurst stated he had spoken with Mr. Nation during the last storm as there were snow banks on the sides of County Road 291. He toured the road with a landowner in the area and he was glad to hear crews will be looking at replacing gravel and crowns on roads. He mentioned this road has a lot of use from recreationalists and there is a need for improved culverts and road work. Commissioner Barkhurst asked when the road could be worked on. Mr. Nation stated there is an employee there today. Commissioner Barkhurst implored Mr. Nation to address the issue immediately.

### **Buildings & Grounds**

Buildings and Grounds Manager, Jim Piche requested approval of purchases for the Courthouse security camera upgrade adding circuit cameras as well as cameras in other areas of the building. Funding will be partially Homeland Security and WY Supreme Court grants. The total amount is \$61,652 and will also make this a digital system.

Commissioner Espy moved to approve the purchases for the Courthouse security camera upgrade in the amount of \$61,652 using Homeland Security and WY Supreme Court grants pending approval from the IT Director. Commissioner Moore seconded and IT Director, Matt Webster confirmed dispatch will still be able to access the cameras. Mr. Piche said any entity allowed could see them. The motion carried unanimously.

Mr. Piche requested approval of an engineering and design bid for the new Coroner's building from WLC Engineering in an amount not to exceed \$22,500.00 billed on a time and material basis.

Commissioner Espy moved to waive the procurement policy and authorize the Chairman's signature on the engineering and design bid from WLC Engineering not to exceed the amount of \$22,500.00 for the County Coroner's building. Commissioner Barkhurst seconded and the motion carried unanimously.

Mr. Piche presented bids for carpet for the County Jail from Interior Galore in the amount of \$11,075.00 and Woodward's in the amount of \$12,780.00. Mr. Piche recommended accepting the bid from Interior galore in the amount of \$11,075.00. He sent the bid documents to two other businesses who declined to provide a response.

Commissioner Espy moved to accept the low bid from Interior Galore in the amount of \$11,075.00 for carpet at the jail using Jail Operations & Maintenance funds. Commissioner Jones seconded and the motion carried unanimously.

Mr. Piche reported the Jeffrey Center Board has approved the installation of horse art at the center constructed by the High School arts class and to be paid for by the Downtown Development Authority (DDA). They have requested approval from the County as the building owner. There would be a standard memorandum of understanding for the installation and maintenance which would all be borne by DDA. The BOCC agreed they would like to move forward, but requested to review the MOU and place the matter on a future agenda. Commissioner Moore wanted to be sure the MOU would allow for future expansion without returning for a new or amended MOU. Commissioner Barkhurst ensured there would not be an issue with snow removal and Mr. Piche had requested a jersey barrier and didn't think it would be an issue.

## **IT**

IT Director, Matt Webster requested approval of a proposal from Spyglass to review telecommunications billings to ensure the county is being billed correctly and for lines that are operational. The county would not pay a fee, but would receive a credit refund for what we have overpaid, if anything. Spyglass receives a portion of the savings recovered. Attorney Kelly requested this be approved subject to attorney review.

Commissioner Barkhurst moved to approve an agreement with Spyglass for review of telecommunications billings pending legal and commissioner approval. Commissioner Jones seconded and Commissioner Moore said while this is prudent, would there be a savings in man hours over time after the audit. Mr. Webster stated this is a one-time audit with the payment due of 50% of the savings recovered and the county could go forward with a further timing thereafter. Mr. Webster stated he would receive in depth information about the findings that would help the county with future billing matters. The motion carried unanimously.

Mr. Webster reported that Rapid SOS was reported on today's radio news and the county just integrated this into its own E911 system with no charge as well. The system essentially allows the latest Android and iPhones to send GPS coordinates immediately to the 911 system when 911 is dialed. Undersheriff, Shawn Kelley reported this will help with search & rescue calls as well.

## **Treasurer**

Treasurer, Patty Bentsen reported that the county embezzlement was paid in full and she will reimburse the bonding company and theft insurance that paid the county previously.

## **Attorney**

Deputy Attorney, Mike Kelly reported that County Attorney Davis is working on an agreement with Memorial Hospital of Carbon County for the radio tower on the Courthouse and will present it at a future meeting.

