

**REPORT TO THE
MINUTES OF THE BOARD OF
CARBON COUNTY COMMISSIONERS
REGULAR MEETING
Tuesday, April 3, 2018
Carbon County Courthouse, Rawlins, WY**

The regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, April 3, 2018 at the Carbon County Courthouse, Rawlins, WY. Attending the meeting were; Chairman John Johnson; Commissioners Leo Chapman, Bob Davis, John Espy and Sue Jones.

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

ADDITIONS / CORRECTIONS

There were no changes to the agenda.

VOUCHERS

Commissioner Chapman moved to approve the report of expenditures in the amount of \$178,643.45. Commissioner Jones seconded and the motion carried unanimously.

ALBRECHTSON, MARY KAY	\$225.00	BAILIFF FEES
ALSCO, AMERICAN LINEN DIVISION	\$194.36	SHOP SUPPLIES
BAGGS, TOWN OF	\$150.00	FEB 2018 RENT
BANGS, DANIELLE	\$48.37	MILEAGE/MEALS
BEST WESTERN COTTONTREE	\$93.00	WITNESS LODGING
BIGGS, GLENN	\$117.00	MILEAGE
BI-RITE SPORTING GOODS	\$369.98	GPS/MAP
BLACK HILLS ENERGY	\$17,974.93	HEATING FUEL
BLAKEMAN PROPANE	\$756.88	HEATING FUEL
BOB BARKER COMPANY, INC.	\$272.38	JAIL SUPPLIES
BOMGAARS SUPPLY	\$39.99	SNIPS
BROWN, AMANDA	\$53.96	COMMUNITY BABY SHOWER SUPPLIES
BUFFALO RUN RESIDENTIALS	\$658.00	202 WEST BUFFALO #3A
BUILD RITE LUMBER SUPPLY	\$1,624.21	BUILDING REPAIR SUPPLIES
BULBS.COM	\$847.34	LIGHTING SUPPLIES
CARBON COUNTY FAIR ASSOCIATION	\$160.00	BANNERS
CARBON COUNTY LAW LIBRARY	\$240.00	2018 MEMBERSHIPS
CARBON COUNTY SENIOR SERVICES	\$47,500.00	QUARTER 3 PAYMENT
CARBON COUNTY VETERINARY HOSPITAL	\$48.71	EXAMINATION
CASPER WINNELSON CO	\$505.87	REPAIR SUPPLIES
CBM FOOD SERVICE	\$7,192.29	JAIL MEALS
CDW GOVERNMENT, INC.	\$632.95	IT SUPPLIES

CHEMATOX, INC.	\$574.80	TESTING SERVICES
CIVIC-PLUS	\$2,650.00	ANNUAL WEB HOSTING & SUPPORT
DALLIN MOTORS INC	\$8,305.02	VEHICLE REPAIRS
DAVIS, ASHLEY	\$42.00	SCWEMS MEETING MILEAGE
DELEON, JOHN	\$2,358.00	LEGAL SERVICES
DIRTY BOYZ SANITATION, INC	\$660.00	TRASH SERVICES
DIXON, TOWN OF	\$308.00	WATER
DJ'S	\$564.17	GLASS REPAIRS
DRUMMOND REFRIGERATION LLC	\$255.00	EQUIPMENT REPAIR
DUBOIS TELEPHONE EXCHANGE	\$785.08	PHONE SERVICES
E-Z LIFT GARAGE DOORS	\$250.00	DOOR REPAIR
FATBEAM LLC	\$5,244.75	IT INTERNET & WEBSITE
GALLS/QUARTERMASTER	\$185.00	UNIFORM SUPPLIES
GRAINGER	\$470.30	REPAIR SUPPLIES
HIGH PLAINS POWER	\$400.62	ELECTRIC SERVICE
HONNEN EQUIPMENT	\$979.24	FILTERS
INTERIOR GALORE	\$170.00	EPOXY GLUE
INTERMOUNTAIN LOCK & SECURITY	\$297.00	REPAIRS
INTERNATIONAL ACADEMICS OF EMERGENCY	\$5.00	MAIL IN QUIZ
INTERSTATE ALL BATTERY CENTER	\$150.80	BATTERIES
J H KASPAR OIL COMPANY	\$136.09	OIL/ANTIFREEZE
JOHNSTON, RANAE	\$18.50	MILEAGE
KENCO SECURITY AND TECHNOLOGY	\$37.00	MONITORING SERVICES
KILBURN TIRE COMPANY	\$401.95	TIRES
KING SOOPERS CUSTOMER CHARGES	\$10.33	JAIL SUPPLIES
LONGRESS, JACK	\$99.00	MILEAGE
MACPHERSON, KELLY & THOMPSON, LLC	\$127.50	LEGAL SERVICES
MILLER, CORINNE	\$126.00	MILEAGE
MOORE MEDICAL CORP.	\$317.35	JAIL HEALTH SUPPLIES
MUNIMETRIX SYSTEMS CORPORATION	\$239.94	IMAGESILO FEES
MURANE & BOSTWICK, LLC.	\$32.00	LEGAL SERVICES
MY OFFICE ETC.	\$363.35	OFFICE SUPPLIES
NATIONAL SHERIFF'S ASSN	\$115.00	NSA MEMBERSHIP
PARTSMASTER	\$1,345.03	R&B SUPPLIES SHOP
PERKINS OIL CO	\$15.63	FUEL
PLUS ELECTRIC INC.	\$10.08	CORD
QUILL CORPORATION	\$1,297.13	OFFICE SUPPLIES
RAWLINS AUTOMOTIVE	\$90.83	VEHICLE MAINTENANCE SUPPLIES
RAWLINS EYE CARE	\$230.00	VISION SERVICES
RAWLINS, CITY OF	\$1,699.80	WATER
RICOH USA INC	\$318.57	PER CLICK CHARGES
RICOH USA, INC	\$8,666.26	LEASE PAYMENTS

ROBINSON, DAVID	\$13.65	SHIPPING REIMBURSEMENT
ROCKY MOUNTAIN POWER	\$11,173.77	ELECTRIC SERVICE
RODABAUGH, SHERRY	\$225.00	BAILIFF FEES
SARATOGA AUTO PARTS, INC.	\$144.99	HERCULINER/FUEL FILTER/BRUSH
SARATOGA LUMBER & SUPPLY	\$382.85	INTERIOR/STAIRS & RAILS
SCHERMETZLER, SHEELA M ED.S.	\$2,161.97	NEEDS ASSESSMENT MAR 16
SLOW AND STEADY LAW OFFICE, PLLC	\$385.00	LEGAL SERVICES
SOUTH CENTRAL WY EMS	\$11,250.00	QUARTERLY PAYMENT
STAPLES ADVANTAGE	\$315.77	JAIL SUPPLIES
STATE OF WYOMING A & I	\$4.43	MAINFRAME ACCESS
STODDARD, CURTIS T.	\$723.00	DENTAL SERVICES
THOMSON REUTERS-WEST PAYMENT CENTER	\$707.72	MONTHLY CHARGES
THOS. Y. PICKETT & CO., INC.	\$11,815.00	FINAL INSTALLMENT VALUATION CONTRACT
TREVATHAN, SABRINA RMR	\$3,011.20	TRANSCRIPTION SERVICES
TRUE VALUE OF RAWLINS	\$31.55	VEHICLE REPAIR ITEMS
TYLER TECHNOLOGIES, INC	\$275.63	WEB HOSTING FEES
UINTA COUNTY SHERIFF'S OFFICE	\$50.00	PROCESS COSTS
UNION TELEPHONE COMPANY	\$1,719.86	PHONE SERVICES
VASSOS, LARRY L	\$450.00	EXPERT WITNESS FEES
VERIZON WIRELESS	\$253.29	CELL PHONE SERVICE
WESTERN WATERWORKS, INC.	\$2,128.00	INTERIOR/SAND FILTER
WEX BANK	\$350.26	FUEL
WILKERSON, JAMES A IV M.D.	\$1,175.00	AUTOPSY SERVICES
WRECK-A-MEND	\$275.00	WINDSHIELD REPLACEMENT
WY DEPT OF TRANSPORTATION	\$50.00	836000104D0630 RENEWAL
WY MACHINERY COMPANY	\$9,285.87	EQUIPMENT REPAIRS
YOUNG, CHARLES MD	\$200.00	MEDICAL SERVICES
ZIRMED, INC	\$27.30	CLAIMS PROCESSING
Grand Total	\$178,643.45	

CONSENT AGENDA

Commissioner Espy moved to approve the consent agenda which includes the March 20, 2018 regular meeting minutes; Planning & Zoning receipts for March 2018 for \$5,460.00, and notice of valuation changes in the amount of -\$848.00. Commissioner Jones seconded and the motion carried unanimously.

Sheriff

County Sheriff Archie Roybal and Gary Keil presented the National Crime Victim's Rights Week, April 8-14, 2018 and the Chairman read the proclamation.

Commissioner Chapman moved to proclaim April 8-14, 2018 National Crime Victim's Rights Week and authorize the Chairman to sign the proclamation. Commissioner Davis seconded and the motion carried unanimously.

