

**REPORT TO THE
MINUTES OF THE BOARD OF
CARBON COUNTY COMMISSIONERS
REGULAR MEETING
Tuesday, June 7, 2022
Carbon Building – Courthouse Annex, Rawlins WY**

A regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, June 7, 2022, at 9:00 a.m. at the Carbon Building-Courthouse Annex in Rawlins, WY. Attending the meeting were Chairman, John Johnson, Vice Chairman, Sue Jones, John Espy, Byron Barkhurst and Travis Moore.

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

ADDITIONS / CORRECTIONS

Chairman Johnson removed Tom Fisher from the agenda about magnesium chloride.

VOUCHERS

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

Commissioner Barkhurst moved to approve the report of expenditures in the amount of \$1,527,729.57 for an aggregate total today of \$1,527,797.57. Commissioner Espy seconded and the motion carried unanimously.

Vendor	Detail Line Description	Total
Ables, Duane E	County Health Officer	\$1,600.00
Absolute Solutions	Battery	\$862.84
Acme Electric Company, LLC	Electrician Services	\$1,026.74
Ada County Clerk	Case Copies	\$6.00
Also, American Linen Division	Misc. Shop Supplies	\$59.02
Amazon Capital Services	Mounted Mail Box W/ Key	\$40.99
Apex Communications	Radio/Battery	\$1,934.80
Apg Media Of The Rockies	2022 Primary Candidate Ad	\$180.00
Asbestos & Technical Services, Inc.	Removal/Disposal Courthouse	\$98,122.50
Baggs, Town Of	Fire In Landfill	\$307.50
Balestrieri, Michelle	Community Resource Dues/Postage	\$43.70
Bank Of Commerce	CCSO/Fire Ram Trucks Lease Pymt	\$29,351.65
Bartlett, Gwynn	Mileage Multiple Meetings	\$254.00
Bearcom	Sheriff Truck Repair	\$5,564.51
Bennett, Thomas L. M.D.	Autopsy Fees	\$2,157.71

Black Hills Energy	Heating Services	\$8,575.80
Bob Barker Company, Inc.	Inmate Supplies	\$306.35
Bob Ruwart Motors	Gear Rack And Pinion	\$1,999.99
Boys & Girls Clubs Of Carbon County	2021 Qtr. 4 TANF	\$802.40
Buchanan, Karen	Mileage	\$81.00
Capitol Communications	Service Contract/Tech Support	\$4,001.76
Carbon County Fair Board	Monthly Payment	\$4,166.67
Carbon County Library	Monthly Payment	\$32,500.00
Carbon County Museum	Monthly Payment	\$18,166.67
Carbon County Public Health	Employee Flu Shots	\$553.28
Carbon County Senior Services	Monthly Payment	\$16,666.67
Care More Turf Maintenance	Lawn Services	\$1,400.00
Casper Winnelson Co	Misc. Plumbing Supplies	\$657.85
CDW Government, Inc.	Transceivers For Network	\$557.34
Charm-Tex, Inc.	Gloves	\$314.70
Charter Communications	Jail Tv Subscriptions	\$119.72
Chiu, Stephanie	Inmate Medical Services	\$6,500.00
Civil Air Patrol Magazine	Magazine Subscription	\$195.00
Colorado Doorways Inc	Doors	\$1,260.00
Cowboy Supply House	Misc. Cleaning Supplies	\$571.62
Dallin Motors Inc	Vehicle Maint. /Mechanic Svs.	\$1,677.64
Dennis Supply Company	Misc. Parts	\$753.36
Dirty Boyz Sanitation, Inc	Trash Services	\$1,694.50
Dixon, Town Of	Water Services	\$506.87
Dominion Energy	Heating Services	\$122.99
Dynamic Controls Inc	Call In Station	\$147.24
Elk Mountain Conoco	Fuel	\$1,317.94
Encartele	Jail Data	\$2,250.00
Erickson & Roberts	Legal Services	\$703.08
Espy, John	W.I.R. Flight	\$1,877.62
Express Toll	17cop320wy	\$4.25
Fleming, Linda	Mileage	\$72.00
France, Tara	Court Reporter Services	\$604.50
Further	County Employees Health Reimb.	\$7,704.07
Galls/Quartermaster	Deputy Uniforms	\$388.96
Galveston County Sheriff	Process Serving Fees	\$75.00
Gonzalez Butler, Wanda I	Interpreter Services	\$80.00
Grainger	Belt	\$58.26
Greater Wy Big Bros/Sisters	2021 Qtr. 4 TANF	\$2,505.71
Hanna, Town Of	Water Services	\$252.08
Harris Govern Ft. Collins User Group Inc	User Group Dues	\$150.00

