

**MINUTES OF THE BOARD OF
CARBON COUNTY COMMISSIONERS
JOINT WORK SESSION WITH CARBON COUNTY
PLANNING & ZONING COMMISSION
Monday, October 31, 2011
Carbon Building, Rawlins, Wyoming**

A joint work session with the Board of Carbon County Commissioners (BOCC) commenced Monday, October 31, 2011 at the Carbon Building in Rawlins, Wyoming. Attending the meeting were Chairman Terry Weickum; Vice Chairman Jerry Paxton; Commissioner Leo Chapman; Deputy County Attorney Mike Kelly; Planning Director Sid Fox; Planner/GIS Specialist Thomas Powell; and Deputy Clerk Kathy Turner. Also present were Carbon County Planning & Zoning Commission (P&Z) Legal Counsel James Bell and P&Z Chairman Troy Maddox. P&Z members Richard Wilson and Chad Pickett joined the meeting later and Barry Bryant and Shorty Ballard were absent.

Cathy MacPherson was also in attendance representing the Power Company of Wyoming.

The work session began at 9:30 a.m.

COMPREHENSIVE LAND USE PLAN

Sid Fox stated it was the general consensus of P&Z and the BOCC that we take a closer look at the county Comprehensive Land Use Plan (Plan) to beef up the public lands section. He stated that the direction they wanted to take on the Plan was to emphasis the importance of maintaining multiple uses of public lands and stated there have been discussions about Federal land agencies going in a different direction on the multiple use concepts. Mr. Fox emphasized county participation in the Federal land use permitting processes and that the county has been involved in Environmental Impact Statements, conference calls, meetings and will attend a plan of development meeting for Transwest Express (TWE). He stated the third point is potential impact of Federal land use decisions on the local economy.

Mr. Fox advised he did not change anything but tried to incorporate the changes in the current format. Chapter 7, Future Land Use they added a discussion on Considerations Relative to Public Lands and Chapter 9, Implementation and County Zoning they added Coordination with Federal Government – BLM and USFS. He stated it is straight forward in his mind and at the last meeting, Commissioner Paxton asked that they take a look at the Sublett County plan which has been done and they have the same concept that we have. He asked for the P&Z and BOCC's general buy-in of these changes with public notice in December and public hearing in January or February.

There was a discussion about the social economic impacts regarding the projects proposed by the Bureau of Land Management (BLM) and the holes the county has with the BLM. Commissioner Paxton stated another issue is the lands with wilderness characteristics that do not go through the congressional process to create a wilderness area and the BLM automatically starts managing the land. Commissioner Paxton asked how do we prevent the BLM from locking up areas of land as we have no recourse. Mr. Fox advised they are required to look at the local use plans as their

federal review process and we are addressing the concerns incrementally and forward the concerns with the county participation.

Richard Wilson joined the meeting at 9:46 a.m.

There was further discussion of the Comprehensive Land Use Plan proposed amendments and it was noted that on page 5 of the handout, goal number 9 should read goal number 7.

Chad Pickett joined the meeting at 9:50 a.m.

Cathy MacPherson stated that she agreed with the comments about working with the BLM and it is too bad that they don't consider the county and the impact their decisions make on the county and their citizens. Chairman Weickum stated that he just wished the county's presence was more effective and Commissioner Paxton agreed.

There was a discussion about land with wilderness characteristics and wilderness study areas. Commissioner Paxton stated he would like to add a statement that only lands designated by Congress as wilderness areas would be considered as wilderness areas by Carbon County and other counties are doing this. Mr. Fox stated he will do his homework on this and asked if this is the type of issue that the new attorney for the County Commissioners Association will be working on and Commissioner Paxton replied this will be an issue high on the attorney's priority list.

Mr. Fox summarized that concerning the proposed amendments it is a consensus of the group to proceed with the language as proposed for formal public notice and public hearing around the first of year and in the meantime continue to work on adding some language concerning Federal policy on lands with wilderness characteristics and how that is managed and encouraging public notice and participation in that process.

RECESS

A recess was called at 10:13 a.m. and the meeting reconvened at 10:29 a.m.

