

**REPORT TO THE
MINUTES OF THE BOARD OF
CARBON COUNTY COMMISSIONERS
REGULAR MEETING
Tuesday, September 14, 2021
Platte Valley Community Center, Saratoga, WY**

A regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, September 14, 2021, at 2:00 p.m. at the Platte Valley Community Center in Saratoga, 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 2:00 p.m.

ADDITIONS / CORRECTIONS

Chairman Johnson added discussion and possible adoption of a paid leave policy for employees regarding COVID-19 under the clerk.

VOUCHERS

Commissioner Barkhurst moved to approve September 2021 payroll and benefit expenses of \$945,506.95 and insurance claim and premium expenses of \$231,608.90, the report of expenditures in the amount of \$244,732.22 for an aggregate total today of \$1,421,848.07. Commissioner Espy seconded and the motion carried unanimously.

Vendor	Detail Line Description	Total
Acme Electric Company, LLC	Electrical Repairs & Scissor Lift	\$455.00
Advanced Network Mgmt., Inc.	Software Licensing	\$53,667.30
Apex Communications	Maintenance Agreement	\$7,033.88
Axis Forensic Toxicology, Inc.	Lab Services	\$420.00
Baggs, Town Of	Office Rental	\$150.00
Bank Of Montreal - Mastercard	Misc. Charges	\$21,906.03
Bi Inc.	Electronic Monitoring	\$1,911.00
Bob Barker Company, Inc.	Shorts/Underwear	\$123.25
Brown, Sharon	Monitor Deposit Refund	\$820.00
Buckingham, Maria	Daily Deposit Refund	\$42.50
Carbon Power & Light Inc	Electric Services	\$2,216.99
CareRight Technologies, LLC	Monthly Bed Fee	\$148.50
Carrot-Top Industries, Inc	Us Flags/Wyoming Flags	\$377.99
Corvinus Group LLC	Service Call For Utility Control	\$1,518.78
Daily Times	Public Legal Notices	\$75.00
Dominion Energy	Gas Services	\$30.24
Dunns Custom Machining	Engrave Carbon County Seals	\$140.00

Encartele	Jail Data	\$1,500.00
Engstrom, James D. DDS	Dental Services	\$2,500.00
E-Z Lift Garage Doors	Sally Port Door Repairs	\$132.00
Fritz Welding & Machine, Inc.	Steel/Water Jet Cutting Charge	\$2,827.00
Galls/Quartermaster	Long Sleeve Shirt	\$54.76
Gay, Jason	Mileage	\$249.00
GCR Electronics, LLC	Site Rental	\$2,121.76
Gray, Brandon Scott	Monitor Deposit Refund	\$820.00
Greater Wy Big Bros/Sisters	Aug Prevention	\$21,716.36
Jack's Body & Fender Repair	Tow Charges	\$201.00
KTGA/KBDY	Tower Rent	\$150.00
L N Curtis & Sons	Misc. Rescue Tools	\$3,259.64
Lifetime Benefit Solutions, Inc	Cobra Administration	\$75.00
Mercedes Transcription, Inc	Transcription Services	\$162.80
Midwest Card & ID Solutions, LLC	Software Maintenance Agreement	\$585.00
Motorola Solutions	Sheriff MDTs	\$79,803.07
NMS Labs	Lab Services	\$147.00
Norco, Inc.	Cylinder Rental	\$51.77
Nugent, Mark	Meal, Mileage, Motel Reimbursement	\$981.26
Olde Trading Post	Fuel	\$133.87
O'Reilly Auto Parts	Misc. Auto Parts	\$66.02
Perkins Conoco	Fuel	\$98.83
Perkins Oil Co	Fuel	\$4,138.59
Perue Printing	Tax Levy Sheets	\$10.95
Price Digests	Price Digests All Access Package	\$999.95
Quill Corporation	Misc. Office Supplies	\$547.41
R.P Lumber Company, Inc.	Fasteners	\$10.38
Rawlins Automotive	Misc. Parts	\$289.68
Rawlins Hardware	Misc. Hardware	\$3,253.17
Rawlins, City Of	Courthouse Ss Water Services	\$441.00
Saratoga Auto Glass	Replace Windshield	\$350.00
Stanislaus County Sheriff	Calderon Civil Service	\$40.00
Staples Advantage	Misc. Office Supplies	\$68.88
Stinker Stores, Inc.	Fuel	\$5,761.89
Summit Food Service	Jail Meals	\$7,055.27
Swanson Services Corporation	Jail Commissary Supplies	\$749.73
Sweetwater County Circuit Court	Seizure And Sale	\$4,000.00
Thomson Reuters-West Pymt Ctr.	Subscription Charges	\$829.42
United Tactical Systems, LLC	Non-Lethal Launchers & Projectiles	\$1,598.95
Us Bank	Misc. Charges	\$1,549.43
Valley Oil Company	Fuel	\$1,043.32