High Plains Power	Electric Services	\$454.80
Honnen Equipment	Belt	\$127.46
Iacovetto, Karon	Monthly Cleaning Services	\$9,765.00
IMEG	GIS Mapping	\$13,092.00
Jack's Body & Fender Repair	Towing Services	\$1,378.00
Jones Simkins	Audit Fees	\$8,902.50
K2 Towers III, LLC	Tower Rent	\$4,243.62
Kaluzny, Emily	Personal Phone Reimbursement	\$30.00
Kilburn Tire Company	Tires	\$1,022.96
King Soopers Customer Charges	Bleach/Dish Soap	\$28.79
Kusmaul Electronics	12 Volt With Auto Charger	\$371.22
Lally, Brian J.	Reimbursement For Uniform	\$52.95
Larimer County Sheriff's Office	Process Serving Fees	\$69.00
Lifetime Benefit Solutions, Inc	Cobra Employee Benefits	\$25.00
Loan Payment Processing Center	Lease Payments	\$69,008.24
Local Government Liability Pool	Annual Dues	\$50,681.00
Maberry, Agrippina M.	Translate Rental Agreement	\$375.00
McKesson Medical-Surgical	Jail Med Supplies	\$809.56
Memorial Hospital Of Carbon County	Lab Fees/Emergency Detentions	\$53,841.47
Merseal Law, LLC	Legal Services	\$4,170.00
Mike's Lock & Key	Public Defender Key Pad Install	\$247.00
Miller, Dale	Meal Reimbursement	\$38.15
Moss, Barbara	Mileage	\$97.20
Municipal Emergency Svs.	O Rings For Air Packs	\$44.11
Norco, Inc.	Misc. Cylinder Rentals	\$455.94
Offender Watch	Sex Offender Notifications	\$209.00
O'Reilly Auto Parts	Misc. Parts	\$135.67
Pathfinder Ranches	Water	\$175.00
Peakview Carwash	Tokens For Car Wash	\$50.00
Perkins Oil Co	Fuel	\$2,707.89
Perry, Abby	Postage	\$25.00
Plattoga Holdings, LLC	Crushing Material	\$9,338.59
Q Creek Land And Livestock LLC	Water Permit Fee For Mag	\$50.00
Quill Corporation	Misc. Office/Cleaning Supplies	\$378.99
R.P Lumber Company, Inc.	Misc. Parts	\$144.23
Radar Shop, The	Recert Of 11 Radar Units	\$770.00
Rawlins Automotive	Misc. Parts	\$816.96
Rawlins Hardware	Saw Blade	\$13.99
Rawlins, City Of	Water Meter	\$4,050.50
Ricoh USA Inc	IT Copiers	\$528.66
Ricoh USA, Inc	IT Copiers	\$3,536.90