## **Planning & Development**

County Planning Director, Sid Fox reported he prepared a Memorandum of Understanding regarding communications between the town of Encampment and the county regarding communications about land use surrounding Encampment. Essentially, the county would notify the town in a general 1 mile area around Encampment.

## **Clerk**

Clerk Bartlett requested the Chairman's signature on the Temporary Assistance for Needy Families (TANF) Community Partnership Initiative (CPI) Grant Application.

Commissioner Jones moved to authorize the Chairman's signature on the TANF/CPI Grant Application in the amount of \$51,507. Commissioner Barkhurst seconded and the motion carried unanimously.

## **PUBLIC HEARING**

Chairman Johnson opened a public hearing at 2:44 p.m. to hear a request for a new Microbrewery License for Brush Creek LLC. Public notices were published in the Rawlins Times on April 3<sup>rd</sup> and 13<sup>th</sup>, 2019.

The application is for a new microbrewery located at The Farms at Brush Creek Ranch. Clerk Bartlett reported the license can't be used until the county and state receive the TTB Brewer's Notice which the applicant has applied for with the federal government.

Chairman Johnson called for public comments for or against the license. There being none, he closed the hearing at 2:46 p.m.

Commissioner Jones moved to approve the Microbrewery License for Brush Creek LLC, which will expire August 31, 2019 effective when the Clerk and State Liquor Division receive the TTB Brewer's Notice. Commissioner Espy seconded and Commissioner Moore asked if the product would be for hospitality or for distribution. At this time, the applicant stated this is for private ranch guest use, but, in time, it could be used for distribution. The motion carried unanimously.

## **SALVATION ARMY**

Pat Jeffrey of Aspen Alley Ranch, operated by the Salvation Army, provided an activity report for 2018. He reported the numbers and activities of campers visiting Aspen Alley Ranch as well as the improvements made to the ranch, including weed mitigation, maintenance projects, and satellite installation. Mr. Jeffrey also provided a list of local businesses the ranch used as vendors in 2018.

## **PLANNING & ZONING**

### **C.U.W. Case File #2019-01: Foote Creek Rim 1 Wind Energy Facility**

Commissioner Espy moved to untable Conditional Use Case File 2019-01, C.U.W. Case File #2019-01 - Foote Creek Rim 1 Wind Energy Facility, a request for a Conditional Use Permit for a Commercial Wind Energy Facility in the Ranching, Agriculture and Mining (RAM) Zone located in Northeast Carbon County; near Arlington and primarily to the north of I-80 and west of State Highway 13. Commissioner Barkhurst seconded and the motion carried unanimously.

Planning and Zoning Director, Sid Fox stated that the main reason for tabling was the 6” reclamation proposed today. In 1995, reclamation was discussed with the Planning & Zoning Commission and that board approved special (conditional) use permits at that time. The applicant at that time, Kenetech Wind Power Inc, received a BLM letter about reclamation of only 6”. Since 1995, the State, through the Industrial Siting Commission, has adopted state standards that go through that board and their current reclamation standard is 48” below grade. Mr. Fox pointed out that their definition “satisfies the landowner or land management agency”. The application requires the applicant to provide a reclamation plan that satisfies their 48” standard.

In addition, Mr. Fox stated the applicant proposed Condition #15 in a new version of the resolution presented to the BOCC today.

Tim Hemstreet of PacifiCorp clarified that they would like to seek approval of up to 13 turbines, not just 12 and still remove the existing 68 towers. The footprint and turbines would be the same. Mr. Fox thought the BOCC could handle that request as it is not a significant increase.

Mr. Hemstreet presented the changes to the proposed resolution for C.U.W. Case File #2019-01 - Foote Creek Rim 1 Wind Energy Facility, a request for a Conditional Use Permit for a Commercial Wind Energy Facility in the Ranching, Agriculture and Mining (RAM) Zone located in Northeast Carbon County; near Arlington and primarily to the north of I-80 and west of State Highway 13. The hearing was held on April 2, 2019 at the Carbon County Courthouse, Rawlins WY.