Voiance Language Services LLC	Interpretation	\$2.25
Wex Bank	Fuel	\$342.17
Wy Dept of Workforce Services	Unemployment	\$17.18
Wy Diesel Service	Fire Truck Radiator Repair	\$2,695.00
Wy Law Enforcement Academy	Yardley Schooling	\$265.00

CONSENT AGENDA

Commissioner Espy moved to approve the consent agenda noting any item could be removed for separate action. The consent agenda includes the September 7, 2021, regular meeting minutes; bond for Casey Shinkle, Treasurer for the Carbon County Visitors Council in the amount of \$100,000.00 and Notice of Valuation Changes in the amount of (\$581,855.00). Commissioner Moore seconded and the motion carried unanimously.

ELECTED OFFICIALS & DEPARTMENT HEADS

Fire Warden

John Rutherford, Fire Warden presented a letter of intent with Daniels Electronics dba CODAN Communications to update communications. CODAN is reviewing the county’s communications systems and to complete their review they would like a no fee letter of intent committing the county to allow them to visit tower sites to complete the assessment. The intent of the interior project is to improve communications for all emergency responders and Road & Bridge (R&B) and to allow volunteers to use the county’s communications systems while providing redundancy more easily. R&B, Sheriff and Fire would be in one tower and if any equipment fails at a tower that unit could operate off the other two.

Commissioner Moore moved to approve the Chairman’s signature on the letter of intent with Daniels Electronics dba CODAN Communication to update the county’s communications. Commissioner Barkhurst seconded, and the motion passed unanimously.

Planning & Development

County Planning Director, Sarah Bruggar presented certifications for the BOCC to set public hearings.

Commissioner Espy moved to accept the Certification of Recommended Action from the Carbon County Planning & Zoning Commission for Z.C. Case File #2021-10 - Linda E. Ihn, C.U. Case #2021-05 – Condict and Sons Cattle Co., Inc., and Minor Subdivision Case File #2021-03 - Schleedlewitz, LLC and Delaney Bend, LLC and schedule a public hearing for Tuesday, October 19, 2021, at 3:00 p.m. at the Hanna Town Hall in Hanna, Wyoming. Commissioner Barkhurst seconded, and the motion carried unanimously.

Buildings & Grounds

Buildings & Grounds, Jim Piche reported the new sign at the Paul A. Zamora Coroner Building is complete. The cornerstone has been approved by the Zamora family and will be installed upon completion as well.

Emergency Management

Lenny Layman, Emergency Management Coordinator updated the Board on the Rally in the Rockies military exercise that took place yesterday. He thanked those involved in the planning.

Mr. Layman discussed the functionality of AlertSense (Konexus) noting that individuals can use a new option called Key Words, he calls this optional opt-in. Essentially the public can opt into a group for a specific, temporary event and those notifications go away once the event is over.

Mr. Layman reported he will be working with Albany County Emergency Management on filling their open manger position.

Public Health

Emily Kaluzny, Emergency Response Coordinator reported on COVID-19 cases and vaccine clinics coming up.

Clerk

Clerk Bartlett discussed the county's previous policy from 2020 that allowed one 80-hour allowance and specific family and medical leave for county employees to use outside regular sick and vacation time if the employee had a COVID-19 diagnosis, was seeking one and had symptoms, was caring for someone with COVID or had a closure of a school or daycare. The policy expired in March 2021, and she suggested re-adopting the policy through at least the end of 2021 and possibly beyond to encourage those that are ill and/or exposed to avoid work as directed by a healthcare provider or public health. She asked if the BOCC wanted to adopt the policy and if so if they would like to provide a new 80-hour period or extend the original period, if 80 hours was the appropriate amount and if the board desired date the policy retroactively back to April or make it effective September 1.

Commissioner Espy stated the health of county employees is one of the paramount responsibilities and he stated he would like to see the policy provide a new 80-hour period so even if someone used the last one, they would have an additional 80 hours and have it been effective retroactively April 2021 through March 2022. The board agreed.

