

**REPORT TO THE  
MINUTES OF THE BOARD OF  
CARBON COUNTY COMMISSIONERS  
REGULAR MEETING  
Tuesday, March 2, 2021  
Carbon County Courthouse, Rawlins, WY**

A regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, March 2, 2021 at 9:00 a.m. at the Carbon County Courthouse in Rawlins, WY. Attending the meeting were Chairman, John Johnson, Vice Chairman, Sue Jones, John Espy, Travis Moore and Byron Barkhurst.

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

**ADDITIONS / CORRECTIONS**

Chairman Johnson added a grant application under Public Health.

**VOUCHERS**

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

Commissioner Espy moved to approve the report of expenditures in the amount of \$413,447.58 for an aggregate total today of \$413,515.58. Commissioner Barkhurst seconded, and the motion carried unanimously.

Vendor	Detail Line Description	Total
Acme Electric Company, LLC	Baggs Library Electrician Services	\$3,244.82
Also, American Linen Division	Misc. Shop Supplies	\$114.65
Arca Search	Index Book Scans on Hard drive	\$549.00
Big Bale Company	Tires	\$1,003.00
Black Hills Energy	Heating Services	\$17,977.71
Blakeman Propane	Heating Services	\$3,378.42
Bridger Fabrication	Tubing/Wheel/Nut	\$31.09
Candy Mountain	Water	\$260.50
Carbon County Fire Aux.	Charitable Relief Program	\$4,000.00
Casper Winnelson Co	Murray St Wall Pump/Misc. Bldg. Mtls.	\$18,146.45
Clerk of Dist. Court (Jurors)	District Court Jurors	\$3,031.00
Cowboy Chemical	Laundry Supplies	\$331.95
Cowboy Supply House	Jail Cleaning Supplies	\$716.32
Daily Times	Newspaper Subscription	\$105.60
Dixon, Town Of	Water Services	\$308.00

Dominion Energy	Heating Services	\$262.76
Eidenschink, Todd	Deposit Refund	\$820.00
Encampment, Town Of	Water Services	\$97.00
Encartele	Jail Data	\$750.00
Friends of The Old Pen	Charitable Relief Program	\$2,983.92
Front Range Fire Apparatus	Halogen Bulbs	\$88.24
Further	HRA Reimbursement/Medical FSA	\$5,695.37
Galls/Quartermaster	Deputy Uniforms	\$4,069.76
Grainger	Refractometer/Air Filter	\$193.19
Graphic Business Solutions, LLC	Notary Stamps/Date Stamp	\$305.30
Greater Wy Big Bros/Sisters	Jan 2021 Prevention	\$5,493.64
Hagan, Walter	Bailiff Circuit Court	\$150.00
High Plains Power	Electric Services	\$525.94
International Association Of	Charitable Relief Program	\$5,008.18
Jubilante Ensembles of Carbon Co.	Charitable Relief Program	\$8,614.48
Kilburn Tire Company	Battery/Install	\$202.95
Kilburn Tire Company	Tire/Mount/Balance	\$458.28
Laramie Fire Extinguisher	Yearly Inspection	\$562.50
Laramie Fire Protection	Fire Alarm Panel & Device Repl.	\$4,040.00
Little Rascals Preschool	Charitable Relief Program	\$30,907.11
Long Building Technologies, Inc.	Murray St Cameras/Boiler Maint.	\$5,882.00
McKesson Medical-Surgical	Jail Meds	\$915.84
Medicine Bow, Town Of	Water Services/Structure Fire	\$2,285.00
Mem. Hospital of Carbon Co.	Psych Medical Services	\$11,405.70
MHL Systems	End Dump Cutting Edges	\$1,888.00
Mountain Trail Medical	Carbon County Health Officer	\$1,600.00
MPM Corp / Evergreen Disposal	Trash Services	\$130.00
My Office Etc.	Various Office Supplies	\$140.45
Nationwide	Surety Bond Renewal	\$50.00
NMS Labs	Lab Fees	\$147.00
Norco, Inc.	Cylinder Rental/Rags	\$1,257.37
Olde Trading Post	Fuel	\$316.57
O'Reilly Auto Parts	Battery/Core Exchange	\$191.89
Peden's Inc	Fire Uniforms	\$113.86
Phillips 66-Conoco-76	Fuel	\$68.63
Prasad, Sonika	Deposit Refund	\$820.00
Quill Corporation	Misc. Ofc. Sup. /Credits for Ret. Items.	\$530.87
R&L Carriers	Small Engine	\$379.15
R.P Lumber Company, Inc.	Misc. Supplies	\$214.33
Rasmussen Furniture	Washer Lid Switch	\$46.69
Rawlins Automotive	Misc. Parts	\$2,278.75