CITY / COUNTY JURISDICTION

P&Z Legal Counsel James Bell stated that at the last meeting with the BOCC and P&Z, he was asked to give an outline of the statutes that affect extraterritorial jurisdiction of cities, towns and counties. He stated that just because they are statutory authority for cities and towns to exercise extraterritorial jurisdiction, they don't have to but if they do and there is an issue whose laws and ordinances govern it will be cities' and towns' laws that trump the county because the cities and towns are given the authority to go beyond their boundaries to enact ordinances and enforce them. He advised that the statutes that affect P&Z are statutes 15-1-503 that talks about master plans that the BOCC has to approve their master plan and the same with 34-12-103 if a subdivision is within one mile of the municipal boundary, the BOCC and P&Z has to approve.

Mr. Bell stated another one that could impact the county is assuming a city or town wanted to exercise the authority directly, first class cities and towns can adopt any municipal ordinance that will affect ½ mile beyond the boundary. Mr. Bell stated he thinks Rawlins is a first class city which is based on population. He advised cities and towns have the authority to regulate and

impose ordinances on their water wells or reservoirs that supply the town with water. There was a discussion of land ownership and uses of the land outside of the city limits and who would control the land. Mr. Fox stated it would depend on who has land use jurisdiction unless there is an intervening agreement that exists. There was a discussion on the types of agreements and existing utilities at Skyline Acres.

SKYLINE ACRES INDUSTRIAL SUBDIVISION

Mr. Fox updated the P&Z on the clean up of Skyline Acres. He advised Skyline Acres is zoned as heavy industrial. He introduced Gwynn Bartlett, County Clerk who has been involved in the property, Leroy Graham, County Building & Grounds Manager has been involved in the clean up and Cindy Wallace, Executive Director of the Carbon County Economic Development Corporation will have an important role in the future.

Mr. Graham advised that Brisco was the contractor who did the cleanup and did an excellent job. He provided a list of what Brisco hauled off and where it went. He advised the Environmental Protection Agency (EPA) was in last week and did their soil testing, surface testing and drilled approximately thirteen different locations. He advised the EPA talked to the landowners in the area and allowed them to take water samples. He advised Road and Bridge came in and did some cleanup, leveled and seeded the property. Commissioner Paxton stated it was a lot of work to get from where we were and it took the County Attorney's Office, Clerk, Road and Bridge and a lot of people in the county to work cooperatively to get the job done and noted that Clerk Bartlett was the coordinator of the project. Chairman Weickum also thanked everyone and stated they should be proud of themselves for getting rid of that mess and Commissioner Chapman agreed.

Commissioner Paxton asked how soon we will know if there are any environmental issues associated with the surface and Clerk Bartlett stated about one month. Commissioner Paxton stated that will determine where we go next assuming there are no environmental issues then we have a wide open door of where to go and how the land is best suited and a lot of decisions will need to be made.

Mr. Fox noted that some of the larger questions are jurisdiction and involvement and future land ownership options and noted that Skyline is right on the one half mile boundary. There was a discussion on land uses, ownership, land purchases and exchanges. Mr. Fox advised the options are some type of enforcement and right-of-way and some type of amortization and we could mitigate it in place by building a fence and landscaping for the interim. Ms. Wallace stated it would have to be determined if the county wants to lease or own the property.

Clerk Bartlett advised she has contacted a contractor about getting water and sewer to the property and can submit a grant application for this which is due in March. She advised this grant would require about a 50% match from the county. She noted that if the land will be turned over to the city she is concerned whether she should pursue this. Commissioner Paxton stated that if we continue the process to secure utilities this would be the right decision and would set up future development. Ms. Wallace stated that she has talked to Rocky Mountain Power and power is available.

Commissioner Paxton stated he would be in favor of an engineering study to investigate the potential of putting in water and sewer. Ms. Wallace advised the land to the east has 53.8 acres

and she has talked to the landowner and he would be interested in further developing his property as well for a potential of 83 total acres. Commissioner Paxton stated he would like the county to maintain ownership and take this to the point that we have the engineering study on the utilities and make the decision of whether the county has the resources to proceed and look at P&Z to see what their ideas are.