Commissioner moved to authorize any commissioners signature on the Carbon County Paid Leave Policy mimicking the Families First Coronavirus Response Act from 2020 with an effective date retroactively from April 1, 2021, through March 31, 2022. Commissioner Jones seconded, and the motion carried unanimously.

CITIZEN & COMMISSIONERS DISCUSSION

Richard Hodges, Platte Valley citizen reported he was concerned about the lack of COVID-19 information on the county website. He also asked for updates at every commission meeting. Commissioner Espy suggested linking the county's website to the information Mr. Hodges is looking for which is available on the state's website already. Ms. Kaluzny offered to speak with Public Health Nurse, Amanda Brown and create a solution.

Commissioner Jones reported that because Public Health (PH) offices have returned to normal duties and not just COVID-19 numbers she suggests individuals go to the state's website for up-to-date information.

Commissioner Barkhurst responded to Mr. Hodges request for reports at every meeting and stated that at almost every meeting this has been occurring and encouraged him to attend.

Commissioner Barkhurst reported that he would like to revisit county properties and the sale of those eligible. He asked what the next best step is to move forward on selling these properties. Attorney Davis stated the Clerk's Office was to send the list to the title company and determine ownership then move forward and a sealed bid process could be used. Commissioner Barkhurst suggested the BOCC have some discretion if there were certain circumstances like two bids of the same amount.

Commissioner Moore invited everyone to the Carbon County Council of Governments meeting tomorrow in Elk Mountain. Census final numbers will be discussed along with an update from the Carbon County Economic Development Corporation and a discussion about moving forward with a fire district.

Commissioner Espy reported that at the last WIR steering committee meeting there was a movement to streamline the US Board of Geographic Names to determine names on federally owned lands that may be offensive to some groups. The group will be looking into those.

LEASE WITH LSRV LIONS CLUB FOR THE RUSSELL COMMUNITY PARK

Kathi Terkla with the Little Snake River Lions Club discussed renewing the lease with the county. The old lease expires October 31, 2021 and was for a term of 5 years for \$10.00 per year. She presented the Club's insurance as well as signage they have posted regarding liability.

Commissioner Moore moved to approve the Lease Agreement between Carbon County Commissioners and the Little Snake River Valley Lions Club to lease the Russell Events Complex and Little Snake River Events Center for a term of 5 years ending October 31, 2026, in the amount of \$10.00 per year contingent upon attorney approval of the Club's liability insurance. Commissioner Jones seconded, and the motion passed unanimously.

Public Hearing – P.U.D. Case #2021-02 – Brush Creek, LLC

Chairman Johnson overviewed the process for public hearings noting there will be state offices participating via Zoom. He plans to limit public comment to 3 minutes and the applicant's

presentation to 15 minutes with an additional 5 if needed. More time could be obtained at the Chair's discretion.

Chairman Johnson opened a public hearing at 3:31 p.m. to hear Planning & Zoning file P.U.D. Case #2021-02, Brush Creek, LLC's Request for a Zone Change from Residential (RD) to a Planned Unit Development (P.U.D.) on 620+/- acres, the "Green Mountain at Brush Creek Ranch P.U.D.". The purpose and intent of the Green Mountain at Brush Creek Ranch P.U.D. is to provide commercial winter and summer recreational activities and related amenities and facilities on the property for Brush Creek Ranch guests, immediate family members and friends. In addition, the P.U.D. will include development standards and guidelines that protect the character, the surrounding area, and the environment. The P.U.D. will encompass up to 16 residential lots with each lot being 35 acres, or more, in size, that the owner may sell or gift, it is located approximately 4 miles south of WY HWY 70 off U.S.F.S. Road #550. Sarah Brugger, Planning Director, presented the case file noting there was conditional zoning approved on the parcel in 2001 and Brush Creek purchased the property in 2019. At that time the department was approached and that resulted in Resolution 2019-39 which allows for limited winter recreation uses with conditions. The Resolution noted that several building permits for yurts had been issued by the Department. Also, conditions included that Brush Creek had to submit a sketch plan for a PUD prior to May 15, 2020, and they did so. They also had to submit a PUD or rezone application by May 15, 2021, and that deadline was met as well. Ms. Brugger stated that she views this as two overlays. In the one, amongst the 620-acre parcel there is the recreational amenities associated with Brush Creek and Green Mountain Resort. The second overlay could potentially allow for 16 lots with 35 acres or greater to be conveyed separately to individual landowners. Within there would be easements to any improvements associated with the recreational amenities tied to resort activities. Within each lot there is a square footage cap of 20,000 square feet total for any improvements proposed on the property, excluding the Green Mountain Resort improvements, noting what those could include. She explained access noting access will be seasonal only with an established snowmobile trail in the winter. The BOCC has received comments received by the Planning & Zoning Commission. There has only been one comment received after the P&Z meeting from Rick and Carol Hughes noting they were not opposed to the housing development but are in opposition of the use of helicopters and helipads for "VIP" use and she read the entire comment letter for the record.