PROCLAMATION

National Crime Victim's Rights Week
April 8 – 14, 2018

Whereas, we acknowledge that individuals and communities in America are affected by more than 20 million crimes committed each year;

Whereas, we acknowledge that reaching and serving victims of all crimes is essential to supporting thriving communities;

Whereas, we must make a dedicated effort to expand the circle of those prepared to respond to victims and link them to the resources that can help them recover;

Whereas, the Carbon County Sheriff's Office Victim/Witness Program is dedicated to "Expand the Circle, Reach All Victims" to ensuring that victims of all crime are afforded their rights and receive a trauma-informed response;

And THEREFORE, BE IT RESOLVED, the Board of Carbon County Commissioners does recognize the week of April 8 through April 14, 2018 as

National Crime Victims' Rights Week;

And reaffirm the Board of Carbon County Commissioners' commitment to creating a victim service and criminal justice response that assists victims of all crime during National Crime Victims' Rights Week and throughout the year. Dated this 3rd day of April, 2018.

BOARD OF CARBON COUNTY COMMISSIONERS

-s- Willing John Johnson, Chairman

ATTEST:

-s- Gwynn Bartlett, Carbon County Clerk

Sheriff Roybal requested and received authorization to refill an open patrol deputy, dispatcher and requested authorization for an additional deputy in the Hanna, Elk Mountain, Medicine Bow area using impact assistance funds.

Commissioner Chapman moved to approve the bid process for a sheriff's vehicle for the Hanna, Elk Mountain, Medicine Bow area contingent upon collection of Boswell Springs impact assistance funds. Commissioner Espy seconded and the motion carried unanimously.

Certifications of Recommended Action

Commissioner Espy moved to accept the Certification of Recommended Action from the Carbon County Planning & Zoning Commission for C.U. Case File #2018-07 – Williams and Southland Royalty Company, LLC a request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone District – to permit a natural gas utility processing and compressor station on approximately 20.32 acres approximately 3 miles east of WY Hwy 789; C.U. Case File 2018-06, -Verizon Wireless and Craig Jones request for a Conditional Use Permit request for a telecommunications tower up to 199 feet tall and related facilities in the Ranching, Agriculture and Mining (RAM) Zone District on a parcel of land approximately 0.4 miles east from the intersection of East Main Street and Carbon County Road 3 (Elk Mountain and Medicine Bow Road); Replat Sub Case File #2018-01 – Ryan Park a request for Replats of the Ryan Park 4th Addition Replat the purpose to enlarge existing lots and vacate and re-establish the necessary access, utility and drainage easements to more accurately reflect the location of such improvements as currently exist on the ground; and Z.C. Case File #2018-01 Rick and Shelly Seldomridge request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Limited Industrial (IL) Limited Industrial provides for a mix of manufacturing, storage, warehousing and office space with limited retail and service uses located approximately 2 miles east of Rawlins; south of I-80 and north of Hwy 76 and schedule a public hearing for May 1, 2018 at 11:15 a.m. Commissioner Jones seconded and the motion carried unanimously.

Buildings & Grounds

Building Manager Jim Piche reported bids are out for the addition to the Carbon County Youth Crisis Center. The custodial contract will expire July and he asked if the BOCC should put this out for bid. The BOCC asked him to put this out for bid per the county's procurement policy.

Road & Bridge

Bill Nation, Road & Bridge Superintendent presented a road use agreement for County Road 121, Ekola Bridge Replacement as Pacificorp has agreed to ten conditions as requested by him. The signature was authorized at the last BOCC meeting however Mr. Nation presented an original for the Chairman's signature today.

Mr. Nation reported there is a preconstruction meeting tomorrow with W.W. Clyde for the Sage Creek Road who will pave 33 miles of County Road 401 by December 2018. Two new blades have been delivered and will soon be operational in Encampment and Saratoga.

Commissioner Davis asked about culverts on the Dad/Wamsutter road noting a constituent called him about this. Mr. Nation reported this is a manmade issue by diverting Muddy Creek and two culverts are needed to fix the issue. Mr. Nation feels the LSR Conservation District should fix

the issue and he has numerous calls into their Director Larry Hicks and has offered cost share of the county contributing the culverts if Mr. Hicks can install them.

Clerk

County Clerk, Gwynn Bartlett discussed how to divide impact assistance funds from the Boswell Springs Project. The BOCC opted to pay out monthly percentages over the entire payment schedule.

Clerk Bartlett reported TB Flats Wind Energy LLC has filed its industrial siting application with the WY Department of Environmental Quality last week. The county will now need to meet the primarily affected agencies to determine a potential impact assistance funding split.

Commissioners

Commissioner Espy noted that he recused himself from the discussion on radios due to a personal conflict. Mr. Nation provided an update on the Maintenance Contract for radios noting that he, John Rutherford, Archie Roybal and Chairman Johnson met with Greg Ryan about the current radio contract. There has been one radio budget in the past and the group will propose separating out the radio budgets to each department's budget. They feel Yancey Allison has the ability and skill and knowledge to continue a similar contract with the county in the future. The group also proposes that Mr. Allison will lease the towers and include that cost in a contract.

Commissioner Chapman moved to authorize the chairman's signature on the letter to the Department of Environmental Quality to Become a Party to TB Flats Wind Energy Project Industrial Siting Application. Commissioner Espy seconded and the motion passed unanimously.

EXECUTIVE SESSION

Commissioner Espy moved to go into executive session at 9:41 a.m. with Ashley Davis and Gwynn Bartlett to discuss personnel, potential litigation and other matters considered confidential by law. Commissioner Davis seconded and the motion carried unanimously.

Commissioner Espy moved to come out of executive session at 10:05 a.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Chapman seconded and the motion carried unanimously.

Public Health

Amanda Brown, Public Health Nurse noted Public Health Week is the first week of April annually.

Wyoming Supreme Court

Circuit Court Judge Susan Stipe introduced Justice Keith Kautz, Guy Cameron, Director of Homeland Security, District Court Judge Dawnessa Snyder and others to discuss courthouse

security funding. Judge Stipe discussed some security advancements that the buildings & grounds department has made since last month's Courthouse Security meeting.

Justice Kautz reported that the state's Courthouse Security Commission (CSC) recently met and that Carbon County's Courthouse Security Assessment was reviewed. The legislature provided \$400,000 to a fund for courthouse security improvements over this biennium. In the past, SLIB has distributed those funds with a match. This year, the WY Supreme Court has the funds and the State's CSC is responsible to disperse the funds and develop criteria. There are seven counties that have pending assessment and Carbon County is one of those. The suggestions are prioritized with some being easier (A's) and some being more difficult (C's). Carbon County's C area is the most unique of all seven counties and they propose helping with funding and they encouraged the BOCC to read the study. They realize the county would have to remodel or move courts to accomplish the C area and they stated that if this is coming up soon they would like to coordinate. If a remodel is years down the road they propose handling the A-B priorities now.

Justice Kautz reported technology should be able to improve efficiency in the future. Two committees have worked on rules when you can use video arraignment and the final board who reviews rules will make a recommendation to the Supreme Court for a potential recommendation. Again, he stated the goal is to use technology as much as possible as long as it follows constitutional rights of defendants and others.

Director Cameron stated May 10 the CSC will meet and develop rules on disbursement including potential matching requirements. The funds are available until 2019. Components will include training opportunities, electronic locks, additional cameras, public transaction counters and more. Mr. Cameron also reported there are also federal dollars available from the Department of Homeland Security and Clerk Bartlett noted the county has already applied for additional cameras and electronic door locks.

Public Hearing – C.U. Case #2018-03 – Peterson Outfitters, LLC

Chairman Johnson opened a public hearing at 10:45 a.m. to hear Planning & Zoning C.U. Case # 2018-03 Peterson Outfitters, LLC. Sid Fox, County Planning Director and Sara Hutchins GIS Specialist presented a Conditional Use Permit request for a recreational lodge for an outfitting business and related facilities in the Ranching, Agriculture and Mining (RAM) zone district. Chairman Johnson called for comments for or against the case. Diane Peterson reported they are looking to construct a new hunting lodge as the previous one was sold. The sale was due to a gas plant and a new wind project that would be directly adjacent to the lodge. There being no comments, Chairman Johnson closed the hearing at 10:48 a.m.

Commissioner Chapman moved to approve Resolution No. 2018-09 A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding C.U. Case # 2018-03 Peterson Outfitters, LLC for a recreational lodge for an outfitting business and related facilities in the Ranching, Agriculture and Mining (RAM) zone district. Commissioner Espy seconded and the motion carried unanimously.