Rawlins Glass Center, Inc.	Elect. Services/Auto Doors Murray St	\$2,988.12
Rawlins, City Of	Water Services/Landfill Fees	\$2,013.00
Saratoga Auto Parts, Inc.	Misc. Parts	\$1,205.32
Schaeffer Mfg. Co	Oil	\$2,510.60
Schilling & Winn Pc	Attorney Fees	\$2,752.15
Shepard, Shandra Np	Reproductive Health	\$416.00
Shepard's	Fuel	\$783.01
Shively Hardware	Toilet Paper/Poly Brush	\$69.46
Sinclair Baptist Church	Charitable Relief Program	\$16,219.82
Snake River Press	Notice of Intended Adopt. of R&B Policy	\$280.00
Staples Advantage	Misc. Supplies	\$337.83
Star Awards & Signs	Name Plates	\$22.60
State of WY - Office of Gov.	Charitable Relief Refund	\$203,989.55
State of Wyoming A & I	Mainframe Access	\$14.03
Stinker Stores, Inc.	Fuel	\$3,387.58
Summit Food Service	Jail Meals	\$6,376.63
Sunrise Sanitation Service, LLC.	Trash Services	\$68.00
Super Vacuum Mfg. Co. Inc.	Sheriff Graphics	\$434.51
Swanson Services Corp.	Jail Commissary	\$627.43
Terminix	Pest Control Services	\$175.00
Tractor Supply Credit Plan	Misc. Tools	\$33.97
Trevathan, Sabrina RMR	Transcription Services	\$1,599.20
True Value of Rawlins	Misc. Supplies	\$78.54
Will's Warriors	Charitable Relief Program	\$3,900.00
Wy Law Enforcement Acad.	Detention Officer Training	\$1,980.00
Wy Machinery Company	Misc. Parts	\$3,874.05
Wy Retirement System	Vol Fire Pension	\$1,350.00
Wy Secretary of State	Taylor Miller Notary	\$30.00
Wy State Firemen's Assoc.	2021 Dues	\$75.00
Wy State Forestry	Fire Maint & Repair Vehicle	\$334.95
Wyoming Trader	Social Media For COVID-19	\$500.00

### **CONSENT AGENDA**

Commissioner Espy moved to approve the consent agenda noting any item could be removed for separate action. The consent agenda includes the February 16, 2021 regular meeting minutes, monthly receipts from Road and Bridge in the amount of \$50.00, monthly receipts from Planning and Development in the amount of \$2,950.00, a bond for Linda Crane, Clerk/Treasurer for the Town of Elk Mountain in the amount of \$25,000.00 and a bond for Stephanie Ann Arnold, Treasurer for Carbon County Weed and Pest in the amount of \$50,000.00. Commissioner Barkhurst seconded, and the motion carried unanimously.

### **ELECTED OFFICIALS & DEPARTMENT HEADS**

## **Emergency Management**

Lenny Layman, Emergency Management Coordinator presented two letters of commitment for the 2021 FEMA Fire Management Assistance Grant applications for the 316 and Mullen Fires Mitigation Projects along with the grant applications for Commissioner approval and Chairman's signature.

Commissioner Espy moved to approve the Chairman's signature on the two letters of commitment and the grant application to the Wyoming Office of Homeland Security for the 2021 FEMA Fire Management Assistance Grant applications for the 316 and Mullen Fires Mitigation Projects. Commissioner Moore seconded and the motion passed unanimously.

Mr. Layman provided an update for Carbon County American Red Cross noting he is still looking for volunteers. Mr. Layman and Pat Waliser with Search and Rescue discussed the possibility of having a dedicated public channel for search and rescue when Search and Rescue is activated.

Mr. Layman discussed the High/Significant Hazard Dams report that he received from the Wyoming State Engineer's Office and flooding preparedness for the North Platte Drainage. Due to the Mullen Fire Burn Scar, 90% of snow melt will drain back into the North Platte. Flooding occurs during spring runoff and there is still that concern. Typically, when runoff is over the risk and fear subsides however all summer long the area will still be watched because rains could bring down debris that could impact roads and water levels. Mr. Layman also discussed the National Weather Service (NWS) Cheyenne Notification Process and AlertSense. He stated that there will be a Mullen Fire Burn Scar-County Road Concerns Planning Meeting #1 on March 9<sup>th</sup> at 11am, the 2021 State Flood Summit is on April 6<sup>th</sup> and the North Platte Drainage-Flooding Awareness Coordination Meeting will be April 7<sup>th</sup> at 1pm.

## **Public Health**

Amanda Brown, Public Health Nurse requested the BOCC approve a contract for vaccine funding. \$185,724.00 supplies, staffing and anything else to get vaccines to the county.