Ms. Brugger stated the applicant specifically requested an exemption, or waiver, of certain requirements including survey/engineering drawings, landscaping approval as outlined in the county's Land Use Plan Section 4.12 PUD. Otherwise, the applicant has met application requirements.

July 12 the Planning & Commission tabled the hearing and during the July 26 meeting the Commission ultimately recommended approval with the waiver request but with amendments to the PUD guide.

Representatives from the State of WY Engineer's Office and Department of Environmental Quality both appeared by Zoom to discuss permitting requirements for each agency.

Jennifer Zygmunt, Administrator for the Water Quality Division introduced various employees of departments within the agency who discussed different types of permits available that may or may not be required by the proposed project. These included stormwater, septic, discharge, dredge, and fill, among others. Commissioner Barkhurst asked what funding mechanisms are available for water quality studies and who is responsible for those. He stated there were water quality studies done years ago amongst various agencies and he was curious if those were now required how those would proceed. The department responded that the 205J grant program, which provides financial assistance along with the Section 319 grant are available. These are sections of the Clean Water Act and funds can be used for watershed studies to better understand sources of pollution, evaluate trends, and help with source water protection.

Chairman Johnson referenced a comment regarding adding additional layers of protection for the resource and he asked what those layers would be. The Department replied there is no approved permit at this time so this is hypothetical however if there were an approved plan under a permit that could include a potential septic system and if there was concern about source water the Department could require various conditions.

Chairman Johnson asked how long to process the permit from receipt and the steps to do so. The Department is required to have those processed within 60 days of receipt and during that time they typically work with the applicant for additional information if needed.

Lisa Lindemann, Administrator of the Groundwater Division of the State Engineer's Office introduced staff who provided a general overview of their permitting process. Any use of groundwater will require a permit with an average processing time of 30 days.

Gayle Grider McDonald, Owner's Representative for the applicant introduced consultants and partners including Matt Miller with Holland & Hart, Jim Foley with Foley Group, Ben Jordan with Western Engineering and Tom Campbell via Zoom of Campbell Environmental. Mike Williams, CEO and Vice Present of Brush Creek Ranch and Matt Anderson, Senior VP of Operations of Brush Creek LLC were also present.

Ms. McDonald showed a Brush Creek vicinity map of the original property and other acreages purchased. In 2019 they purchased Green Mountain Resort; the property being discussed today. The application is for a PUD with a limited number of homes which complies with the 2000 zoning approval. The plan integrates residential uses with the alpine ski area and complies with the winter use plan presented previously and final PUD plan. This is for a long-term visionary plan that may occur over the next 20-50 years.

Mr. Foley overviewed the property including showing access and where buildings are proposed. He stated there are two portions to the plan. The first is the recreational component and a map of this was provided. The second is the proposed development of 16, 35+ acre lots and he presented a map of this as well noting where various access easements could be noting these are mostly on existing trails. If not for the PUD, the proposal could be done without BOCC review but because they want to integrate the recreational activities it requires this process. The original plans approved in 2001 showed a small "ski city" including a hotel, a condo community along with single family homes. That development required sewer treatment plans, reservoirs with acquisition

of water rights and he assured the public and the Board this is not what Brush Creek is doing and rather would like to extinguish the right to do this in the future.

Ms. McDonald stated the DEQ, and State Engineers Office must permit issue permits to protect water supplies and long-term testing isn't the county's responsibility however the county would monitor this before issuing any building permits. She assured everyone that Brush Creek is committed to protecting the town of Encampment's water supply and they want an open time frame for the PUD as they have no immediate plan to sell parcels. The Green Mountain PUD will have minimum impact on local emergency service providers due to trained Brush Creek staff according to Ms. McDonald. In addition, she stated that other first responder needs including law enforcement should be minimal and the project will increase tax contributions to the county. There would also be an increase in other tax revenue streams. During the winter she stated access would be limited and occasionally Brush Creek LLC could use helicopters for emergency evacuation life support and secondarily for construction supplies to be dropped. They are withdrawing their VIP helicopter request.