Resolution No. 2018 – 09

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

C.U. Case File #2018-03– “Peterson Outfitters, LLC”

WHEREAS, pursuant to the Carbon County Zoning Resolution of 2015, as amended, and Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission advertised to hold a public hearing on Monday, March 5, 2018, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at the Monday, March 5, 2018, public hearing, the Carbon County Planning and Zoning Commission provided the public the opportunity to comment and the Carbon County Planning and Zoning Commission considered any public comments which were made at said public hearing; and

WHEREAS, at the conclusion of the Monday, March 5, 2018, public hearing, the Carbon County Planning and Zoning Commission voted to certify in writing its recommendation to the Carbon County Board of County Commissioners pursuant to the Carbon County Zoning Resolution of 2015, as amended for Carbon County, Wyoming; and

WHEREAS, the Carbon County Board of County Commissioners, pursuant to the Carbon County Zoning Resolution of 2015, as amended, and Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation; advertised by public notice at least 14 days prior to a public hearing to take public input and comments which said hearing occurred on Tuesday, April 3, 2018; and

WHEREAS, at said public hearing on April 3, 2018, the Carbon County Board of County Commissioners provided the opportunity for the public to comment and for the Carbon County Board of County Commissioners to consider any comments which were made on the proposed application; and

WHEREAS, the Carbon County Board of County Commissioners in considering said application have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended; and the Carbon County Zoning Resolution of 2015, as amended, specifically, Section 5.4, Conditional Use Permits; and

WHEREAS, the Carbon County Board of County Commissioners have determined that the proposed permit is in general conformance with the Carbon County Comprehensive Land Use Plan, as amended, and the Carbon County Zoning Resolution of 2015, as amended, and otherwise promotes the health, safety and general welfare of the residents of Carbon County; and

WHEREAS, at a regularly scheduled meeting of the Carbon County Board of County Commissioners, by majority vote, the Carbon County Board of County Commissioners moved to approve the following Conditional Use Permit Application:

C.U. Case #2018-03: A Conditional Use Permit request for a recreational lodge for an outfitting business and related facilities in the Ranching, Agriculture and Mining (RAM) Zone District.

Project/Site Name: Peterson Outfitters, LLC

Petitioner: Peterson Outfitters, LLC (Applicant and Land Owner)

Parcel Identification Number: 20840110001000

General Site Location: Approximately 24 miles east of Rawlins on the south side of I-80

Legal Description: A PARCEL OF LAND LOCATED WITHIN THE NORTH 1/2 OF SECTION 1, TOWNSHIP 20 NORTH, RANGE 84 WEST, 6TH P.M., CARBON COUNTY, WYOMING, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A 2-1/2" BRASS CAP MARKING THE SOUTHWEST CORNER OF SECTION 32 OF TOWNSHIP 21 NORTH, RANGE 83 WEST, FROM WHICH A 2-1/2" BRASS CAP MARKING THE SOUTH 1/4 CORNER OF SECTION 31 OF SAID TOWNSHIP AND RANGE IS LOCATED S.89°53'20"W., 2649.50 FEET; THENCE ON AND ALONG THE SOUTH LINE OF SAID SECTION 31, S.89°53'20"W., 594.71 FEET TO A 2" ALUMINUM CAP MARKING THE POINT OF BEGINNING OF SAID PARCEL; THENCE CONTINUING ON AND ALONG THE SOUTH LINE OF SAID SECTION 31, S.89°53'20"W., 1320.00 FEET TO A 2" ALUMINUM CAP; THENCE S.00°10'45"W., 1320.00 FEET TO A 2" ALUMINUM CAP; THENCE N.89°53'20"E., 1320.00 FEET TO A 2" ALUMINUM CAP; THENCE N.00°10'45"E., 1320.00 FEET TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 40.000 ACRES.

TERMS AND CONDITIONS OF APPROVAL:

1. If the scope of the operation change or increases beyond those described in the Conditional Use Permit application, the applicant shall notify the Carbon County Planning & Development Department in writing describing the proposed changes.
 - a. Upon receipt of a notice of proposed change or increase in Recreation operations, the Planning Department shall place the notice of the proposed change to the scope of the operation on the next available Planning and Zoning Commission agenda. The Planning and Zoning Commission shall determine whether the Recreation use remains in general conformance with this Conditional Use Permit or if a new Conditional Use Permit Application must be submitted.
2. Upon approval by the Board, the following provisions from the Zoning Resolution will be incorporated into the final Resolution:
 - a. In accordance with Section 5.4-E, Expiration of Conditional Use Permits:
 - Any use for which a conditional use permit is granted must be commenced within two (2) years from the date of approval. If the Project is not commenced within two (2) years from the date of approval then the conditional use permit shall expire and become null and void and be of no further effect, except as extended in compliance with Section 5.4-F, Extension of Conditional Use Permits.
 - b. In accordance with Section 5.4-G, Transfer of Conditional Use Permits:
 - No conditional use permit shall be transferred without the prior approval of the Board of County Commissioners.
 - c. In the event the actions occurring pursuant to this permit are found to be in material violation of the terms and conditions of this permit, or are found to have been obtained by fraud, this permit shall be subject to all remedies allowed by law. Violation of any of the above restrictions can be grounds for terminating this Conditional Use Permit.

Amendments to Conditional Use Permits: A Conditional Use Permit may be amended pursuant to the procedures and standards as required for a new CUP application.

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

That the Carbon County Board of County Commissioners hereby approves this Conditional Use Permit (CUP) as certified to them in writing by the Carbon County Planning and Zoning Commission as represented in the Conditional Use Permit (C.U. Case #2018-03 – “Peterson Outfitters, LLC”).

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 3rd day of April, 2018.

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

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

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

Public Hearing – C.U. Case #2018-05 – Spur Outfitters, LLC Elk Hollow Lodge

Chairman Johnson opened a public hearing at 10:51 a.m. to hear Planning & Zoning C.U. Case # 2018-05 Spur Outfitters, LLC Elk Hollow Lodge. Sid Fox, County Planning Director presented a Conditional Use Permit request to operate a commercial recreational lodge that provides guest accommodations and recreational activities for guest in the Ranching, Agriculture and Mining (RAM) zone district located at 6606 C WY Highway 130. Mr. Fox reported the new lodge would replace the existing Elk Hollow Lodge and the lodge near Cow Creek that is primarily used for hunting. The site has been engineered for a flood plain and it is proposed to be elevated to protect from potential flood damage. This is a condition staff can consider independently from the Conditional Use Permit. Sage Grouse analysis must be completed for the state’s large septic permit. Chairman Johnson called for comments for or against the case.

Nick Haderlie, in house attorney representing Spur Outfitters LLC introduced Dave Sturm, Silver Spur’s outfitter. Mr. Haderlie overviewed the site plan, building plans, best site construction practices, and mentioned they are aware of all of the other permitting requirements with other agencies. They are currently working on the flood plain development permit, septic permit, a no-application storm water permit, and a building permit will be applied for if the CUP is approved.

Mr. Fox reported staff recommends approval subject to various staff conditions. There being no comments, Chairman Johnson closed the hearing at 11:09 a.m.

Commissioner Jones moved to approve Resolution No. 2018-10 A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding C.U. Case # 2018-05 Spur Outfitters, LLC Elk Hollow Lodge request to operate a commercial recreational lodge that provides guest accommodations and recreational activities for guest in the Ranching, Agriculture and Mining (RAM) zone district located at 6606 C WY Highway 130. Commissioner Espy seconded and the motion carried unanimously.

Resolution No. 2018 –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. Case File #2018-05– “Elk Hollow Lodge”

WHEREAS, pursuant to the Carbon County Zoning Resolution of 2015, as amended, and Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission advertised to hold a public hearing on Monday, March 5, 2018, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at the Monday, March 5, 2018, public hearing, the Carbon County Planning and Zoning Commission provided the public the opportunity to comment and the Carbon County Planning and Zoning Commission considered any public comments which were made at said public hearing; and

WHEREAS, at the conclusion of the Monday, March 5, 2018, public hearing, the Carbon County Planning and Zoning Commission voted to certify in writing its recommendation to the Carbon County Board of County Commissioners pursuant to the Carbon County Zoning Resolution of 2015, as amended for Carbon County, Wyoming; and

WHEREAS, the Carbon County Board of County Commissioners, pursuant to the Carbon County Zoning Resolution of 2015, as amended, and Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation; advertised by public notice at least 14 days prior to a public hearing to take public input and comments which said hearing occurred on Tuesday, April 3, 2018; and

WHEREAS, at said public hearing on April 3, 2018, the Carbon County Board of County Commissioners provided the opportunity for the public to comment and for the Carbon County Board of County Commissioners to consider any comments which were made on the proposed application; and

WHEREAS, the Carbon County Board of County Commissioners in considering said application have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended; and the Carbon County Zoning Resolution of 2015, as amended, specifically, Section 5.4, Conditional Use Permits; and

WHEREAS, the Carbon County Board of County Commissioners have determined that the proposed permit is in general conformance with the Carbon County Comprehensive Land Use Plan, as amended, and the Carbon County Zoning Resolution of 2015, as amended, and otherwise promotes the health, safety and general welfare of the residents of Carbon County; and

WHEREAS, at a regularly scheduled meeting of the Carbon County Board of County Commissioners, by majority vote, the Carbon County Board of County Commissioners moved to approve the following Conditional Use Permit Application:

C.U. Case #2018-05: A Conditional Use Permit request to operate a commercial recreational lodge that provides guest accommodations and recreational activities for guests in the Ranching, Agriculture and Mining (RAM) Zone District.

Project/Site Name: Elk Hollow Lodge

Petitioners: Spur Outfitters, LLC (Applicant) and Silver Spur Land and Cattle, LLC (Land Owner)

Rural Address: 6606C WY 130

Parcel Identification Number: 16832110001600

General Site Location: Approximately 11.5 miles south of Saratoga on the east side of HWY 230 and south of HWY 130.

Legal Description: SW1/4 NW1/4, Section 27, T16N, R83W, 6th P.M., Carbon County, Wyoming.