Saratoga Auto Parts, Inc.	Misc. Parts	\$361.66
Saratoga Sun	Misc. Ads	\$1,571.13
Schilling & Winn Pc	Legal Services	\$4,165.92
Secretary Of State	Lumpkins Notary	\$60.00
Shively Hardware	Street Elbow	\$6.49
Sikes, Melisa	Postage	\$99.80
Skyline Motors, Inc.	Oil Change/Mechanic Services	\$1,221.42
Slow And Steady Law Office, PLLC	Legal Services	\$1,710.00
Smith Psychological Services	Evaluation	\$400.00
South Central Wy Ems	4th Qtr. Payment	\$11,250.00
Spaulding, Dawnette	Victim Witness Mileage	\$12.32
Staples Advantage	Misc. Office Supplies	\$191.68
State Of Wyoming DCI	Sex Offender Fees	\$50.00
Stinker Stores Inc	Fuel	\$15,317.19
Summit Food Service	Jail Meals	\$14,584.59
Sunrise Sanitation Service, LLC.	Trash Services	\$68.00
Swanson Services Corporation	Jail Commissary Credit	\$3,242.61
Sweetwater County Sheriff's Office	Juvenile Housing	\$1,560.00
T-O Engineers	DWX Master Plan Update	\$8,926.25
Triple X Contracting, Inc.	Trash Services	\$100.00
Us Bank	Misc. Charges	\$2,658.73
Utah Dept Of Motor Vehicles	Driver Records	\$8.00
Vacher, Jo Ella	Fence Replacement	\$550.00
Voiance Language Services LLC	Interpretation Services	\$13.50
Walker, Deborah C	CCSO Patches Sewn	\$56.00
Webster, Matthew S	Mileage	\$148.00
Winters Griffith Architects	Carbon County Courthouse	\$860,051.70
WLC Engineering	Striping Plan For Courthouse	\$998.07
Wreck-A-Mend	Equipment Install	\$311.34
Wrigley, Robert L	Personal Vehicle/Meal Reimb.	\$611.74
Wy Behavioral Institute	Adult Behavioral Lockup	\$4,546.90
Wy County Commissioner's Association	FY 23 Dues	\$13,618.00
Wy Dept Of Health	20-22/Salary Ph	\$29,540.93
Wy Dept Of Transportation	Cn06066 Savery Road	\$140.70
Wy Diesel Service	Mechanic Services	\$3,607.54
Wy Machinery Company	Mechanic Services/New Engine	\$37,854.87
Wy Peace Officers Assoc	2022 Dues	\$410.00
Wy Retirement System	May Vol Fire Retirement	\$956.25
Wy State Forestry	Chest Harness/MRE/Shift Tickets	\$663.04
Yocum, Leo	Mileage	\$36.00

CONSENT AGENDA

Commissioner Espy moved to approve the consent agenda noting any item could be removed for separate action. The consent agenda includes the May 17, 2022, regular meeting minutes, the May 25 & May 26, 2022, special budget meeting minutes, monthly receipts from Planning and Development in the amount of \$2,350.00 and from Carbon County Clerk in the amount of \$42,418.25, a bond for Monte M. Thayer, Community Events Director for the Town of Sinclair in the amount of \$50,000.00 and a bond for Genevieve C. Standish, Clerk for the Town of Medicine Bow in the amount of \$10,000.00. Commissioner Moore seconded and the motion passed unanimously.

ELECTED OFFICIALS & DEPARTMENT HEADS

Public Health

Amanda Brown, Public Health Director presented a contract between the Wyoming Department of Health and Carbon County for public health response cooperative agreement for approval and Chairman's signature. This is a 5-year contract that is not funded, it is only to fund \$100,000.00 in case of a crisis that may occur.

Commissioner Espy moved to approve the contract between the Wyoming Department of Health Public Health Division and Carbon County for the purpose of public health response cooperative agreement, in the amount of \$100,000 contingent upon crisis funding award by the Centers for Disease Management and only in the case of a public health emergency for a term of July 1, 2022, through June 30, 2027. Commissioner Moore seconded and the motion passed unanimously.

Nurse Brown presented a contract between Wyoming Department of Health and Carbon County for County Health Officer as well as a contract between the county and Dr. Duane Abels to serve as the County Health Officer. Both are for approval and Chairman signature.

Commissioner Espy moved to approve the contract between Wyoming Department of Health Public Health Division and Carbon County for the purpose of the County Health Officer in an amount of \$9,600.00, and for a term of July 1, 2022, through June 30, 2023. Commissioner Moore seconded and the motion passed unanimously.

Commissioner Espy moved to approve the Agreement for Services with Dr. Duane E. Abels for County Health Officer in the amount of \$800.00 per month, and for a term of July 1, 2022, through June 30, 2023. Commissioner Moore seconded and the motion passed unanimously.

Buildings & Grounds

Jim Piche, Buildings & Grounds Manager reported he is still trying to fill a vacant position. The current employee will move out of the county-owned home by July 1.