The project currently consists of 68 turbines that would be replaced with 13 larger turbines. The applicant previously requested 12 turbines to be permitted, but is now requesting 13. The project was originally permitted in 1995 and there was not a reclamation standard in this permit. The BOCC had asked Mr. Fox and Mr. Hemstreet to address the reclamation standards discussed at the April 2, 2019 public hearing for the case and present an amended resolution.

Mr. Hemstreet reported he has met with Mr. Dunmire, a landowner with towers and resulting in that they propose Condition 15 which states “If repowering occurs and the existing turbines and roads are removed from service pursuant to this Conditional Use Permit, the Applicant shall implement land reclamation for the removed turbines and abandoned site roads on the project consistent with the Bureau of Land Management’s reclamation requirements of existing Special Use Permit #95-01 for the facility. If a landowner believes the reclamation depth is insufficient, the Applicant shall reclaim to a depth of up to 36 inches in consultation with the respective landowner”. He noted deeper reclamation also has impact with truck traffic and the like.

Chairman Johnson called for public comments.

Joan McGraw of the Medicine Bow Conservation District asked what the new reclamation depth proposed today is. Chairman Johnson stated that the landowner could require reclamation up to 36” and this would be private and BLM landownership. She also pointed out the seed mixtures proposed in the original plan of development from 1997 would not grow at 6” with a concrete floor underneath.

Les Dunmire, landowner of this project reported that when the High Plains project was constructed there was 10,000 deeded acres where turbines were installed including road and other disturbances. During that construction, he was concerned because of the disturbance; however, 3 years later those areas had better grass than the original pieces. In consultation with the project owner, the company did what was needed to regrow where grass and other plants were not growing and they also sprayed for weeds. He mentioned that the area of this particular project is not very large; therefore, if any grasses grow it would be an improvement as the ridge in question is already desolate and windy with not much growth.

Steve Bumeer asked if the question at hand is what reclamation standard should be met, a standard of 1995 or a current standard. Chairman Johnson agreed that yes, this is the stumbling point as the initial proposal was 6” and the applicant is now proposing a current BLM standard of 3 feet. He stated 3 feet is a reasonable compromise in his opinion. He added that this is Foote Creek 1 and there are 2, 3 and 4 and stated if the repowering is successful then projects 2-4 would likely progress in the same manner.

Mr. Hemstreet noted there will be more than turbine paths reclaimed such as roads and other areas off Foote Creek rim but only turbine pads are being proposed at 36” now. Ms. McGraw stated the District supports 3 feet of reclamation.

Commissioner Espy stated he is more comfortable now with the proposed 3 feet and thanked the applicant for coming back with a fair proposal. The other BOCC members agreed. Chairman Johnson stated the language proposed gives him pause as he doesn’t feel the proposed condition is worded appropriately. He feels the condition should not be up to the landowner and simply require 3 feet because it still could be reclaimed at 6” with the proposed wording. A landowner may want less disturbance and the applicant thought the proposed wording would allow a lesser depth than 3 feet. Chairman Johnson proposed a simple 3 feet reclamation depth. Mr. Hemstreet prefers the proposed wording noting he didn’t feel this project sets a standard and is unique being

the first of its kind. Mr. Hemstreet stated there are four landowners involved. Commissioner Espy likes the 3 feet standard and believes landowners need protection for future generations.

Attorney Kelly suggested new language of : If repowering occurs and the existing turbines are removed from service ~~and roads are removed from service~~ pursuant to this Conditional Use Permit, the Applicant shall ~~implement land reclamation for the removed turbines and abandoned site roads on the project consistent with the Bureau of Land Management's reclamation requirements of existing Special Use Permit #95-01 for the facility. If a landowner believes the reclamation depth is insufficient, the Applicant shall~~ reclaim to a depth of up to 36 inches ~~in consultation with the respective landowner.~~

Mr. Dunmire didn't feel like the BOCC should dictate what he could do on his deeded land and would be more comfortable with negotiation of a different depth on his own. Commissioner Barkhurst stated he agrees however the applicant is requesting a "conditional" use wind permit and the old wording of 6" was taken out of context in his opinion. He then read the original reclamation language and he feels the language provides the BOCC the authority to implement a reclamation depth and he would like to see 3 feet.