TERMS AND CONDITIONS OF APPROVAL:

3. A wastewater permit “Notification of Coverage” from WDEQ indicating the adequacy of the septic system for the proposed uses is required prior to issuance of any building permits.
4. A water well permit from WSEO for the proposed well is required prior to issuance of any building permits.
5. Applicant must apply for a Floodplain Development Permit and a Floodplain Development Permit must be issued prior to issuance of the building permit for the Lodge.
6. The applicant must include an exterior “lighting plan” for the Lodge with the Building Permit Application. The “lighting plan” should include the location, height, and voltage of all proposed exterior lighting, and further include measures designed to minimize unintended horizontal lighting.
7. Setbacks:
 - A thirty (30’) foot strip of land measured horizontally from the identifiable high water mark on each side of any stream shall be protected in its natural state. Certain improvements may be located within the stream setback as long as site disturbance is minimized to the greatest extent possible, including but not limited to the following: improvements pursuant to a floodplain development permit, footpaths and trails intended for non-motorized use, bridges, fences, all irrigation related construction and structures, hydroelectric facilities, including piping and ditches, flood control and bank stabilization devices.
 - Utilities may be located within the stream setback if designed by a professional engineer licensed in Wyoming and approved as part of the county review process.
8. If the scope of the operation change or increases beyond those described in the Conditional Use Permit application, the applicant shall notify the Carbon County Planning & Development Department in writing describing the proposed changes.
 - a. Upon receipt of a notice of proposed change or increase in Recreation operations, the Planning Department shall place the notice of the proposed change to the scope of the operation on the next available Planning and Zoning Commission agenda. The Planning and Zoning Commission shall determine whether the Recreation use remains in general conformance with this Conditional Use Permit or if a new Conditional Use Permit Application must be submitted.
9. Upon approval by the Board, the following provisions from the Zoning Resolution will be incorporated into the final Resolution:
 - d. In accordance with Section 5.4-E, Expiration of Conditional Use Permits:
 - Any use for which a Conditional Use Permit is granted must be commenced within two (2) years from the date of approval. If the Project is not commenced within two (2) years from the date of approval then the Conditional Use Permit shall expire and become null and void and be of no further effect, except as extended in compliance with Section 5.4-F, Extension of Conditional Use Permits.

- e. In accordance with Section 5.4-G, Transfer of Conditional Use Permits:
 - No conditional use permit shall be transferred without the prior approval of the Board of County Commissioners.
- f. In the event the actions occurring pursuant to this permit are found to be in material violation of the terms and conditions of this permit, or are found to have been obtained by fraud, this permit shall be subject to all remedies allowed by law. Violation of any of the above restrictions can be grounds for terminating this Conditional Use Permit.

Amendments to Conditional Use Permits: A Conditional Use Permit may be amended pursuant to the procedures and standards as required for a new CUP application.

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

That the Carbon County Board of County Commissioners hereby approves this Conditional Use Permit (CUP) as certified to them in writing by the Carbon County Planning and Zoning Commission as represented in the Conditional Use Permit (C.U. Case #2018-05 – “Elk Hollow Lodge”).

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 3rd day of April, 2018.

BOARD OF COUNTY COMMISSIONERS OF CARBON COUNTY, WYOMING

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

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

Public Hearing – C.U. Case #2018-04 – Spur Outfitters, LLC Sport Shooting Range

Chairman Johnson opened a public hearing at 11:10 a.m. to hear Planning & Zoning C.U. Case # 2018-04 Spur Outfitters, LLC Sport Shooting Range. Sid Fox, County Planning Director presented a Conditional Use Permit request to expand and operate a commercial shooting range including archery, shotgun, pistol and rifle range in the Ranching, Agriculture and Mining (RAM) zone district. He noted that the range has historically been used as a shooting range however they are coming forward now with a permit request. Chairman Johnson called for comments for or against the case. Mr. Fox reported the Cow Creek Property Owners Association commented early on and he believed most concerns were addressed by the applicant. Nick Haderlie, attorney representing Silver Spur reported that they purposely designed the rifle range the way they did to direct noise away from the Cow Creek station. They feel this use complies with wide open spaces as once they have this permitted they couldn’t build anything else in the area. The range began as a 4-H fundraiser and is close to emergency access on purpose. They feel by providing this and making it publically available through reservations it is serving a public need. Mr. Haderlie noted they do not store firearms or ammunition therefore security is not an issue. There are no residential streets involved that will be impacted. Environmental impacts are low as surface disturbance will only impact approximately 1 acre.

Mr. Haderlie mentioned this project is independent of the prior case heard today for the new lodge. This is simply an amenity to the lodge and again, the public can make reservations for use. They do not anticipate an increase in use noting they had only six private bookings last year. The 4-H fundraiser has approximately 132 participants however this is a fundraiser and is only held once per year. The ranch has purposely decided against man made noise barriers as these pose view shed concerns. They may move the pistol range as its current location conflicts with simultaneous shotgun shooting.

There is a current road running through the range to access residences in Rainbow Canyon. For safety reasons they propose ceasing access on this road noting there is no formal easement in place. They will meet with these landowners mid-April to hopefully determine alternate, legal access. The ranch will likely provide labor and fill material to access the property. There will likely be a cost share on a bridge that would be required across a ditch and they will discuss this more at the meeting later in April. The proposed route contains a BLM tract with a two track that landowners can use however if it were to be improved it would be approximately 9 months for BLM approval. Mr. Haderlie reported agreed upon access will be surveyed and legally recorded in the Carbon County Courthouse.

Mr. Fox reported comment letters were received from the landowners whose access may be affected and those are included in the BOCC's packets.

Chairman Johnson called for comment. Jim Ainsworth, Rawlins City Shooting Range Board member stated he has not seen the plan but highly recommends approval as residential concerns, noise concerns and others have been addressed. There being no further comments, Chairman Johnson closed the hearing at 11:34 a.m.

Commissioner Jones asked about the time frame for the new road. Mr. Haderlie reported April 14 is the meeting with landowners and since filing the existing access will be there with a locked gate and the landowners can continue to access that route however this summer/fall they expect to have new access in place. Mr. Haderlie stated they are fully committed to providing new access.

Attorney Davis stated there is currently no proposed condition regarding use and as the BOCC decides to issue this they must consider whether this is detrimental to the surroundings. She asked if the BOCC would like a condition with a written plan for access. Mr. Haderlie stated they feel like it is appropriately managed as they have been managing it and no access is allowed during shooting. Mr. Haderlie stated if there were conditions placed; it should be something like traffic will not be allowed to travel on the road during active shooting. He feels like outside traffic entering their private land is their prevue. Chairman Johnson stated that it would make sense to the ranch to not allow traffic during shooting from a liability standpoint. Mr. Sturm agreed. Commissioner Davis asked if there could be a written plan and Mr. Haderlie stated that it will be a covenant running with the land.

Gary Bartlett, Bartlett Family Corporation stated that his family went through a significant access issue after a handshake agreement. He feels it's incumbent on the BOCC to ensure access to the landlocked owners. Attorney Davis stated ownership of the land is not the duty of the

BOCC, they can only restrict use. She stated the issue is how to address safety issues. Commissioner Espy stated that he does not feel that the BOCC should dictate where a landowner should provide easements and they are working diligently on that. Attorney Davis suggested a written plan on how people will use the road and Chairman Johnson stated they could simply close off access as it is a private road. She noted that the BOCC cannot force an alternate access road. Mr. Haderlie responded stating the range hasn't been used for commercial purposes so a permit was not required up to this point. He added there is a mechanism for landowners to have access through the court system however he assured the BOCC they would do their best to provide legal access to the landowners in question. The plan is already in place to keep the gate locked and that they are in constant contact with the landowners. He stated an appropriate condition could be that no traffic can access the road while active shooting is taking place.

Commissioner Jones moved to approve Resolution No. 2018-11, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding C.U. Case # 2018-04 Spur Outfitters, LLC Sport Shooting Range request to expand and operate a commercial shooting range including archery, shotgun, pistol and rifle range in the Ranching, Agriculture and Mining (RAM) zone district. Commissioner Chapman seconded and the motion carried unanimously.