Sheriff

Loretta Hansen, Victim/Witness Coordinator and Sheriff Roybal reported that the Attorney General's Office, Division of Victim Services has provided a letter that the Carbon County Sheriff's Victim/Witness Program is in "substantial compliance" with Division of Victim Services Rules as required per a successful on-site visit in January.

Sheriff Roybal requested and received permission to fill a vacant detention deputy position.

Fire

John Rutherford, Carbon County Fire Warden presented the Statement of Work with CODAN Communications for approval and Chairman's signature. The towers are 9 Mile, Separation Peak, Whiskey Gap, East and West Elk Mountain, Ryan Park, Blackhall, Chokecherry, Chalk Mountain, and Baker's Peak. The statement of work price is \$1,479,190.00. This includes programming of various pieces of equipment, a week of training and a year service plan. John didn't recommend an extended service contract as there is limited monitoring and redundancy built in.

Payment is anticipated to come from forest reserve and possibly the American Rescue Plan Act (ARPA) funds or this could be financed.

John recommended waiving the procurement policy for the following reasons. There will be spare parts easily swapped out which other companies do not provide. The county uses CODAN equipment now plus 3 existing repeaters recently purchased and those items can be reused.

Attorney Davis reported there is a proposed annual fee for warranty/service that includes support engineering and some equipment. Labor is not included for installation so there may be additional costs. The annual fee is approximately \$43,000 for 2-5 years. There is another tier of service that could cost around \$70,000 a year and a third option for around \$100,000.00 per year that covers everything. Parts could be advanced under the highest option as well to get things going quickly. She added a performance bond must be included in the contract and the actual cost of the bond will be passed on to the county not to exceed 2%. This fee is not included currently and will be 2% of \$1,469,190.00 or \$28,383.80 at most. In addition, Attorney Davis discussed site reviews. CODAN is accepting sites based on physical and virtual reviews therefore if there is a deficiency and modifications required it would likely fall on the county however the footprint of the new equipment is smaller with less power usage than the old so this really isn't a concern according to Mr. Rutherford.

Commissioner Espy moved to waive the procurement policy for the reasons stated above by John Rutherford and authorize the Chairman's signature on the Statement of Work with CODAN Communications to replace 10 radio towers, provide training, program radios and associated work in the amount of \$1,479,190.00 plus a 2% bond fee of a portion of the contract amount totaling at maximum \$28,383.80 to be paid from forest reserve and ARPA funds and to approve signature on all other contract documents as needed to complete the project subject to attorney review. Commissioner Moore seconded and Commissioner Barkhurst asked if any of the old equipment can be kept as backup or what would happen to it. Mr. Rutherford replied that the county will have no use for the old equipment and the BOCC asked him to try to sell it or save it for later sale. The motion passed unanimously.

Planning and Development

Sarah Brugger, County Planning Director presented Certifications of Recommended Action for Z.C. Case #2022-09 – Lance Stewart and Z.C. Case #2022-10 – Alan Harding of Brown & Hiser, LLC. She deemed the applications complete and asked the BOCC to schedule public hearings for these.

Commissioner Espy moved to accept the Certification of Recommended Action from the Carbon County Planning & Zoning Commission for Z.C. Case #2022-09 – Lance Stewart and Z.C. Case #2022-10 – Alan Harding of Brown & Hiser, LLC and schedule a public hearing for July 5, 2022, 11:15 a.m. at the Carbon Building-Courthouse Annex in Rawlins, Wyoming. Commissioner Barkhurst seconded and the motion passed unanimously.

Mrs. Brugger presented a professional services agreement for Sid Fox for approval and Chairman's signature. This is for Mr. Fox to cover the office while Ms. Brugger is out on leave later this year. She noted that due to the county's indemnification clause he feels he will have to purchase liability insurance and asked that the county cover the cost. The BOCC felt uncomfortable paying for such coverage as typically the contractor would pay for this on his own. Attorney Davis asked for time to discuss this with Mr. Fox then present a final agreement at a future meeting.

Clerk

County Clerk Gwynn Bartlett informed the Board that she has received a letter of resignation from County Mental Health Examiner Denise Rice and asked if the board would like for her to begin advertising for this position. She also asked if the position should be a contracted person/entity or a county employee.