Mr. Fox discussed the proposed zone changes of Skyline Acres that would be suitable for commercial and light industrial development. There was a discussion of the property being used as a business park and Chairman Weickum voiced his concern about the property being close to the interstate. Ms. Wallace stated she has had interest in the property. Chairman Weickum stated that rules would need to be set for the buffer zone and Mr. Fox advised business park and highway commercial zones are defined in the Plan. There was further discussion about a business park or maybe a housing development.

Commissioner Paxton asked what the cost would be for an engineering study and Clerk Bartlett advised she contacted an engineer to find out where the utilities currently are and the cost to get them over to Skyline. Mr. Graham discussed the water lines that are currently installed in the area. Chairman Weickum stated that maybe the city should be involved to see if this property is something they would want. Commissioner Paxton discussed having the EDC involved and to have the county maintain ownership so it will operate in a reliable and efficient way.

Chairman Weickum advised that additional information is needed at this time before any decisions can be made. Ms. Wallace asked if the BOCC would like to have a meeting with the city and Chairman Weickum replied that Ms. Wallace could contact the city for their ideas.

Chairman Weickum asked Cathy MacPherson if she was here because she had some concern about the works that are going on here and asked if she could share that with us so we can make sure to address that. Ms. MacPherson stated she was here for the Power Company of Wyoming and they were actively involved in the original Plan that was developed and she was asked to come and observe. As a general comment she stated that it is nice to see that the county did not just develop a Plan to sit on a shelf which often times happens and no one pays attention until there is a crisis. She stated it is nice to see that Carbon County is being aggressive in terms of keeping an eye on that Plan and being involved with it and thanked everyone for their hard work in terms of getting Skyline cleaned up. She further stated it is nice to see that the county is looking in a progressive positive way to address some needs in Carbon County.

CODE AMENDMENTS

Mr. Fox stated that a couple months ago he developed some affidavits intended to be used with subdivision exemptions. He advised that when they issue building permits it is in the code that they issue the permits on legally subdivided parcels and properly zoned parcels and it is sometime difficult to determine if it is a legally subdivided parcel so they rely on the county subdivision code and stated it is somewhat out of date. He discussed the statutory exemption that was handed out and stated Carbon County's subdivision exemption provisions have not been updated for a while and one purpose is to bring the exemption provisions up to compliance with the existing state statues and the second purpose is that the affidavit is in conformance with the code. There was a discussion of the proposed exemptions from subdivision regulations and legal family subdivisions. Mr. Fox advised that the staff is proposing to provide a checklist. The BOCC confirmed that since the state laws have changed since a subdivision has been put in, we

need to make certain that our regulations are copasetic with state statute and that we have a process that checks to make sure it qualifies under that statute. Mr. Fox explained the process they are proposing.

Thomas Powell discussed an example of a family exemption that was not legally divided. Mr. Bell noted this is a particular problem for the BOCC to impose some way for the county to track these subdivisions and there was a discussion of the proposed process. Mr. Bell advised he will contact a title insurance company to see if an affidavit should be filed of record or a permanent record be filed in the Planning Office. There was further discussion about documenting these subdivisions. Mr. Fox stated that one of the directives of the Plan is to update and streamline administrative procedures.

There was a discussion on conservation easements and Mr. Bell advised when you do a conservation easement you sell your development rights to another party.

Mr. Fox confirmed that what he is hearing is to proceed with the code amendments as discussed and to go through the same process with public notice and public hearing.

Mr. Fox discussed his proposed zoning variances such as set backs and he copied most of Sublett County's procedure on variances and appeals. He stated his intent was to clarify the variance procedure and that it really doesn't change from an administrative prospective. He discussed the appeal process and advised it does clarify the variance standards and provides clearer direction on how to process variance applications.

Chairman Weickum stated that since the county hired Mr. Fox, Mr. Powell, Mr. Bell and a new zoning board that works very hard, it has really been exciting to see things not be so controversial but yet making progress and he applauds all of them for that.

Mr. Fox advised he did not put large acreage subdivisions on this work session agenda as it was premature and dropped it off of the priority list.

ADJOURNMENT

Chairman Weickum adjourned the meeting at 12:42 p.m.

-s- Gwynn G. Bartlett, Carbon County Clerk

Approved this 15th day of November 2011

BOARD OF COUNTY COMMISSIONERS
CARBON COUNTY, WYOMING

-s- Terry Weickum, Chairman