Resolution No. 2018 –11

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

C.U. Case File #2018-04– “Spur Outfitters Sport Shooting Range”

WHEREAS, pursuant to the Carbon County Zoning Resolution of 2015, as amended, and Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission advertised to hold a public hearing on Monday, March 5, 2018, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at the Monday, March 5, 2018, public hearing, the Carbon County Planning and Zoning Commission provided the public the opportunity to comment and the Carbon County Planning and Zoning Commission considered any public comments which were made at said public hearing; and

WHEREAS, at the conclusion of the Monday, March 5, 2018, public hearing, the Carbon County Planning and Zoning Commission voted to certify in writing its recommendation to the Carbon County Board of County Commissioners pursuant to the Carbon County Zoning Resolution of 2015, as amended for Carbon County, Wyoming; and

WHEREAS, the Carbon County Board of County Commissioners, pursuant to the Carbon County Zoning Resolution of 2015, as amended, and Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation; advertised by public notice at least 14 days prior to a public hearing to take public input and comments which said hearing occurred on Tuesday, April 3, 2018; and

WHEREAS, at said public hearing on April 3, 2018, the Carbon County Board of County Commissioners provided the opportunity for the public to comment and for the Carbon County Board of County Commissioners to consider any comments which were made on the proposed application; and

WHEREAS, the Carbon County Board of County Commissioners in considering said application have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended; and the Carbon County Zoning Resolution of 2015, as amended, specifically, Section 5.4, Conditional Use Permits; and

WHEREAS, the Carbon County Board of County Commissioners have determined that the proposed permit is in general conformance with the Carbon County Comprehensive Land Use Plan, as amended, and the Carbon County Zoning Resolution of 2015, as amended, and otherwise promotes the health, safety and general welfare of the residents of Carbon County; and

WHEREAS, at a regularly scheduled meeting of the Carbon County Board of County Commissioners, by majority vote, the Carbon County Board of County Commissioners moved to approve the following Conditional Use Permit Application:

C.U. Case #2018-04: A Conditional Use Permit request to expand and operate a commercial shooting range including archery, shotgun, pistol, and rifle range in the Ranching, Agriculture and Mining (RAM) Zone District.

Project/Site Name: Spur Outfitters Sport Shooting Range

Petitioners: Spur Outfitters, LLC (Applicant) and Silver Spur Land and Cattle, LLC (Land Owner)

Parcel Identification Numbers: Portions of 15830420000800 and 16832040001000

General Site Location: Approximately 11.5 miles south of Saratoga on the east side of HWY 230

Legal Description: Approximately 670 acres located within:

Township 16 North, Range 83 West, 6th P.M.

Section 32: All that portion of the E1/2 lying east of Highway 230, except NE1/4 NE1/4

Section 33: SW1/4 NW1/4, W1/2 SW1/4

Township 15 North, Range 83 West, 6th P.M.

Section 4: W1/2, NW1/4

Section 5: All that portion of the E1/2 lying east of Highway 230

Section 8: All that portion of the E1/2 NW1/4 lying east of Highway 230

TERMS AND CONDITIONS OF APPROVAL:

10. Applicant must include a copy of their WDOT access permit prior to the issuance of a building permit.
11. Applicant must send Cow Creek Station HOA Board of Directors a schedule of special events each year. The schedule of special events must include at least the date, time, and duration of the special events.
12. All exterior or security lighting must be equipped with shades to minimize unintended horizontal lighting.
13. If the scope of the operation change or increases beyond those described in the Conditional Use Permit application, the applicant shall notify the Carbon County Planning & Development Department in writing describing the proposed changes.
 - a. Upon receipt of a notice of proposed change or increase in the scope of operations, the Planning Department shall place the notice of the proposed change to the scope of the operation on the next available Planning and Zoning Commission agenda. The Planning and Zoning Commission shall determine whether the Recreation use remains in general conformance with this Conditional Use Permit or if a new Conditional Use Permit Application must be submitted.

14. Upon approval by the Board, the following provisions from the Zoning Resolution will be incorporated into the final Resolution:

- a. In accordance with Section 5.4-E, Expiration of Conditional Use Permits:
 - Any use for which a conditional use permit is granted must be commenced within two (2) years from the date of approval. If the Project is not commenced within two (2) years from the date of approval then the conditional use permit shall expire and become null and void and be of no further effect, except as extended in compliance with Section 5.4-F, Extension of Conditional Use Permits.
- b. In accordance with Section 5.4-G, Transfer of Conditional Use Permits:
 - No conditional use permit shall be transferred without the prior approval of the Board of County Commissioners.
- c. In the event the actions occurring pursuant to this permit are found to be in material violation of the terms and conditions of this permit, or are found to have been obtained by fraud, this permit shall be subject to all remedies allowed by law. Violation of any of the above restrictions can be grounds for terminating this Conditional Use Permit.

Amendments to Conditional Use Permits: A Conditional Use Permit may be amended pursuant to the procedures and standards as required for a new CUP application.

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

That the Carbon County Board of County Commissioners hereby approves this Conditional Use Permit (CUP) as certified to them in writing by the Carbon County Planning and Zoning Commission as represented in the Conditional Use Permit (C.U. Case #2018-04 – “Spur Outfitters Sport Shooting Range”).

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 3rd day of April, 2018.

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

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

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

Public Hearing – C.U. Case #2018-01 – Salvation Army

Commissioner Jones moved to untable the Aspen Alley Ranch Conditional Use Permit Case. Commissioner Chapman seconded and the motion carried unanimously

Chairman Johnson opened a public hearing at 11:52 a.m. to hear Planning & Zoning C.U. Case # 2018-01 Salvation Army. Sid Fox, County Planning Director presented a Conditional Use Permit request in the Ranching, Agriculture and Mining (RAM) Zone District – to operate a “recreation area”, a base camp for wilderness leadership and character development programs located at

Aspen Alley Ranch. He mentioned the primary reason for tabling was for additional public notice and he has since advertised in all three county publications, notified landowners within 5 miles and the County Clerk posted a notice on her Facebook page. He listed six potential follow up issues including the intensity of use (increased traffic and number of people at the site at one time), camping and use during hunting season, potential for water quality degradation, number, size and location of new buildings, potential impact to public services such as law and search & rescue, and the spread of weeds.

Mr. Fox produced an aerial photo showing the proposed locations of the structures including a 5,000 square foot operations center, 720 square foot bathroom and shower facility, 1,152 square foot pavilion.

There have been additional public comments since the last meeting including written comments from Clint Weber, Jim Ainsworth, and Philip Sheller. He also received a phone call from Justin Hood who was concerned with the use of the camp during archery hunting season. Staff recommends approval and he lightly changed the conditions. He turned the matter over to the applicant.

Will Riahl, Property Director, Pat Jeffrey Camp Ambassador and on-site manager for Aspen Alley Ranch, and Lyle Laverty, Board Chairman were present.

Mr. Jeffrey clarified that this is a Christian camp however since the county's Zoning Resolution does not have such a category they were included with guest ranches. Their camps are American Camping Association accredited and they plan to apply for this designation for the Aspen Alley site. The goal is to only send campers that can handle rigorous camping and they will be supervised at all times for the protection of all, including their neighbors. They have agreed to a reduction of a maximum number of 100 plus a staff of 20. These individuals will not be there every day all summer but for small numbers of days. They have also agreed to reduce the season from June 1-September 30. In September all camps will be on-site and not go into the forest. Winter camping was also completely removed. Mr. Jeffrey also noted if there is 20 people at the camp there will be 20 seats and seat belts in vehicles at all times for evacuations. Finally, when campers come there is an orientation to inform them of the leave no trace policy.

Mr. Riahl reported they reviewed their head count and calendar and original numbers were unrealistic therefore they were able to reduce the maximum. Their goal is to be minimalists in construction therefore the operations center will be a large barn, gathering place with offices and they intend on having bunks upstairs for seasonal staff. The bathhouse will contain individual shower rooms also for seasonal staff. They have no issues with the setbacks and will submit design plans to Planning & Zoning for review and permits for septic will be designed and approved prior to construction. A well will be drilled and they will have solar power and propane.

Mr. Riahl stated there are no plans to construct additional structures on the site as this is not a commercial project.

Mr. Lavery said they received a list of land owners within 5 miles, 34 of them. They personally sent letters to each and heard from 3 of those. He stated the impact from hunters in the area will be a much greater impact than their site. Chairman Johnson asked for further explanation of what type of event that large, of up to 100 people could benefit children with a wilderness experience stating that 100 people in a 500 acre site takes away from the wilderness experience. Mr. Lavery responded that groups of 15-20 campers will be at separate spots on the property and the physical characteristics of the property will allow for separation as they will be both on and off the property. Mr. Jeffrey stated there are various opportunities on the site for fishing, gold mining, aspen stands, wildlife watching and more and with coordination they will be separated for the true wilderness experience. Mr. Riahil stated the topography aligns itself for separate camps and the areas were carefully identified.

Chairman Johnson called for comments for or against the case:

John Farr stated two permits were approved earlier today for permits near public highways where guns and alcohol will be served with little questions. Now this permit is being questioned and the site has been discussed of being a camp like this for decades. He suggested approval and this is a small section within 8,000 square miles.

Sandy Martin representing Carbon County Economic Development for Riverside and Encampment stated they have no issue with this as they have a beautiful museum.

Gary Bartlett stated that his family owns 1,112 acres on Green Ridge as well as other land in Carbon County and had the following questions. What value does the project bring to Carbon County and its residents? Will the activities be limited to the Aspen Alley Ranch property? He asked if the base camp rules from the US Forest Service would be followed. What type of people would be brought here, and what is the long-term plan as he feels the plan is vague? His concerns were for immediate landowners, wildlife concerns, and he strongly opposed the permit.

Jerry Paxton, Encampment resident stated that when he was a commissioner he recalls that the opposition seemed to be more prepared and organized with comments. He sees the project as an opportunity for additional revenues as the project will bring people to the area that may spend additional dollars exploring Wyoming. He also stated sometimes WY feels outsiders come to the area to impose their will and values however he knows Pat Jeffrey and trusts him. He encouraged approval and respect of personal property rights of the landowners.