Mr. Jordan presented a map of watershed of the Encampment River with the PUD. He estimated water demands for the facilities and year-round he estimated 5 gallons per minute with all facilities estimated 1,091,600 gallons per year. He addressed wastewater disposal comparing it to the previous proposal by the previous landowner however Brush Creek's proposal was estimated at a total design volume of 17,430 gallons per day with only a 120-day operating season. He presented a dilution model noting nitrate concentrations are nearly impossible to affect by this proposal. Propane generators could be used noting fuel storage is outside protection zones. Brush Creek Ranch actively works on forest mitigation to assist minimize potential impacts of forest fires, the Town of Encampment's number one concern about contamination to water supplies. The applicant understands all permitting requirements and will continue to work with those agencies as the project progresses.

Mr. Miller, representing the applicant stated they are talking about a PUD and a condition imposed in 2001 when the property was zoned residential. The condition said no residential use can occur until the PUD is presented to describe the interaction between the residential development and the recreational use. They would like the BOCC to know this is a reasonable alternative proposal that meets that condition. They say the by taking the density down meets the 2001 requirement. The concerns presented to date are not concerns of the BOCC but rather state agencies they are actively working with. Finally with the subdivision concern, if there is a residential property WY law allows for division into 35-acre parcels.

Chairman Johnson called for comments for or against the case noting each would be limited to 3 minutes.

Jeff Streeter read a written statement discussing private property rights noting why he feels that allowing neighbors to do mostly what they want with property is important. He stated the town of Encampment has never run out of water nor had to address pollutants. He does not favor preventing the development however he is not in favor if approval of the PUD as it stands. He feels the BOCC can honor private property rights and allow Brush Creek by using third party to develop statistically defensible baseline data and utilizing that to make a more informed decision.

Bob Herring stated the past performance of Brush Creek has not been stellar as they built on private land without permits and have built septic systems that do not work properly and have had EPA violations that are ongoing. He feels these infractions will continue with the same landowner proposing the project. He proposed there be a water study to determine if wells are not hydrologically to any surface water and will not affect quantity and quality of water from the N. Fork of the Encampment River. Chapter 1, Item 2 of the Land Use Plan states the water supply should be protected. He asked the BOCC to deny the PUD as currently written and have the application revised to avoid amendments.

Ross Herring agreed with Mr. Streeter noting helipads are an issue with her. These should be emergency use only with none outside the private property due to critical animal winter habitat. She feels downstream water monitoring should have a baseline data. She discussed rumors of Brush Creek trading water downstream for new use upstream.

Cindi Hamilton stated there is no chance to do this over therefore she thought this should be denied as written. There should be considerations in a permit.

Gary Dowdy stated that Brush Creek present plans on what is reasonable however the harshness to terrain and climate during winter months on a different elevation than their normal ranch operation the plan is not reasonable at all. He stated lagoons won't work when frozen solid. He stated in the delicate habitat immediately surrounding the project area the US Forest Service provides for vaulted waste and no lagoons.

Judy Geiger discussed emergency services. She had received a response from the BOCC noting the Green Mountain Development will have their own ski patrol medical support and medical services however in the appendices of the application she thought answers to medical support questions was to call 911 or other dispatch services. She is concerned about volunteers handling additional concerns.

Jon Nelson representing the Town of Encampment as their Civil Engineer presented a map of the source water protection zone. This illustrates what the overlay between this zone and proposed improvements would look like. The Land Use Plan is the guiding document and speaks specifically about downstream water rights. In Subdivision Regulations a PUD is defined as a subdivision. He stated Ms. Brugger described the two overlays. The larger lodges and amenities will be in the zone as illustrated on his map and he feels the site is not suitable for wastewater treatment. Mr. Nelson stated 18-5-316 states the BOCC may require a water use plan. The BOCC has a duty, regardless of county regulations, to ensure the land use doesn't injure or negatively affect downstream users and he felt WY Statute allows the study for a baseline that is statistically defensible to benefit not only Encampment but Brush Creek as well.