Commissioner Jones moved to authorize the Chairman's signature on the Memorandum of Understanding Between the WY Department of Health Public Health Division and Carbon County for vaccine funding in the amount of \$185,724.00. Commissioner Barkhurst seconded, and the motion carried unanimously.

Ms. Brown received a draft amendment to the Maternal Child Health noting it has been decreased by \$10,650.00. She uses the funds for staffing and is hoping there will be no further cuts.

Ms. Brown provided an update on COVID-19 cases, testing and vaccinations.

## **Buildings & Grounds**

Jim Piche, Buildings & Grounds Manager requested and received approval to go out for bids to get the roof at the main Road and Bridge shop resealed.

## **Planning & Development**

Marlin Johnson, County Planning Director and Kristy Rowan Office Manager and Deputy Zoning Administrator presented the Planning and Development's 2020 Annual Report.

## **Clerk**

Gwynn Bartlett, Carbon County Clerk discussed the County-Led Community Charitable Relief Program that Governor Gordon made public on December 22, 2020. The Governor allocated more than \$12.1 million in CARES Act Funding to counties for funding to nonprofit/charitable organizations that have provided public assistance or seen a decline in donations during the COVID-19 pandemic. Carbon County received \$338,092.32. Clerk Bartlett reported that the County was able to fund 14 different nonprofit/charitable organizations for a total amount of \$134,102.77. This means that the county will need to refund \$203,989.55 back to the State of Wyoming.

The Charitable Organizations that the County was able to provide charitable relief to are as follows: High Country Behavioral Health for providing mental health and counseling services in the amount of \$12,000.00; St. Vincent DePaul - St. Joseph Conference for providing food in the amount of \$6,628.77; Kiwanis International Inc., c/o Platte Valley Kiwanis for providing food and for reimbursement on lost revenue in the amount of \$1,851.00; Senior Services Inc. for reimbursement of food trays in the amount of \$3,092.00; Wee Folks Place for reimbursement of lost revenue in the amount of \$22,260.00; Assisted Care Facility for community health services in the amount of \$15,749.49; Boys and Girls Club of Carbon County for child care in the amount of \$888.00; Rawlins Lions Club for free food to St. Vincent DePaul and for lost revenue in the amount of \$5,008.18; Little Rascals Preschool for lost revenue in the amount of \$30,907.11; Friends of the Old Pen for lost revenue in the amount of \$2,983.92; Jubilante Ensembles for lost revenue in the amount of \$8,614.48; Will's Warriors for lost revenue in the amount of \$3,900.00; Sinclair Baptist Church for lost donations in the amount of \$16,219.82 and Carbon County Fire Auxiliary for lost revenue in the amount of \$4,000.00.

Clerk Bartlett discussed the upcoming House Bill No. HB00013, changes to Alcoholic Beverage Regulations. Some of the changes require changes to the county's adopted rules and while she is changing those she asked if the BOCC wanted any other changes including to fees. The BOCC declined to increase fees as businesses have been hit hard by Covid-19.

Clerk Bartlett presented the Amended and Restated Joint Powers Agreement for the Wyoming Association of Risk Management Property Insurance Joint Powers Board for approval.

Commissioner Barkhurst moved to approve the Chairman's signature on the Amended and Restated Joint Powers Agreement for the Wyoming Association of Risk Management Property Insurance Joint Powers Board. Commissioner Espy seconded and the motion passed unanimously.

Clerk Bartlett presented the 2021 Local Government Liability Pool County Renewal Application for approval.

Commissioner Moore moved to approve the Chairman's signature on the 2021 Local Government Liability Pool County Renewal Application. Commissioner Barkhurst seconded, and the motion passed unanimously.

Clerk Bartlett presented the Final Escrow Agreement for the 2019 Specific Purpose Tax Escrow Account for approval. Signature was approved at the November 10, 2020 meeting.

Clerk Bartlett stated that she received an email from Donna Pipher stating that she is resigning from her position on the Carbon County Senior Services Board for the Hanna area.

Commissioner Jones moved to regrettably accept the resignation from Donna Pipher from the Carbon County Senior Services Board and advertise the vacant position. Commissioner Barkhurst seconded, and the motion passed unanimously.

### **Commissioner Discussion**

#### **Senate File No. SF0060 Ad Valorem Taxation of Mineral Production**

Clerk Bartlett and Treasurer Bentsen discussed the upcoming Senate File No. SF0060 which is an Ad Valorem taxation on Mineral Production. This relates to the ad valorem taxation of mineral production; codifying the payment of ad valorem taxation during the transition period between the current payment schedule and monthly payment of the tax; specifying penalties; repealing related provisions; providing an appropriation; and providing for an effective date. It will create new subsections to the monthly payment of ad valorem tax on gross product of mineral production.