Ken Casner stated that public land issues are big issues and Mr. Dunmire has deeded land; therefore he feels, as a member of the public, he thinks all parameters have to be looked at and suggests leaving 3 feet.

Commissioner Jones rescinded her motion from last meeting to approve Resolution 2019-10. Commissioner Espy rescinded his second as well and the motion is dead.

Commissioner Jones moved to approve Resolution No. 2019-10 A Resolution of the Board of County Commissioners of Carbon County, Wyoming Adopting the Recommendation of the Planning & Zoning Commission for C.U.W. Case File #2019-01 - Foote Creek Rim 1 Wind Energy Facility changing condition #15 to a reclamation depth of 36" and allowing for installation of 13 turbines. Commissioner Espy seconded and the motion carried unanimously.

### **Resolution No. 2019 – 10**

**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 #2019-01**  
**Commercial Wind Energy Facility**

### **"FOOTE CREEK RIM 1 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 5.9 – Wind Energy Facilities-Overlay District of the Carbon County Zoning Resolution of 2015, as amended 03/06/2018, the Carbon County Planning and

Zoning Commission held a public meeting on Monday, March 4, 2019, 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 2015, as amended 03/06/2018, specifically, Section 5.9 – Wind Energy Facilities-Overlay District (Item #14, Part 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 5.9 and W.S. §18-5-506. The notice, published in the Rawlins Times on February 13, 2019 and March 6, 2019, and in the Saratoga Sun on February 13, 2019 and March 6, 2019, 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 5.9(14) (D), the Applicant did submit affidavits of public notice in their application for Conditional Use Permit prior to the Board’s hearing. In addition, the County prepared a notice and published said notice in in the Rawlins Times on February 6, 2019, and in the Saratoga Sun on February 6, 2019, 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; 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 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 Foote Creek Rim 1 Wind Energy Project will be constructed. Said notice included a statement of the applicants intention to construct the Foote Creek Rim 1 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; and

**WHEREAS**, the Carbon County Board of County Commissioners, pursuant to Section 5.9 – Wind Energy Facilities-Overlay District of the Carbon County Zoning Resolution of 2015, as amended 03/06/2018, 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, April 2, 2019; 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**, at the conclusion of the April 2, 2019, public hearing, the Carbon County Board of County Commissioners tabled this case file until April 16, 2019, the Conditional Use Permit Application to provide more time to evaluate the reclamation standard. The Board of County Commissioners continued the public hearing on Tuesday, April 16, 2019; 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 2015, as amended 03/06/2018, specifically, Section 5.9 – Wind Energy Facilities-Overlay District; and

**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 #2019-01:** Request for a Conditional Use Permit for a Commercial Wind Energy Facility in the Ranching, Agriculture and Mining (RAM) Zone. The request is to allow the applicant (PacifiCorp) to repower the “Foote Creek Rim 1 Wind Energy Facility” (Project).

**Project Description:** Currently the Project consists of 68 wind turbines and 69 pad sites. The applicant plans to replace the 68 wind turbines with 13 new turbines. The Project includes all associated components and facilities that are necessary to generate electricity and deliver electricity to the transmission grid.

- The existing O&M/control building, maintenance yard(s), staging yard(s), storage area(s), and related facilities and equipment will remain unchanged.

**Legal Description:**

**TOWNSHIP 19 NORTH, RANGE 78 WEST, CARBON COUNTY, WYOMING:**

SEC 5

SEC 6--BLM

SEC 7

SEC 18--BLM

SEC 19

**Applicant:** PacifiCorp

**General Location:** Northeast Carbon County; near Arlington and primarily to the north of I-80 and west of State Highway 13.

**CONDITIONS OF APPROVAL:**

1. Conditional Use Permit is granted for up to 13 wind turbines and accessory uses as generally described in the application and as modified during the public hearing process. 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.
2. 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. 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.