Attorney Davis stated the Ms. Rice enjoyed working at the jail and she hoped the county could contract with Ms. Rice for those services moving forward but that would leave the emergency detention portion of the job vacant. She added that the county would likely want to put the job out and request proposals from mental health services.

Commissioner Jones moved to regretfully accept Mental Health Examiner Denise Rice's resignation and requested that Clerk Bartlett begin advertising for this vacant position for an employee and contractor. Commissioner Espy seconded, and the motion passed unanimously.

Clerk Bartlett presented board applications that she has received for the Carbon County Museum Board, Carbon County Juvenile Services Board, Memorial Hospital of Carbon County, and the Platte Valley Community Center Joint Powers Board.

Commissioner Jones moved to reappoint Larry Moore and Ken Klouda to the Carbon County Museum Board for a term of 3-years expiring June 2025, Heidi Helm with the Department of Family Services and Social Worker Mindi Monson-Greene to the Carbon County Juvenile Services Board for a term 3-years expiring June 2025, Rod Waeckerlin to the Memorial Hospital of Carbon Count for a 5-year term expiring June 2027 and Daniel M. Hodgkiss and Kathy Beck

to the Platte Valley Community Center Joint Powers Board for a term 3- years expiring June 2025. Commissioner Moore seconded and the motion passed unanimously.

Clerk Bartlett presented an application to trademark the county seal for approval and Chairman’s signature.

Commissioner Espy moved to approve the Chairman’s signature on the application to trademark the county seal for the use on paper and stationary in the color of black in the amount of \$100.00 for a term of 5 years. Commissioner Jones seconded and Commissioner Barkhurst noted that the fee is \$100 for 5 years then would need renewed. He pointed out that the fee can’t exceed \$300 per statute therefore he wondered if additional uses could be covered. Clerk Bartlett offered to take the application and look further into the \$300 maximum however she understood that each use and color required a new application that would be maxed out at \$300. There was discussion of a potential copyright and Attorney Davis could investigate that as well. The motion carried unanimously.

Attorney

Ashley Mayfield Davis, Carbon County Attorney, presented Resolution 2022-21, A Denial of Conditional Use Permit Case File No. 2022-02 for approval and Chairman’s signature. Case #2022-02 – “Simpson Ridge Green Hydrogen Project”, Linkville Land Holdings, LLC, and Tetrad Corporation’s requested a Conditional Use Permit in the RAM Zone to construct, operate, and maintain the Simpson Ridge Green Hydrogen Project (Project). The Project would permit a hydrogen and oxygen production facility along with a hydrogen fueling station. The denial discusses various grounds for denial.

Commissioner Jones moved to approve Resolution No. 2022-21 A resolution denying the Conditional Use Permit Case File 2022-02 “Simpson Ridge Green Hydrogen Project”. Commissioner Barkhurst seconded and the motion passed unanimously.

Resolution No. 2022 – 21

A Resolution of the Board of County Commissioners of Carbon County, Wyoming Denying the Simpson Ridge Green Hydrogen Project.

C.U. Case File #2022-02 – “Simpson Ridge Green Hydrogen Project”

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, April 4, 2022, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at the Monday, April 4, 2022, 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, April 4, 2022, 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, May 17, 2022; and

WHEREAS, at said public hearing on May 17, 2022, 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, at a regularly scheduled meeting of the Carbon County Board of County Commissioners, by majority vote, the Carbon County Board of County Commissioners considered the following Conditional Use Permit Application:

C.U. Case #2022-02: Conditional Use Permit in the RAM Zone to construct, operate, and maintain the Simpson Ridge Green Hydrogen Project (Project). The Project will have a hydrogen and oxygen production facility along with a hydrogen fueling station. The Project will convert renewable energy into green hydrogen and high purity green oxygen. The hydrogen will be marketed as a replacement for natural gas, propane, and other carbon-based energy carriers.