### **Commissioners**

Commissioner Jones stated that after further review the County could apply for the new round of CARES Act funds for airports. This new round would pay \$9,000.00 for cost related to operations, personnel, cleaning, sanitization, janitorial services combating the spread of pathogens at the airport, and debt service payments. Ms. Jones stated that we applied for this grant on February 23, 2021.

Commissioner Jones moved to authorize the Chairman's signature on a letter to the Federal Aviation Administration certifying the county performed a walk through. Commissioner Barkhurst seconded, and the motion carried unanimously.

Commissioner Moore reported public comment meetings for the Natural Resource Management Plan are coming up and he will attend both.

Commissioner Espy stated that he is working with Weed and Pest to get the chemical diazepam, which is a cheatgrass treatment that has a real long residue, certified through the Bureau of Land Management and the Department of Interior. The US Forest Service approved the usage of it in December 2020. As of this time the Bureau of Land Management and the Department of Interior have not started a risk assessment yet.

Commissioner Jones reported that Clerk Bartlett applied for the second round of Cares Act grant funds for the Dixon Airport for operations during the period of December 2020 through September this year in the amount of \$9,000.00. She also reported that the FAA requires a height study for a wind tower over 499 feet. There is one near Medicine Bow and Rock River area that exceeds 8000 feet so we sent an email to FAA stating that we feel this structure will adversely affect the safe and efficient navigable airspace within the specified area, that there are several residents who have small private aircraft who fly in the area, and that we would like to see its location be moved to lower its overall height to meet the FAA safe height standards.

Chairman Johnson stated that he testified to Senate File No. 82 which is for Local Impact Assistance Payments that is being heard in the Senate today that reduces the total amount of the impact assistance from 2.6% to 2%.

### **UNITED STATES FOREST SERVICE**

Brush Creek/Hayden District Ranger Jason Armbruster presented a Memorandum of Understanding for implementation of the Medicine Bow Landscape Vegetation Analysis (LaVA) Project for approval. The Memorandum of Understanding is for the purpose of documenting the cooperation between the parties to provide a working relationship during the implementation of the Medicine Bow National Forest Landscape Vegetation Analysis (LaVA) Project. The MOU serves to formalize continued communication and cooperation between the Forest Service and the LaVA Cooperators.

Commissioner Jones moved to approve the Chairman's signature on the Memorandum of Understanding between the LaVA Cooperating Agencies and the USDA, Forest Service Medicine Bow-Routt National Forests and Thunder Basin National Grassland for implementation of the Medicine Bow Landscape Vegetation Analysis (LaVA) Project. She then rescinded the motion after Chairman Johnson requested her to do so as the MOU is still in a draft form.

Chairman Johnson stated that since Sid Fox was the original signatory for the previous MOU Marlin Johnson was asked to be the signatory for this MOU to which Marlin Johnson agreed. Commissioner Espy requested that the MOU state that Marlin Johnson or any successor as the administrative contact with this being a long-term project. Chairman Johnson requested that the MOU be presented at the next Commissioner meeting for approval and signature.

Ranger Armbruster also requested a statement of legal sufficiency for the highway easement deed for Sage Creek Road, he presented a draft of the highway easement deed, and a sample statement. This project has been in the works for several years. There was Federal Highway Project to upgrade the Sage Creek road with the intention of turning that road over to Carbon County. Construction has been completed and the final step would be conveying that easement over to the County. Before that can happen, the Federal Highway Administration is asking for statement of legal sufficiency from the County Attorney basically stating that the draft easement deed that was provided is legally sufficient to transfer the rights over to Carbon County. Federal Highways sent a letter back in 2018 asking Bill Nation to provide a statement of legal sufficiency and he doesn't believe that ever happened.

Attorney Davis responded that back in 2018 she and Bill Nation met with Ray Golden who was with Federal Highways at that time and there are some concerns with the existing easements. Attorney Davis had asked for clarification on some of the Federal Rules and Regulations regarding the transfer of an easement. Attorney Davis stated that Carbon County needs to ensure that they have legal access to the entire 8.2 miles to make sure that the county can do proper maintenance and improvements before they can accept this deed. Kandis Fritz, Road and Bridge Coordinator also stated that the easement would need to state that the county will need to have at least a 60-foot easement. Attorney Davis also stated that the project has been extended to 2023 due to wetland mitigation. Chairman Johnson asked for the final and complete easement be brought before the commissioners before action is taken. Mr. Armbruster stated that his only concern in postponing the easement is that it leaves the road in an uncertain state regarding who has the authority to authorize road closure, commercial hauling, etc.