3. The Applicant(s) shall submit a copy of all subsequent Federal and State approvals, including all required studies, reports and certifications prior to the issue of any applicable building permits.
4. All structures proposed within the application area require a building permit. Multiple WECS Towers 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. Project structures other than WECS Towers 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.
7. 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.

8. 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.
9. If there are any variations in the Project's construction which would materially impact the updated Emergency Response Plan, the Emergency Response Plan shall be supplemented and revised following construction of the WECS project and submitted to the County Sheriff and Emergency Management Coordinator.
10. 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 or after the completion of any significant additional construction.
11. 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.
12. 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.

13. 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.
14. 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.
15. If repowering occurs and the existing turbines are removed from service pursuant to this Conditional Use Permit, the Applicant shall reclaim the existing foundations to a depth of up to 36 inches.

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

That the Carbon County Board of County Commissioners hereby approves the Conditional Use Permit – Commercial Wind Energy Facility (C.U.W. Case #2019-01) as certified to them in writing by the Carbon County Planning and Zoning Commission in the Ranching, Agriculture and Mining (RAM) Zone for the “Foote Creek Rim 1 Wind Energy Project”.

**Expiration of Permit:**

The Foote Creek Rim 1 Wind Energy Project must be commenced within two (2) years from the date of approval. If the WECS Project is not commenced within two (2) years from the date of approval, and no authorized extension granted, 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 (2) years from the date of commencement, or any authorized extension, then the conditional use permit shall expire and become null and void and be of no further effect. For the purpose of this Section, commencement of construction of Project Structures, buildings and other physical assets, including roadways, of the WECS Project shall be considered commencement of the project. The Foote Creek Rim 1 Wind Energy Project shall be considered to be operational if the project is generating electricity.

**Extension of Permit:**

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

extensions, from the Board, with such total extension period not to exceed forty-eight (48) months. The Board shall promptly consider the application for the extension and either allow it or deny it. Requests for subsequent extensions of the permit shall first be presented to the Commission no later than ninety (90) days prior to the expiration of the permit or any previously granted extension. The Commission shall recommend either approval or denial of the extension of the permit. The recommendation of the Commission shall be considered by the Board at the next regular meeting of the Board. No permit shall expire during the time the decision on the extension is being considered.

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 16th of April, 2019.

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

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

Attest:  
Gwynn G. Bartlett, Carbon County Clerk

**COMMISSIONER DISCUSSION**

Commissioner Jones reported an independent fee estimate must be done for the Dixon Airport master plan. She provided the name of a firm that could provide this for the county using the scope of work and applying costs so the county can compare these costs to the proposed fee. The estimate will cost \$2,500 and is grant eligible and she should receive this back in the next couple weeks.

Commissioner Moore enjoyed the public response in the special purpose tax open house at the Library last night and at today's senior center lunch. He mentioned there is a public forum at the Carbon County Higher Education Center next week and he encouraged the public to attend to find out more.

**EXECUTIVE SESSION**

Commissioner Espy moved to go into executive session with Mike Kelly, Bill Nation and Clerk Bartlett to discuss personnel, potential litigation and other matters considered confidential by law at 4:03p.m. Commissioner Moore seconded and the motion carried unanimously.

Commissioner Espy moved to come out of executive session at 4:38 p.m. noting no action was taken and the minutes be signed and sealed as written. Commissioner Moore seconded and the motion carried unanimously.

**ADJOURNMENT**

Commissioner Espy moved to adjourn the meeting at 4:41 p.m. Commissioner Moore seconded and the motion carried unanimously.

A budget workshop will be held May 21, 2019 at 10:00 a.m. at the Encampment Opera House, Encampment, WY followed by a regular meeting of this Board at 2:00 p.m. A second budget workshop will be held May 20, 2019 at 8:30 a.m. at the Carbon County Courthouse, Rawlins WY. The public is invited to attend or you can listen online at the website listed below. To get on the agenda, call the Clerk's Office by the Thursday before the meeting. Per Wyo. Stat. §18-3-516(f), access to county information can be obtained at or by calling the Clerk's Office at (307) 328-2668 or 1-800-250-9812.