Project/Site Name: Simpson Ridge Green Hydrogen Project

Petitioners: Linkville Land Holdings, LLC (Applicant) and Tetrad Corporation (Land Owner)

Parcel Identification Number: 20802010002100-Parent Parcel

General Site Location: East of Elk Mountain at Exit 260 and I-80; west side of Carbon County Road #3.

Legal Description: A lease site located in the E½SE¼ of Section 21, T.20N., R.80W., 6th P.M., Carbon County Wyoming, said lease site being more particularly described as follows: **BEGINNING** at the southeast corner of said Section 21 being a found brass cap monument from which the NE corner of said Section 21 being a point witnessed by a brass cap 50.0 feet north bears N0°40'51"W, 5274.22 feet; thence from said Point of Beginning S89°47'04"W along the south line of said Section 21, 1315.70 feet, more or less; thence N01°57'21"W, 212.56 feet, more or less; thence N48°37'24"E, 302.56 feet; thence N37°40'03"E, 440.11 feet; thence N25°14'03"E, 549.63 feet; thence N46°50'52"E, 783.23 feet to intersect at a point on the east line of said Section 21; thence S0°40'51"E along said east line, 1788.85 feet to the point of beginning of this lease site description, containing 31.04 acres, more or less, and subject to all easements, rights-of-way and restrictions of record.

FINDINGS BY THE CARBON COUNTY BOARD OF COUNTY COMMISSIONERS:

1. **WHEREAS**, the Carbon County Board of County Commissioners considered the entire record, including but not limited to the recommendation of the Planning and Zoning Commission, written comments from the public and referral agencies, all documentation submitted by the applicant and staff reports and oral comments provided at the hearing regarding the conditional use permit application; and
2. **WHEREAS**, the Carbon County Zoning Resolution of 2015, as amended, is adopted to promote the public health, safety, and the general welfare of the people of Carbon County. See Section 1.5. An objective of the Zoning Resolution is to guide and regulate the orderly growth, development and redevelopment of the County in accordance with the comprehensive plan of long-term goals, strategies, actions, objectives, principals, and standards deemed beneficial to the interests and welfare of the people. Another objective is to protect residential, agricultural, business, industrial and recreational uses alike from harmful or detrimental encroachment by incompatible uses, and to insure that land allocated to a zoning district shall not be usurped by other inappropriate uses; and
3. **WHEREAS**, the Carbon County Zoning Resolution of 2015, as amended, Section 4.4.B. requires a conditional use permit for all industrial uses, processing plants and related uses in the RAM Zone; and
4. **WHEREAS**, in accordance with the Carbon County Zoning Resolution of 2015, as amended, Section 7.7.C.1 the Conditional Use shall be generally consistent with the Goal, Strategies, and Actions of the Comprehensive Land Use Plan, including the Future Land Use Map; and
5. **WHEREAS**, the Comprehensive Land Use Plan, as amended, has identified a goal to “achieve a sustainable balance between energy development, agriculture, and the environment”. A strategy is to “develop standards for wind energy, transmission lines, and other alternative energy development so they can occur with limited environmental impact on traditional land uses, human, and wildlife”; and
6. **WHEREAS**, the Comprehensive Land Use Plan, as amended, has identified a goal to “sustain scenic areas, wildlife habitat, and other important open spaces.” A strategy is to “limit development in wildlife migration corridors, winter ranges, and birthing areas, and sage grouse core areas”; and
7. **WHEREAS**, the Carbon County Zoning Resolution of 2015, as amended, Section 6.1.C, states that, “No Commercial Scale Energy System shall be located within the Greater Sage-Grouse Core Area Protection zones as defined by the State of Wyoming Executive Order 2015-4 or as amended, or the Sage Grouse Priority Habitat as defined by the BLM approved Resource Management Plan Amendment for Greater Sage Grouse. When the State of Wyoming Executive Order for Greater Sage-Grouse Core Area Protection and the BLM approved Resource Management Plan amendment for Greater Sage Grouse conflict, the more restrictive of the documents shall apply”; and
8. **WHEREAS**, based on the application, the power source for the Simpson Ridge Green Hydrogen Project is the Simpson Ridge Wind Energy Project. The Simpson Ridge Wind Energy Project is undeveloped and located in Sage Grouse Core Area; and
9. **WHEREAS**, the Carbon County Land Use Plan Future Land Use Map designates this area as Smaller Lot Rural. Smaller Lot Rural Areas are Intended to Accommodate higher densities of rural growth. Uses include residential, limited commercial uses at appropriate locations, and public and recreational uses; and