Ranger Armbruster provided information on the weight restricted bridge on Hwy 130 near the turnoff to County Road 504. In November of 2020 WYDOT informed the Forest Service that the weights limits on the bridge will be reduced. This weight limit reduction would have an impact on several timber and fuel reduction projects planned around the Ryan Park and other areas of the Snowy Range. This would make it difficult or impossible to haul logging equipment and timber over the weight restricted bridge. Mr. Fritz stated that as of this time there is not a weight limit restriction on the bridge. Currently Mr. Armbruster is asking about the possibility of a purchaser or contractor obtaining a road use permit on County 504 to bypass the bridge. Ms. Fritz stated that County Road 504 is not structurally sound enough to handle that kind of traffic without upgrading the road which would cost the county approximately \$800,000.00. Chairman Espy asked how many trucks on a sale like this would travel on the County Road 504. Mr. Armbruster stated that he calculated approximately 691 loads for one sale and 492 loads for the other, plus trips to mobilize logging equipment which would be up to 30 trips per year per sale. He calculated 1300 round trips for logging contract that runs for 3 years. The average traffic would be 2 trips per day all year or 3.5 trips for 3 months. Chairman Johnson asked the public who are attending the meeting for an informal poll on who is in favor and who is not in favor of the potential traffic on the alternate road. No one in the public was in favor of the alternate route. Commissioner Jones stated that she is not in favor of the alternate route. Chairman Johnson asked Ms. Fritz to draft a letter to WYDOT for Commissioner approval and signature at the next BOCCC meeting asking WYDOT to get the bridge on Highway 130/230 up to standards to meet the weight requirements to haul heavy equipment.

### **MEMORIAL HOSPITAL OF CARBON COUNTY (MHCC)**

Ken Harmon, Chief Executive Officer along with Rod Waeckerlin, Trustee for Memorial Hospital of Carbon County presented a monthly update on the status of MHCC including financials, physician recruitment, as well as COVID cases, testing and vaccines.

### **PLANNING & ZONING**

**Public Hearing – Z.C. Case File No. 2021-02**

Chairman Johnson opened a public hearing at 11:31 a.m. to hear Planning & Zoning file type Z.C. Case File #2021-02, Jason and Radona Williams’ request for a for a Zone Change from Ranching, Agriculture and Mining (RAM) to Rural Residential Agriculture (RRA-71) on approximately 71 acres. The RRA Zone is intended to be applied in areas of the County which are particularly suited to large-lot development that allow both agricultural and residential uses intermingled, located Approximately 2.5 miles northeast of Saratoga off Carbon County Road #550 (Buck Creek Road/205 Connector) on the north side. Marlin Johnson, County Planning Director presented the case file.

Chairman Johnson called for comments for or against the case. Mr. Lewis Stolns, adjacent property owner, commented that his only concern was that he wanted to know where the access to the property was going to be located as he did not want it to be going through his property. There being no further comments, Chairman Johnson closed the hearing at 11:34 a.m.

Commissioner Barkhurst moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2021-09, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission Z.C. Case File #2021-02, Jason and Radona Williams’ request for a for a Zone Change from Ranching, Agriculture and Mining (RAM) to Rural Residential Agriculture (RRA-71) on approximately 71 acres. The RRA Zone is intended to be applied in areas of the County which are particularly suited to large-lot development that allow both agricultural and residential uses intermingled, located Approximately 2.5 miles northeast of Saratoga off Carbon County Road #550 (Buck Creek Road/205 Connector) on the north side. Commissioner Espy seconded and the motion carried unanimously.

**Resolution No. 2021 – 09**

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

**Z.C. Case File #2021-02**

**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 held a public hearing on Monday, February 1, 2021, which hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

**WHEREAS**, at the Monday, February 1, 2021, public hearing, the Carbon County Planning and Zoning Commission provided the public the opportunity to comment and the Carbon County Planning and Zoning Commission considered any public comments which were made at said public hearing; and

**WHEREAS**, at the conclusion of said Monday, February 1, 2021, public hearing, the Carbon County Planning and Zoning Commission voted to certify in writing its recommendation to the Carbon County Board of County Commissioners to adopt the zone change as an amendment to the Carbon County Official Zoning Map for Carbon County, Wyoming; and

**WHEREAS**, the Carbon County Board of County Commissioners, pursuant to the Carbon County Zoning Resolution of 2015, as amended, and Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation of this zoning amendment to the Carbon County Official Zoning Map, advertised by public notice at least 14 days prior to a public hearing to take public input and comments on the proposed amendment, which said hearing occurred on Tuesday, March 2, 2021; and

**WHEREAS**, at said public hearing on March 2, 2021, the Carbon County Board of County Commissioners provided the opportunity for the public to comment and for the Carbon County Board of County Commissioners to consider any comments which were made on the proposed amendment; and

**WHEREAS**, the Carbon County Board of County Commissioners in considering the proposed amendment have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended; and the Carbon County Zoning Resolution of 2015, as amended; and

**WHEREAS**, the Carbon County Board of County Commissioners have determined that the proposed amendment is in general conformance with the Carbon County Comprehensive Land Use Plan, as amended, and that the proposed zone change meets the following applicable criteria of the Carbon County Zoning Resolution of 2015, as amended; 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 proposed zoning amendment to the Carbon County Official Zoning Map.