Tom Thompson stated he is present as a citizen and landowner in the area. He stated there has been representation to the BOCC that this is a children's or Christian camp however he does not feel these references to religious camps are relevant. The matter is whether the application complies with the Zoning Resolution of the county. Representations were initially made that this would be a youth camp with 1 counselor to a number of youth however earlier today the group stated there would be mothers, fathers, children and others therefore he questioned the purpose. Other Salvation Army camps have been rented out and once the permit is approved the BOCC's ability to regulate the camp is lost and it could evolve into whatever the applicant wants it to be. There has been contradicting numbers of users and the permit is 120 maximum at one time for occupancy of the property. This is significant in his mind as the Zoning Resolution requires they

consider the frequency of use. This is not about private property rights. Private property owners must use the land as the Zoning Resolution requires. A conditional use permit is not a matter of right but a matter of discretion of the BOCC based on criteria. One of the first things the Resolution states is that the BOCC shall consider public health, safety and welfare. Mr. Thompson questions how the applicant will plan for emergencies as he hasn't heard this. For example a water tanker with responders trained to handle a fire until other responders could arrive. The Resolution requires the BOCC look at dust control, sewage, water and other plans. Mr. Thompson stated Section 5.4 of the Resolution requires the BOCC consider density and intensity of use and that 120 people a day is too much for the area. The Resolution also calls for them to consider the comments of the public and there has been vocal opposition to the permit's issuance.

Leonard Johnson stated that he is on the north end of the forest with approximately 1,100 acres and stated he is inclined to mimic Gary Bartlett's opinion.

Jim Ainsworth said he does not feel the project is a good idea. He does not see benefits to the county. He questioned the impact to hunters and emergency operations as there is no cell service in the area. He recommended denial of the permit.

Clayton Desmond noted he does not own land but does hunt the Mill Creek area and he doesn't feel this would affect him at all as a hunter. He added that search & rescue issues could occur anywhere with older people hunting in the area and he doesn't see how this could go wrong.

Brittany Nyman voiced her support for the permit approval. She stated that she was left embarrassed after the March 6 meeting and that she didn't feel like comments made that day were left unaddressed. She stated that she didn't feel the BOCC and public should limit private property rights. She applauded the applicant's efforts and stated we should not vilify or be worried about where individuals come from. She felt like the impact that outdoor recreation instills on individuals is important. She mentioned the heavy ranching, agriculture and logging activities in the area and that the applicant is not asking for funds to get an operation up and running. She feels they are simply asking for permission and she feels it should be granted.

Gary Bartlett added that the BOCC should do their due diligence and research the Salvation Army.

Chairman Johnson called for additional comments for or against the case. There being no comments, Chairman Johnson closed the hearing at 12:53 p.m.

Commissioner Davis stated he feels like he would need additional information on their detailed plans and suggested tabling the case for further information. Commissioner Jones asked that the applicant be allowed to respond to the comments made today.

Mr. Laverty stated youth are not court ordered to come to the camp. He is not sure how more explicit they can be about numbers – 120 maximum at one time is the proposal. He stated that High Peak Camp was mentioned by Tom Thompson and they rent rooms to church groups however Aspen Alley will not be run like this. They talked at length about satellite phones and

they have coverage in that area. He feels their forest stewardship plan is unique and likely no other landowner has one for the Med Bow National Forest.

Mr. Jeffrey stated they did not purchase the land but it was donated by the prior landowner along with over \$1 million to develop the property. They will be meeting with a Carbon County well operator, they will purchase food and gas in Saratoga and Encampment, they will meet with a design/build engineer in Saratoga therefore the money will stay local and there is value in that. Yes, they intend to use the forests public land. They are also pursuing satellite internet with Hughes Net for safety purposes, not for campers use.

Mr. Riahl stated that staff are trained in wilderness first aid. Tax revenue hasn't been lost as it was minimal in the first place and that everything they purchase is local creating a positive economic impact. They will stay on their property in September during hunting season. They are good stewards of the funds and land they were given.

Mr. Laverty stated that at the High Peak Camps they have never had a law enforcement issue as they manage the program appropriately. Local medivac staff offered to train staff on medical emergency evacuation as well.

Commissioner Davis clarified that the long-term plan is no more than 120 people per day and the applicant agreed. He also asked how they would handle fire suppression at the facility and the group stated they are not professional fire fighters and they would notify proper authorities and would rise up the evacuation of their campers if there was a fire. They may purchase small fire suppression units held on one's back and mentioned whatever the state and county require is what they would do. Mr. Riahl offered to develop a wild fire plan with the US Forest Service. Commissioner Davis asked if the Game & Fish were addressed about food handling for 120 people with bears in the area. Mr. Jeffrey stated that they would follow all guidelines for food handling as well as bear proof trash and storage containers.

Tom Thompson stated that the US Forest Stewardship program has never been released to the public and he wonders what activities off the private property would be. He also asked if there are 10-12 groups of campers, would they have a fire ring at each site. He stated all these questions that the BOCC is asking are not enforceable if they are not in the permit and he encouraged that to be done so they are enforceable.

Commissioner Jones stated this is a conditional use permit and there are currently seven permit conditions proposed. She added that the process is to take private properties and utilize them for specifically permitted purposes and she suggested that there are other regulatory agencies and that there may need to be additional conditions added.

Chairman Johnson asked Jim Piche what the fire requirements will be. Mr. Piche stated it will likely be the highest fire review possible as it will likely be an assembly type of facility. Chairman Johnson asked how long it would take to reach the maximum capacity and if they would be willing to provide a phased in approach. They stated 5 years to reach maximum capacity. Chairman Johnson asked if the proposal complies with the land use plan and Mr. Fox stated that it is compatible with existing, surrounding land use.

Chairman Johnson asked if the maximum number of people could be set lower with higher numbers considered annually. Attorney Davis stated they could. Mr. Lavery stated they could scale to get to 120 in 5 years with 30 individuals plus the appropriate staff per day for year one. Chairman Johnson clarified that he would like 30 for year one with an additional review.

Mr. Fox offered to review the conditions that may clarify the BOCC's questions. Attorney Davis stated that if the BOCC wants a lower maximum number of campers it must be prewritten in the approval.

Commissioner Jones moved to approve Resolution No. 2018-12 A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding C.U. Case # 2018-01 Salvation Army Conditional Use Permit request in the Ranching, Agriculture and Mining (RAM) Zone District – to operate a “recreation area”, a base camp for wilderness leadership and character development programs located at Aspen Alley Ranch including the 7 recommended conditions with an annual review one year from now. Commissioner Chapman seconded and the motion carried unanimously.

Resolution No. 2018 -12

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

C.U. Case File #2018-01– “Aspen Alley Ranch”

WHEREAS, pursuant to the Carbon County Zoning Resolution of 2015, as amended, and Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission advertised to hold a public hearing on Monday, February 5, 2018, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at the Monday, February 5, 2018, public hearing, the Carbon County Planning and Zoning Commission provided the public the opportunity to comment and the Carbon County Planning and Zoning Commission considered any public comments which were made at said public hearing; and

WHEREAS, at the conclusion of the Monday, February 5, 2018, public hearing, the Carbon County Planning and Zoning Commission voted to certify in writing its recommendation to the Carbon County Board of County Commissioners pursuant to the Carbon County Zoning Resolution of 2015, as amended for Carbon County, Wyoming; and

WHEREAS, the Carbon County Board of County Commissioners, pursuant to the Carbon County Zoning Resolution of 2015, as amended, and Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation; advertised by public notice at least 14 days prior to a public hearing to take public input and comments which said hearing occurred on Tuesday, March 6, 2018; and

WHEREAS, at said public hearing on March 6, 2018, the Carbon County Board of County Commissioners provided the opportunity for the public to comment and for the Carbon County Board of County Commissioners to consider any comments which were made on the proposed application; and

WHEREAS, at the conclusion of the March 6, 2018, public hearing, the Carbon County Board of County Commissioners tabled the Conditional Use Permit Application to provide time for additional public notice. Public notice was published in the Rawlins Daily Times on March 14, 2018, in the Saratoga Sun on March 14, 2018, and in the Little Snake River Press on March 23, 2018. In accordance with the public notice(s) which included the date, time and place of the public hearing, the Board of County Commissioners continued the public hearing on Tuesday, April 3, 2018; and **WHEREAS**, prior to said public hearing on April 3, 2018, the Carbon County Planning and Zoning Department received a letter dated March 22, 2018, from the Salvation Army which clarified the scope of the project as described the proposed application; and **WHEREAS**, at said public hearing on April 3, 2018, the Carbon County Board of County Commissioners provided the opportunity for the public to comment and for the Carbon County Board of County Commissioners to consider any comments which were made on the proposed application and letter supplementing the application from the Salvation Army dated March 22, 2018; and **WHEREAS**, the Carbon County Board of County Commissioners in considering said application have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended; and the Carbon County Zoning Resolution of 2015, as amended, specifically, Section 5.4, Conditional Use Permits; and **WHEREAS**, the Carbon County Board of County Commissioners have determined that the proposed permit is in general conformance with the Carbon County Comprehensive Land Use Plan and the Carbon County Zoning Resolution of 2015, as amended, and otherwise promotes the health, safety and general welfare of the residents of Carbon County; and **WHEREAS**, at a regularly scheduled meeting of the Carbon County Board of County Commissioners, by majority vote, the Carbon County Board of County Commissioners moved to approve the following Conditional Use Permit Application:

C.U. Case File #2018-01: Request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone District – to operate a Guest Ranch & Recreation (Church Camp), a base camp for wilderness leadership and character development programs.