Pat Lynch reported he has been involved with this project 33 years. He overviewed Green Mountain's history. There was a ski area previously proposed with a tax that failed. In 2000 he and others formed a group that did a land exchange that year. A ski area was later proposed and approved, and he was disappointed that plan was being extinguished. In 2019 Brush Creek purchased with the understanding the ski area was approved and with his history of ski areas he

knows of 10 in Wyoming however and he feels the regulatory agencies would regulate this one as they have done the others.

Leroy Stephenson was concerned about sewer control, each building with their own septic system. He stated septic systems on the ranch must be pumped almost daily then hauled to Saratoga and he was concerned with the same thing occurring on the project site. This is to be a planned development, but their only plan is to piece meal everything. He questioned if DEQ would visit the site each time a septic was proposed.

Stas Banach, Encampment Councilman stated the town of Encampment's main concern is quantity and quality of water. He hopes the BOCC take to heart the comments and there is accountability on Brush Creek. The town wants to see monitoring as well.

Henry Hewitt stated in 2001 he was on the Planning Commission when this property was originally permitted. There was nothing occurring in the economy at that time. He urged Encampment residents where jobs will come from in the future and commented that especially winter jobs are needed. He stated if residents wish to turn down the PUD there is basically a residential development with over 200 homes already approved and that current owner has property rights. They have a right to present a reasonable plan and work with state government thereafter. He reiterated this plan is a much less impact than what was previously approved. He urged the BOCC to support the PUD as it's the least impact out of all the plans he has seen.

Nancy Anderson commented during her review of the application, comments on the application and other documents she found most rational was from the Saratoga Encampment Rawlins Conservation District that addresses long term planning. They require a written response from the P&Z Commission and the BOCC after public hearings this case and PUD case pertaining to 9 specific concerns. She asked if there would be a written response to the SER letter. She added 2 weeks ago a federal judge in Arizona negated recent water quality acts and the act in effect now is the Water Quality Act of 1986. She wondered if concerns discussed today would follow this act. Chairman Johnson replied that in consideration of time he will consider her questions and ended her comment period.

Jeb Steward stated it appears from the earlier presentation the applicant is planning on depletions in Section 36. He is concerned as the location of the retirement of the water rights is of utmost importance. Rights will have to be addressed by understaffed state offices which will only be noticeable after a significant timeline from when the pumping occurs. In his opinion the cause and effect will be difficult at best. He added no new water to develop in the Upper North Platte River. Only new water development can be done if you take it from someone else.

Chairman Johnson again called for additional public comment and there being no comments, Chairman Johnson closed the hearing at 5:24 p.m.

Commissioner Barkhurst reported the BOCC has been digesting data throughout the process and have all received phone called, e-mails and letters as well. He stated his position of support of land use development approval but not in the application's current state. He is a huge private property rights advocate and asked for clarification on a few items including asking Ms. Brugger who must

fulfill water and sewer permit requirements. In the application Brush Creek Ranch, Green Mountain PUD would be responsible but later the applicants say it will be them or the new landowner. His concern is that property could be sold then the new landowner would have to go through the processes. Ms. Brugger stated the either/or reference if land was transferred to an individual landowner that person would be responsible for septic and water well permitting. The Planning Department would require those permits prior to building permit issuance. Green Mountain PUD would have a homeowner's association that is still to be established that potentially may have some requirements where they will oversee some permitting. As far as the recreational activities, if Green Mountain is proposing something that would require a building permit, then they would be responsible for the water or septic permit.

Commissioner Barkhurst stated the county recently approved a PUD and that applicant had to provide a survey, a plat map, and it appeared on the surface one of the requests of the applicant's waiver was to avoid this. He asked why there was a waiver request, and he thought all applicants should be held to the same standard. Ms. Brugger replied the intent was that none of the development may occur and the applicant wants to wait to see if development is conducive. Lots may not ever be conveyed. Mr. Foley stated the prior County Planner asked for a 20–50-year plan and that's what led to this very long-term plan. There is no current plan to subdivide any land however to avoid the White's returning in the future this application is presented. He feels A Bar A was the model for this application.

Commissioner Barkhurst stated in 2019 this board provided the temporary use permit, but he would like to explore the possibility that if the White's have no future intention of subdividing the application be delayed allowing a final plat for the PUD and the BOCC require the applicant to provide water quality studies to protect the town of Encampment.