**Z.C. Case File #2021-02:** Request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Rural Residential Agriculture (RRA-71) on approximately 71 acres. The RRA Zone is intended to be applied in areas of the County which are particularly suited to large-lot development that allow both agricultural and residential uses intermingled.

**Petitioners:** Jason and Radona Williams (Applicants and Landowners)

**Rural Address:** 39 CR 550

**Parcel Identification Number:** 18833120001800

**General Site Location:** Approximately 2.5 miles northeast of Saratoga off Carbon County Road #550 (Buck Creek Road/205 Connector) on the north side.

**Legal Description-taken from Warranty Deed in Book 1284, Page 36:**

NW1/4NW1/4 (Lot 1), Section 31, T18N, R83W and W1/2E1/2NE1/4NW1/4 and W1/2NE1/4NW1/4, Section 31, T18N, R83W, 6<sup>th</sup> P.M., Carbon County, WY.

**NOW THEREFORE BE IT RESOLVED BY THE**

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

That the Carbon County Board of County Commissioners, hereby adopts this amendment as certified to them in writing by the Carbon County Planning and Zoning Commission and the existing zone shall be changed from Ranching, Agriculture and Mining (RAM) to Rural Residential Agriculture (RRA-71) on approximately 71 acres.

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 2<sup>nd</sup> of March 2021.

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

By: -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 File No. 2021-01**

Chairman Johnson opened a public hearing at 11:36 a.m. to hear Planning & Zoning file type C.U. Case File #2021-01, ESA Architects (Applicant) and Three Forks Ranch Inc. (Landowner) request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The Request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone District. The request is to provide event space and an interior Pickleball Court building as amenities for the Three Forks Lodge and Spa located approximately 35 miles east of Baggs, off Carbon County Road #710 (Snake River Spur). Sarah Brugger, Planner/GIS Specialist, presented the case file.

Chairman Johnson called for comments for or against the case. There being no comments, Chairman Johnson closed the hearing at 11:41 a.m.

Commissioner Moore moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2021-10, 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 #2021-01, ESA Architects (Applicant) and Three Forks Ranch Inc. (Landowner) request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The Request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone District. The request is to provide event space and an interior Pickleball Court building as amenities for the Three Forks Lodge and Spa located approximately 35 miles east of Baggs, off Carbon County Road #710 (Snake River Spur). Commissioner Barkhurst seconded, and the motion carried unanimously.

**Resolution No. 2021 – 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 #2021-01 – “Three Forks Lodge – Event Center & Pickleball Court”**

**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 1, 2021, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

**WHEREAS**, at the Monday, February 1, 2021, 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 1, 2021, 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 2, 2021; and

**WHEREAS**, at said public hearing on March 2, 2021, 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 7.7, 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 #2021-01:** Request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone District. The request is to provide event space and an interior Pickleball Court building as amenities for the Three Forks Lodge and Spa.

**Project Name:** Three Forks Lodge – Event Center and Pickleball Court

**Petitioners:** ESA Architects (Applicant) and Three Forks Ranch Inc. (Landowner)

**Rural Address:** 1445 County Road 710

**Parcel Identification Number:** 12861610001100

**General Site Location:** “Three Forks Lodge” is located approximately 35 miles east of Baggs, off Carbon County Road #710 (Snake River Spur)

**Legal Description:** All of Section 16, T12N, R86W

**TERMS AND CONDITIONS OF APPROVAL:**

1. Applicant and/or Landowner must submit an approved WDEQ Storm Water Protection Permit (SWPP) to the Planning & Development Department prior to issuance of building permit(s) and implement best management practices with the implementation of proper inspection and reporting protocols.
2. 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.
3. If the scope of the operation changes 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.
  4. The applicant must prepare an exterior “lighting plan” for the Event Center and Pickleball Court facilities that is consistent with the purpose and lighting standards contained in Section 5.4.B.
  5. Upon approval by the Board, the following provisions from the Zoning Resolution will be incorporated into the final Resolution:
    - a. Section 7.7-H--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 within this section.