10. **WHEREAS**, based on the record the proposed Conditional Use is inconsistent with the Goals, Strategies, and Actions of the Comprehensive Land Use Plan, as amended, including the Future Land Use Map; and
11. **WHEREAS**, in accordance with the Carbon County Zoning Resolution of 2015, as amended, Section 7.7.C.3 the proposed use should be appropriate for the proposed location and will not be detrimental to the surrounding area or to established uses; and
12. **WHEREAS**, based on the record, specific conflicts with existing land uses have been identified. Residents and landowners in the area have expressed concerns that the site is not appropriate or compatible with the existing agricultural and residential land uses and the proposed industrial development will be detrimental to the character of the nearby established land uses; and
13. **WHEREAS**, based on the record, there are other potential location options which may be less detrimental to the existing agricultural and residential property uses and would be less likely to degrade or impact the scenic view shed in the area, and which do not appear to have been adequately considered by the applicant; and
14. **WHEREAS**, based on the record, the proposed Conditional Use is not appropriate in the proposed location and will be detrimental to the surrounding area; and
15. **WHEREAS**, the Comprehensive Land Use Plan, as amended, has identified a goal to “protect water supplies of established users”; and
16. **WHEREAS**, in accordance with the Carbon County Zoning Resolution of 2015, as amended, Section 7.7.C.4 the proposed use should be adequately served by facilities and services including legal and physical access and circulation, water and wastewater facilities, solid waste, law enforcement, fire protection and emergency medical services; and
17. **WHEREAS**, based on the record, the applicant plans to secure up to 100 gallons per minute of water by either drilling an approved well near the facility, trucking the water to the facility, or using water from the Elk Mountain water system. The Wyoming Department of Environmental Quality identified that the project area overlays an aquifer that has been designated by the Environmental Protection Agency as a sole source aquifer (Elk Mountain Sole Source Aquifer). The Wyoming Game and Fish Department recommended that the project identify a local water source that does not require truck traffic. Residents have expressed concerns that the water source is undefined, the availability of water is limited, and the applicant has not addressed wastewater disposal in the application; and
18. **WHEREAS**, the applicant states that law enforcement will be provided by the County Sheriff, health care services by the South-Central WY EMS-JPB, and fire protection will be provided by the County Fire Warden and the local volunteer fire department; and
19. **WHEREAS**, from 2016-2021, Interstate 80 has been closed an average of 50 days per year; and
20. **WHEREAS**, County Road 3 is not an adequate width for the proposed amount of truck traffic to transport the product based on the application; and
21. **WHEREAS**, the applicant states that the facility should process approximately forty trucks per day for Hydrogen transport and fifteen trucks per day for liquified Oxygen transport and will be using County Road 3 and Interstate 80 to transport the product; and
22. **WHEREAS**, residents and landowners in the area have expressed concerns over the increased impacts on volunteer fire and emergency responders in the Elk Mountain,

Medicine Bow, and Hanna region and winter weather conditions impeding access to the site; and

23. **WHEREAS**, based on the record, the proposed Conditional Use is inadequately served by facilities and services including physical access and circulation, water and wastewater facilities, law enforcement, fire protection and emergency medical services.

WHEREAS, conditional uses shall be permitted in Districts where designated only after review by the Planning and Zoning Commission and approval by the Board of County Commissioners; and

WHEREAS, the Carbon County Board of County Commissioners have determined that the proposed permit is not in general conformance with the Carbon County Land Use Plan, as amended, and the Carbon County Zoning Resolution of 2015, as amended, and does not promote 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 deny the following Conditional Use Permit – C.U. Case #2022-02 – “Simpson Ridge Green Hydrogen Project”.

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

That the Carbon County Board of County Commissioners hereby denies this Conditional Use Permit (CUP) (C.U. Case #2022-02 – “Simpson Ridge Green Hydrogen Project”) in the Ranching, Agriculture and Mining (RAM) Zone for the “Simpson Ridge Green Hydrogen Project”.