Commissioner Espy asked the applicant how they would feel about more time to provide more preparation. Ms. McDonald stated she feels all requirements have been met by the current application. She added that if the PUD is approved the applicant must act, development, build and move forward however their intent was strictly was to work cohesively with staff to devise a long-term plan and reduce the density. She added there are agencies they must answer to for permits to obtain building permits. Mr. Miller stated the applicant would like to proceed as this is in a unique position as residential can't be built unless a PUD is approved. Some commercial uses are restricted with the residential use. The applicant doesn't want to force a vote if the BOCC needs more information however they have worked with staff already to provide information, so the BOCC has clarity.

Commissioner Espy discussed the likelihood of a mylar being proposed now that would be amended multiple times in the future.

Commissioner Jones state the state partners are the regulatory permitting authority. She referred to conditions the Planning Commission recommended and she wondered if the public has seen those conditions. This proposal has been in the works for over 3 years and the BOCC must vote within the regulations the county has. The BOCC asked the applicant to provide such a plan in the manner provided. She addressed Ms. Geiger's concern over emergency services noting Brush

Creek has numerous employees who are well trained and are volunteering for the county in the area as well after the county reached out to ensure both entities are working together.

Chairman Johnson asked Ms. Brugger to read conditions recommended by the Planning Commission and she did so. Chairman Johnson thought most of the concerns discussed today were addressed in the recommended conditions. He felt policies and procedures should be followed and the outcome may not always be what the decision makers want.

If the case was approved with recommended conditions the helipad condition language would be amended. Commissioner Barkhurst had no issue with the amendments however he wanted to replace the word “will” with “shall” and he would like to see a condition to enforce statistically enforceable baseline data.

Commissioner Espy moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2021-35, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission P.U.D. Case #2021-02 Brush Creek, LLC’s Request for a Zone Change from Residential (RD) to a Planned Unit Development (P.U.D.) on 620+/- acres, the “Green Mountain at Brush Creek Ranch P.U.D.”. The P.U.D. will encompass up to 16 residential lots with each lot being 35 acres, or more, in size, that the owner may sell or gift, it is located approximately 4 miles south of WY HWY 70 off U.S.F.S. Road #550 with all recommendations from the Planning & Zoning Commission plus the removal of VIP helicopter travel in addition to a waiver of a waiver of the survey and engineering drawings, landscaping, length of approval, extension, and expiration as outlined in Section 4.12. Commissioner Jones seconded. Commissioner Barkhurst added he would like to replace “will” with “shall” and require statistical enforceable baseline watershed data. Commissioner Moore thought that statistical data must be sent to the state and questioned if the baseline data may be covered there. Commissioner Barkhurst thought data should go directly to the town of Encampment and Ms. Brugger stated the issue there is that the applicant for a building permit may or may not complete a sampling analysis plan. Commissioner Barkhurst reiterated that water quality plan based on data and continued monitoring be a requirement. Commissioner Jones agreed testing and quality results should go to the town rather than requiring the applicant do this. Ms. Brugger thought an amendment could be that the Planning Department would provide a copy of the submitted sample results to the town of Encampment when received. Attorney Davis clarified whether the sampling plan would be required even if the state did not require one and Commissioner Barkhurst confirmed this is his desire. He again stated he wants water quality baseline data and continued monitoring. Ms. Brugger stated that by omitting “as required by a permitting agency” language could achieve his proposed condition. Commissioner Jones stated that by statute they have no regulatory authority over water quality so asked Attorney Davis if the BOCC could place such a condition. Attorney Davis replied this could be done. Commissioner Barkhurst moved to amend the motion to remove “as may be required by any applicable permit” from item 20.g. of the Amended PUD Guide and require a copy of the of the submitted sampling results be sent to the town of Encampment by the Planning Department upon receipt. Commissioner Moore seconded and the amendment Commissioner and the motion passed with Commissioners Moore, Barkhurst and Johnson voting for the amendment. Commissioner Barkhurst moved to remove the word “will” in all watershed

protection items and replace with the word “shall”. Commissioner Moore seconded and the amendment carried unanimously. The amended motion carried unanimously.

Resolution will be inserted once received

ADJOURNMENT

Commissioner Espy moved to adjourn the meeting at 5:56 p.m. Commissioner Moore seconded, and the motion carried unanimously.

A regular meeting of this Board will be held October 19, 2021, at 2:00 p.m., at the Hanna Town Hall, Hanna, 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.