If any such use cannot be commenced until construction of structures, buildings and other physical assets associated with the use are completed, then construction of such structures, buildings and other physical assets must be commenced, absent any valid extension, not later than two (2) years from the date of approval of the conditional use permit and completed within a reasonable amount of time in accordance with the timeframe normally required for such construction. If such construction is not commenced and completed as required, then the conditional use permit shall become null and void and be of no further effect and any uses approved in accordance with the permit shall not be permitted without further action on the part of Carbon County.

- b. Section 7.7-I--Extension of Conditional Use Permits.

If the project has not been commenced 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 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 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.

1. 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 to the Board either approval or denial of the extension of the permit. The recommendation of the Commission shall be considered by the Board at their next regular meeting.
  2. No permit shall expire during the time the decision on the extension is being considered.
- c. Section 7.7-J--Transfer of Conditional Use Permits.  
No conditional use permit shall be transferred without the prior approval of the Board in accordance with the following:
1. The Board may authorize transfers of permits to a different person if:
    - a. The permit transfer request is initiated by a written request from the current permit holder and accompanied by a written acceptance of the permit, its terms, and conditions by the prospective transferee.
    - b. The permit transfer request is heard by the Board at a public meeting after notice is published.
    - c. The permit transfer administrative fee has been paid.
    - d. Board approval shall not be unreasonably withheld upon good cause shown.
- d. Section 7.7-K--Amendments to Conditional Use Permits.  
A Conditional Use Permit may be amended pursuant to the procedures and standards as required for a new Conditional Use Permit 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 #2021-01 – “Three Forks Lodge – Event Center & Pickleball Court”).

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 2<sup>nd</sup> day of March 2021.

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

By: -s- Willing John Johnson, Chairman  
On behalf of the Carbon County

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

**Public Hearing – C.U. Case File No. 2021-02**

Chairman Johnson opened a public hearing at 11:43 a.m. to hear Planning & Zoning file type C.U. Case File #2021-02, Blakeman Propane Bulk Storage’s request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to permit a propane bulk storage facility (“Blakeman Propane Bulk Storage Facility”) to serve local ranching operations, residential and commercial areas in the Platte Valley area and Carbon County which borders the Town of Saratoga to the north; directly west of HWY 130. Marlin Johnson, County Planning Director presented the case file.

Chairman Johnson called for comments for or against the case. Will Zilka and Dean Skiver with Blakeman Propane were present for any questions.

Commissioner Barkhurst asked if the Saratoga Airport was notified as an adjacent property owner. Mr. Johnson stated that the airport was notified and that there were not any comments received from them. WYDOT did suggest that the tanks be located on the South-West corner of property due to being close to the Highway 130. Mr. Zilka stated that Blakeman Propane has more than addressed the safety issue by being placed further from Highway 130 than what is necessary. Commissioner Barkhurst then asked if the tanks would run parallel to Highway 130 with his concern being towards aesthetic and Mr. Zilka stated that they would.

There being no further comments, Chairman Johnson closed the hearing at 11:51 a.m.

Commissioner Espy moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2021-11, 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 #2021-02, Blakeman Propane Bulk Storage’s request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to permit a propane bulk storage facility (“Blakeman Propane Bulk Storage Facility”) to serve local ranching operations, residential and commercial areas in the Platte Valley area and Carbon County which borders the Town of Saratoga to the north; directly west of HWY 130. Commissioner Moore seconded. The motion carried with all voting for the motion except Commissioner Barkhurst who voted against.

**Resolution No. 2021 – 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 #2021-02 – “Blakeman Propane Bulk Storage Facility”**

**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 1, 2021, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

**WHEREAS**, at the Monday, February 1, 2021, 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 1, 2021, 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 2, 2021; and

**WHEREAS**, at said public hearing on March 2, 2021, 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 7.7, 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**, the parcel size (31.74 acres) is legal, pre-existing, and non-conforming under the current RAM minimal parcel size. RAM minimal parcel size is 35 Acres; however, this Carbon County Board of County Commissioners recognizes that the Conditional Use Permit requested herein is in conformance and is consistent with the intent of the current Zoning Resolution of 2015, as amended; 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 #2021-02:** Request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to permit a propane bulk storage facility (“Blakeman Propane Bulk Storage Facility”) to serve local ranching operations, residential and commercial areas in the Platte Valley area and Carbon County.