Project/Site Name: “Aspen Alley Ranch”

Petitioner: The Salvation Army (Applicant and Land Owner)

Rural Address: 5373 FS Road 801

Parcel Identification Number: 13870310000400

General Site Location: Approximately 28 miles southwest of Encampment and 33 miles east of Baggs, off Wyoming Highway 70 (WY 70) on Forest Service Road 801 (FS 801) (1.2 miles north).

Legal Description – taken from Deed: Lots 6, 7 and 8, S1/2N1/2, Section 3 and Lots 5 and 6, S1/2NE1/4, Section 4, T13N, R87W, 6th P.M., Carbon County, Wyoming.

TERMS AND CONDITIONS OF APPROVAL:

1. Approved for seasonal operation-program activities-from June 1st until the last day of September.
2. The maximum number of campers and staff at one time is limited to 100 campers and up to 20 staff.
3. All new buildings\structures require a building permit and are limited as follows:
 - a. Operations Center; maximum 5,000 square feet
 - b. Restroom\Shower Facility; maximum of 720 square feet
 - c. Welcome Pavilion; maximum 1,152 square feet

- d. All new buildings\structures must be set back at least 100 feet from the centerline of FS Road 801.
4. The permit holder shall provide an annual update to the Board of County Commissioners. The annual update shall include a written summary of camp activities including the dates and number of campers and staff utilizing the facility. The annual update shall include a written summary submitted to the Planning Department and include an appearance at a regularly scheduled Board of County Commissioners meeting. The annual update shall continue until the Board of County Commissioners determines that an annual report is no longer necessary.
5. A wastewater permit “Notification of Coverage” from DEQ or a report from a registered professional engineer indicating the adequacy of the septic system for the proposed uses is required prior to issuance of any building permits.
6. If the scope of the operation change or increases beyond those described in the Conditional Use Permit application, the applicant shall notify the Carbon County Planning & Development Department in writing describing the proposed changes.
 - a. Upon receipt of a notice of proposed change or increase in Recreation operations, the Planning Department shall place the notice of the proposed change to the scope of the operation on the next available Planning and Zoning Commission agenda. The Planning and Zoning Commission shall determine whether the Recreation use remains in general conformance with this Conditional Use Permit or if a new Conditional Use Permit Application must be submitted.
7. Upon approval by the Board, the following provisions from the Zoning Resolution will be incorporated into the final Resolution:
 - a. In accordance with Section 5.4-E, Expiration of Conditional Use Permits:
 - Any use for which a Conditional Use Permit is granted must be commenced within two (2) years from the date of approval. If the Project is not commenced within two (2) years from the date of approval then the Conditional Use Permit shall expire and become null and void and be of no further effect, except as extended in compliance with Section 5.4-F, Extension of Conditional Use Permits.
 - b. In accordance with Section 5.4-G, Transfer of Conditional Use Permits:
 - No conditional use permit shall be transferred without the prior approval of the Board of County Commissioners.
 - c. In the event the actions occurring pursuant to this permit are found to be in material violation of the terms and conditions of this permit, or are found to have been obtained by fraud, this permit shall be subject to all remedies allowed by law. Violation of any of the above restrictions can be grounds for terminating this Conditional Use Permit.

Amendments to Conditional Use Permits: A Conditional Use Permit may be amended pursuant to the procedures and standards as required for a new CUP application.

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

That the Carbon County Board of County Commissioners hereby approves this Conditional Use Permit (CUP) as certified to them in writing by the Carbon County Planning and Zoning Commission as represented in the Conditional Use Permit (C.U. Case #2018-01 – “Aspen Alley Ranch”).

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 3rd day of April, 2018.

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

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

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

Public Hearing – C.U.W. Case #2018-01 – TB Flats Wind Energy Project

Chairman Johnson opened a public hearing at 2:03 p.m. to hear Planning & Zoning C.U.W. Case # 2018-01 TB Flats Wind Energy Project. Sid Fox, County Planning Director presented a Conditional Use Permit for a Commercial Wind Energy Facility in the Ranching, Agriculture and Mining (RAM) zone district. The request is to allow the applicant (Invenergy) to install, construct, operate and maintain the TB Flats Wind Energy Project.

Krista Mann with Invenergy, the company that owns TB Flats Wind Energy LLC overviewed the company and its holdings and the project. They expect 500 megawatts with up to 200 turbines. PacifiCorp will own the project during construction and long-term during operations, likely in about a year from now. They expect spring 2019 construction with on-line end of 2020. Turbines are expected to be delivered in Carbon County so that sales tax is assessed here. Ms. Mann noted that the layout of the site will change as PacifiCorp will purchase the project. They propose flexibility of the layout within conformance of the county's parameters.

They expect to generate as much as \$165 million in tax revenue over the project life with much of that staying in Carbon County and all within Wyoming. They expect 320 construction jobs over 2 years peaking at 500 during summer months and 20-30 full-time operations.

Nat Drucker of Invenergy explained construction gravel and water estimates. Commissioner Espy stated the lease goes into the Natrona County sage grouse core area and Ms. Mann stated there will not be turbines in the area. Commissioner Espy stated he may want a condition stating that no facilities can be placed in the core area and Ms. Mann stated they would have no objection to that.

Libby Bushell of Cheyenne representing Kline, McCorkle and Pilger LLP read a statement from Attorney Stephen Kline from their firm. The statement discussed how important wind energy development is however the land leases span 52,000 acres of Wyoming's wild wide open space. The worry is that the infrastructure, particularly giant infrastructure, up to 250 at approximately 500' each will very likely affect the Little Medicine Bow River. They ask for three compromises on behalf of their clients. The first conclusion is that Invenergy or PacifiCorp install a bird death deterrent on their turbines such as ultrasonic boom boxes. Also, that the company install motion sensing lights rather than constantly blinking lights at night. Finally they request that the company push back the southern boundary by approximately 1 mile to allow a greater buffer zone which would still allow for room to install all the towers requested.

Carol Gillam, owner of land near the project site fully supported the TB Flats project. She noted they live near a similar size project in Colorado and wildlife does not seem to be affected by the towers.

Bob Heward of Medicine Bow and landowner near the project site stated his support for the project. He doesn't believe there will be affect the wildlife noting existing towers in the area haven't had an effect.

Ms. Mann discussed the three points raised by Attorney Kline's representative. She stated the ultrasonic boombox is simply an idea however it is just that at this stage, an idea. They can not locate anything commercially available that works. The motion sensing lights are also a good idea to replace permanent red lights on the top of the towers for aviation safety. She stated these have been installed in a hand full of projects in the US however this requires Federal Aviation Administration approval. The third suggestion of moving the project site was respectfully disagreed with.

Chairman Johnson called for comments for or against the case. There being no further comments, Chairman Johnson closed the hearing at 2:52 p.m. ‘

Commissioner Espy moved to approve Resolution No. 2018-13 A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding C.U.W. Case # 2018-01 TB Flats Wind Energy Project for a Commercial Wind Energy Facility in the Ranching, Agriculture and Mining (RAM) zone district with the added condition of a condition that there be no building permits in the Natrona Sage Grouse Core Area. Commissioner Chapman seconded and Mr. Nation reported that he recommends he and the applicants develop a road use agreement for County Road 99. The motion carried unanimously.

Resolution No. 2018 - 13

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 #2018-01 Commercial Wind Energy Facility

“TB FLATS 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, the Carbon County Planning and Zoning Commission held a public meeting on Monday, March 5, 2018, 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, 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 Daily Times on March 1, 2018 and March 15, 2018 and in the Saratoga Sun on February 28, 2018 and March 14, 2018, 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 Daily Times and in the Saratoga Sun on February 28, 2018 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 TB Flats Wind Energy Project will be constructed. Said notice included a statement of the applicants intention to construct the TB Flats 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, 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 3, 2018; 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 2015, as amended, 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 #2018-01: 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 (Invenergy) to install, construct, operate, and maintain the “TB Flats Wind Energy Project”.

Project Description: The TB Flats Wind Energy Project consists of constructing, operating, maintaining and decommissioning up to approximately 200 wind turbine generations and all associated components and facilities that are desirable to generate electricity and deliver electricity to the transmission grid. The Project has a potential of generating up to approximately 500 megawatts and includes all wind energy system components associated with the wind turbine generators. The project includes all associated components and facilities that are necessary to generate electricity and deliver electricity to the transmission grid, including but not necessarily limited to the following major components:

- Wind energy generating systems, including supporting towers, foundations and other associated equipment or structures;
- Overhead and underground electrical distribution, collection and, transmission systems;
- Electric transformers and substations;
- Energy storage facilities, and all of the interconnection facilities;
- Telecommunication equipment, lines and facilities;
- Road network, crane pads and staging areas;
- Met towers and wind measurement equipment;
- On-site Utilities such as water supply and treatment and sewage treatment;
- All accessory uses necessary for operations and maintenance of the Wind Energy Facility, including an operations & maintenance center, storage, parking facilities, and similar support facilities.