**Project Name:** Blakeman Propane Bulk Storage Facility

**Petitioners:** Blakeman Propane (Applicant) and Arthur M. Ingleby (Landowner)

**Parcel Identification Number:** 17842310004900

**General Site Location:** Borders the Town of Saratoga to the north; directly west of HWY 130.

**Legal Description:** A tract of land located in the Northeast ¼ of Section 23, Township 17 North, Range 84 West of the 6<sup>th</sup> Principal Meridian, Carbon County, Wyoming located within the bounds

of the tract described in Book 1265, Page 32 of the Carbon County records and further described as Commencing at the Northeast corner of said Section 23, Thence N89°23'11"W along the North line of said section a distance of 480.24 feet to the West Right of Way of Wyoming State Highway 130; Thence S15°43'55"E along the said West right of way a distance of 700.90 feet; Thence continuing along the said right of way 390.02 feet along the arc of a curve to the left, said curve having a radius of 5880 feet an internal angle of 03°48'02" and a long chord which bears S17°37'48"E a distance of 389.95 feet to the Point of Beginning; Thence continuing along the said right of way 419.62 feet along the arc of a curve to the left, said curve having a radius of 5880 feet an internal angle of 04°05'20" and a long chord which bears S21°34'22"E a distance of 419.53 feet to the south line of said tract described in Book 1265, Page 32 of the Carbon County records; Thence N89°31'56"W along the said South line a distance of 449.39 feet; Thence N21°43'44"W a distance of 420.00 feet; Thence S89°31'56"E a distance of 450.92 feet to the West Right of Way of Wyoming State Highway 130 and the Point of Beginning. Containing 174,240 square feet or 4.0 acres more or less. Subject to all easements, conditions, reservations, exceptions, and restrictions contained in prior conveyances of record.

**TERMS AND CONDITIONS OF APPROVAL:**

6. Building Permit(s) are required prior to the start of construction. (Building Permit conditions may include the final determination of Landscaping and/or Screening Standards/Requirements.)
7. The Planning Commission determined that the 40-foot setback required in the RAM Zone shall be the required setback. The lease site for the CUP shall not exceed 4 acres. A modified site plan shall be submitted.
8. Lighting Standards must be met per Section 5.4.B.
9. The Applicant shall provide a copy of the approved and issued WYDOT access permit to the Planning & Development Department.
10. In the event of an emergency, an Emergency Contact Information shall be posted on the site and visible from WY HWY 130.
11. 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.
12. Upon approval by the Board, the following provisions from the Zoning Resolution will be incorporated into the final Resolution:
  - e. Section 7.7-H--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 within this section.

If any such use cannot be commenced until construction of structures, buildings and other physical assets associated with the use are completed, then construction of such structures, buildings and other physical assets must be commenced, absent any valid extension, not later than two (2) years from the date of approval of the conditional use permit and completed within a reasonable amount of time in accordance with the timeframe normally required for such construction. If such construction is not commenced and completed as required, then the conditional use permit shall become null and void and be of no further effect and any uses approved in accordance with the permit shall not be permitted without further action on the part of Carbon County.

f. Section 7.7-I--Extension of Conditional Use Permits.

If the project has not been commenced 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 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 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.

3. 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 to the Board either approval or denial of the extension of the permit. The recommendation of the Commission shall be considered by the Board at their next regular meeting.

4. No permit shall expire during the time the decision on the extension is being considered.

g. Section 7.7-J--Transfer of Conditional Use Permits.

No conditional use permit shall be transferred without the prior approval of the Board in accordance with the following:

2. The Board may authorize transfers of permits to a different person if:

e. The permit transfer request is initiated by a written request from the current permit holder and accompanied by a written acceptance of the permit, its terms, and conditions by the prospective transferee.

f. The permit transfer request is heard by the Board at a public meeting after notice is published.

g. The permit transfer administrative fee has been paid.

h. Board approval shall not be unreasonably withheld upon good cause shown.

h. Section 7.7-K--Amendments to Conditional Use Permits.

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

13. 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  
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 #2021-02 – “Blakeman Propane Bulk Storage Facility”).

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 2<sup>nd</sup> day of March 2021.

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

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

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

**EXECUTIVE SESSION**

Commissioner Moore moved to go into executive session at 12:05 p.m. with Deputy Clerk Wendy Newbrough and Ashley Mayfield Davis to discuss personnel, potential litigation and other matters considered confidential by law. Commissioner Barkhurst seconded, and the motion carried unanimously.

Emergency Manager Coordinator Lenny Layman entered at 12:15 p.m. and left at 12:55 p.m.

Commissioner Espy moved to come out of executive session at 1:18 p.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Barkhurst seconded, and the motion carried unanimously.

**ADJOURNMENT**

Commissioner Espy moved to adjourn the meeting at 1:18 p. m. Commissioner Barkhurst seconded, and the motion carried unanimously.

A regular meeting of this Board will be held Tuesday, April 6, 2021 at 9:00 a.m. at the Carbon County Courthouse, in Rawlins, WY. The public is invited to attend, or you can listen online at the website listed below. To get on the agenda, call the Clerk's Office by the Thursday before the meeting. Per Wyo. Stat. §18-3-516(f), access to county information can be obtained at or by calling the Clerk's Office at (307) 328-2668 or 1-800-250-9812.