The Application Area is located on approximately 52,000 acres of open rangeland in northeastern Carbon County, north of the Town of Medicine Bow and primarily to the east of State Highway 487 and along State Highway 77.

Legal Description:

*Description includes PacifiCorp owned parcels to be included in final Permit Area

TOWNSHIP 27 NORTH, RANGE 78 WEST

SEC 34 NE/4 AND N/2 SE/4

SEC 35 N/2 S/2, S/2 N/2, NE/4 NE/4, and SE/4 SE/4

TOWNSHIP 26 NORTH, RANGE 78 WEST

SEC 1 N/2 and SW/4

SEC 2 NE/4 and E/2 SE/4

SEC 11 ALL

SEC 12 ALL

SEC 13 ALL
SEC 15 S/2 SE/4 and E/2 SW/4
SEC 22 E/2 and SW/4
SEC 24 ALL
SEC 25 ALL
SEC 27 W/2 and W/2 NE/4
SEC 28 S/2 SE/4, N/2 SW/4, SE/4 SW/4, and SW/4 NW/4
SEC 29 S/2 NE/4, SE/4 NW/4, and NE/4 SE/4
SEC 31 ALL
SEC 32 ALL
SEC 33 ALL
SEC 34 ALL
SEC 35 ALL
SEC 36 ALL

TOWNSHIP 26 NORTH, RANGE 79 WEST

Sec 20 E2 SE4
Sec 21 ALL Excl N2 NE4
Sec 22 N2 NE4, W2
Sec 25 SW4
Sec 26 S2, NE4, SE4 NW4
Sec 27 W2 W2, NE4 NW4, SE4 SW4, SE4
Sec 28 ALL
Sec 29 ALL Excl. NW4 NW4
Sec 33 N2 NE4, NW4 Excl. NW4 NW4
Sec 34 E2 NE4, NW4 NW4
Sec 35 N2
Sec 36 W2
SEC 36 E/2 (Collection only. ROW with Wyoming Office of State Lands and Investments)

TOWNSHIP 26 NORTH, RANGE 77 WEST

Sec 7 NW/4, N/2 SW/4, W/2 E/2, NE/4 NE/4, SE/4 SW/4, and SE/4 SE/4
SEC 18 W/2, NW/4 NE/4, W/2 SE/4
SEC 19 ALL
SEC 29 S/2, S/2 N/2, NW/4 NW/4, and NE/4 NE/4
SEC 30 ALL
SEC 31 ALL
SEC 32 ALL

TOWNSHIP 25 NORTH, RANGE 78 WEST

SEC 1 ALL
SEC 2 ALL
SEC 3 ALL
SEC 4 ALL
SEC 5 ALL
SEC 9 ALL
SEC 10 ALL
SEC 11 ALL

SEC 12 ALL
SEC 16 ALL (Transmission/Collection only. ROW with Wyoming Office of State Lands and Investments)
SEC 17 ALL
SEC 21 ALL lying west of State HWY 487
SEC 28 ALL lying west of State HWY 487
SEC 33 ALL lying west of State HWY 487
SEC 36 ALL

TOWNSHIP 25 NORTH, RANGE 77 WEST

SEC 4 W/2 W/2
SEC 5 ALL
SEC 6 ALL
SEC 7 ALL
SEC 8 ALL
SEC 9 W/2
SEC 16 W/2
SEC 18 W/2
SEC 32 ALL

TOWNSHIP 24 NORTH, RANGE 78 WEST

SEC 01 ALL
SEC 02 ALL
SEC 03 ALL
SEC 04 ALL
SEC 05 ALL
SEC 09 ALL
SEC 10 ALL
SEC 11 ALL
SEC 13 ALL
SEC 14 ALL
SEC 15 ALL
SEC 21 ALL
SEC 22 ALL
SEC 23 ALL
SEC 24 W/2
SEC 25 ALL
SEC 26 ALL
SEC 27 ALL
SEC 34 ALL
SEC 35 ALL
SEC 36 ALL

TOWNSHIP 24 NORTH, RANGE 77 WEST

SEC 4 W/2 W/2
SEC 5 ALL
SEC 6 ALL
SEC 7 ALL
SEC 8 W/2

SEC 17 ALL
SEC 18 ALL
SEC 19 ALL
SEC 20 N/2, N/2 SW/4, and SW/4 SW/4
SEC 29 ALL
SEC 30 ALL
SEC 31 ALL
SEC 32 ALL

TOWNSHIP 23 NORTH, RANGE 78 WEST

SEC 2 ALL

Applicant: TB Flats Wind Energy, LLC and Invenergy LLC

General Site Location: Northeast Carbon County; north of the Town of Medicine Bow

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 200 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. 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. The Applicant(s) shall enter into 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 Applicant(s) shall

provide financial assurance for County road construction and maintenance as determined by the Board.

8. Site Specific Setback Waiver: The Applicant(s) shall submit site specific tower locations as part of the building permit application. Any tower closer than the minimum setbacks as listed in the County Commercial WECS Setbacks and Standards shall be forwarded to the Board to request a setback waiver. The Applicant(s) shall submit an explanation and justification as to why each setback waiver is necessary.
9. Operations and Maintenance:
 - a. Routine scheduled maintenance shall include the repainting of painted equipment and painted 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, the Wyoming Department of Transportation 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 assess whether there has been signal degradation as a result of the WECS and then in the event of degradation shall reasonably cooperate to respond to the complaint and take reasonable measures with the cooperation of the complainant as necessary to alleviate or mitigate the interference.
 - b. The Owner(s) or Operator(s) shall mitigate light impact on existing residences that are located within one (1) mile of a Project WECS Tower light/beacon while still meeting applicable FAA lighting requirements.

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 approved by the County Sheriff 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 after 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.
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. No conditional use permit shall be transferred without the prior approval of the Board of County Commissioners. The 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. It is specifically understood and agreed that as of the date of the Carbon County Commission hearing on April 3rd, 2018, the Applicant intends to transfer this permit to PacifiCorp for construction, development, and operation of the Project. The Board hereby approves of such transfer, subject to PacifiCorp agreeing in writing to be bound by all of the terms of the Conditional Use Permit as the owner of the permit. This conditional use permit shall not have any additional transfers other than the aforementioned transfer under this paragraph 14 without the prior approval of the Board of County Commissioners
14. No building permits will be issued in the Natrona Sage Grouse Core Area.
15. Within six (6) months of the Board's approval, and on an annual basis thereafter until construction is completed, the permit holder shall provide a progress report of the WECS Project to the County Planning and Zoning Commission. The annual report\progress report shall include a written summary of Project's progress and include an appearance at a regularly scheduled County Planning and Zoning Commission meeting.
16. 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:

That the Carbon County Board of County Commissioners, hereby approve the Conditional Use Permit – Commercial Wind Energy Facility (C.U.W. Case #2018-01) as certified to them in writing by the Carbon County Planning and Zoning Commission in the Ranching, Agriculture and Mining (RAM) Zone for the “TB Flats Wind Energy Project”.

Expiration of Permit:

The TB Flats 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 TB Flats 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 3rd day of April, 2018.

**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

ATTORNEY

Attorney Davis updated the BOCC that at a prior meeting Jason Ochs of the Ochs law firm discussed the county joining a lawsuit against manufacturers of opiate medications to try to prevent over prescribing of the medications which are highly addictive and largely thought to be ineffective. Mr. Ochs presented a Client Services Agreement and she has made suggested changes to that agreement to protect the county in the case of a counter claim and that that funds themselves can be recovered for value received including things like counseling that a manufacturer could be required to pay for and she wants to ensure that if the value received exceeds cash value that the county would not be responsible for those costs. She asked if the BOCC wants to proceed with those conditions in place.

Commissioner Espy moved to have the County Attorney's Office contact Jason Ochs to revise the Client Services Agreement for an opiate lawsuit to make the attorney's suggested changes. Commissioner Chapman seconded and the motion carried unanimously.

Commissioner moved to authorize the Chairman's signature on the letter to Memorial Hospital of Carbon County regarding emergency detention billings. Commissioner Davis seconded and the motion carried unanimously.

COMMISSIONERS DISCUSSION

Commissioner Davis reported that he attended the hospital's strategic planning session where they discussed numerous topics including marketing, instilling a positive image of the hospital, financial, doctor recruitment and retention, and more.

Commissioner Jones noted the beacon project at the Dixon Airport is complete.

Chairman Johnson stated there is a WPLI open house tonight in Saratoga and in Encampment on the 10th.

EXECUTIVE SESSION

Commissioner Espy moved to go into executive session at 3:18 p.m. with Ashley Davis, Gwynn Bartlett and Jim Piche to discuss personnel, potential litigation and other matters considered confidential by law. Commissioner Davis seconded and the motion carried unanimously.

Commissioner Espy moved to come out of executive session at 3:34 p.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Chapman seconded and the motion carried unanimously.

ADJOURNMENT

Commissioner Espy moved to adjourn the meeting at 3:35 p.m. Commissioner Chapman seconded and the motion carried unanimously.

A regular meeting of this Board will be held May 1, 2018 at 2:00 p.m. at the Carbon County Courthouse, 415 W. Pine Street, 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 www.carbonwy.com or by calling the Clerk's Office at (307) 328-2668 or 1-800-250-9812.