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 7th day of June 2022.

**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

Commissioners

Chairman Johnson presented a resolution to hold an election on November 8, 2022, to establish a Fire Protection District. Clerk Bartlett stated that this was advertised in the Saratoga Sun on April 28, 2022.

Commissioner Barkhurst moved to approve the Chairman’s signature on Resolution No. 2022-22 A Resolution Calling for a Referendum to Establish a Fire Protection District in the Unincorporated Areas of Carbon County, Wyoming; Calling for an Election of the Organization of the District and the Election of a Board of Directors for the District with the election to be held at the 2022 General Election. Commissioner Espy seconded and the motion passed unanimously.

RESOLUTION NO. 2022 - 22

A RESOLUTION CALLING FOR A REFERENDUM TO ESTABLISH A FIRE PROTECTION DISTRICT IN THE UNINCORPORATED AREAS OF CARBON COUNTY, WYOMING; CALLING FOR AN ELECTION OF THE ORGANIZATION OF THE DISTRICT AND THE ELECTION OF A BOARD OF DIRECTORS FOR THE DISTRICT.

WHEREAS, Wyo. Stat. §35-9-201 through §35-9-215 (2021), provide for the establishment of a fire protection district in the unincorporated areas of a county and outside the boundaries of any previously established fire protection districts, said district to be under the direction of an elected five (5) member board, who are residents of the proposed district; and

WHEREAS, Wyo. Stat. §35-9-210 (2021), specifically provides that the formation of a fire protection district may be initiated by resolution of the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners, Carbon County has identified the lands to be included within the proposed fire protection district as all those unincorporated areas of Carbon County, Wyoming; and,

WHEREAS, the Board of County Commissioners, Carbon County Wyoming, after having the topic of the proposed fire district on each meeting agenda since October 19, 2021 through current meetings and after providing public notice as required by Wyo. Stat. §35-9-210(a)(i) and considering all comments made prior to and at the hearing and other pertinent facts, finds the establishment of fire protection district shall serve the public convenience and necessity of the residents of the district and therefore desires to submit the question of whether a fire protection district should be established to the electors of the proposed district area;

NOW, THEREFORE BE IT RESOLVED, by the Board of County Commissioners of Carbon County, Wyoming, that in addition to the election of five (5) district directors who are residents living within the district and shall serve without compensation, the following question shall be submitted to the electors of the appropriate voting precincts of Carbon County, Wyoming at the General Election to be held November 8, 2022:

“Shall a fire protection district be authorized and established in the unincorporated areas of Carbon County, Wyoming whose purpose is to protect from fire all persons and property within its boundaries and first response to be funded by a tax levy upon taxable property within the district not to exceed three (3) mills?”

“For the establishment of a fire protection district in the unincorporated areas of Carbon County, Wyoming”

“Against the establishment of a fire protection district in the unincorporated areas of Carbon County, Wyoming”

BE IT FURTHER RESOLVED, that a notice of election shall be given pursuant to Wyo. Stat. §22-29-110. If the majority of electors vote in favor of the establishment of the district, the district will be considered established.

The qualified electors residing within the following precincts which fall within the boundaries of

the proposed fire protection district are eligible to vote:

- 1-2 Outside Rawlins
- 4-1 Muddy Gap
- 5-1 Outside Sinclair
- 6-1 Leo
- 7-1 Outside Medicine Bow
- 8-1 Outside Hanna
- 9-1 Outside Elk Mountain
- 10-1 McFadden
- 11-2 Outside Saratoga
- 12-1 Outside Encampment
- 13-1 Outside Riverside
- 14-1 Outside Dixon
- 15-1 Outside Baggs

APPROVED AND ADOPTED THIS 7th DAY OF June 2022.

BOARD OF COMMISSIONERS
CARBON COUNTY, WYOMING
-s- Willing John Johnson, Chairman
-s- Sue Jones, Vice Chairman
-s- Byron Barkhurst
-s- John Espy
-s- R. Travis Moore

Attest: -s- Gwynn G. Bartlett, Carbon County Clerk

Attorney Davis discussed a letter that she is drafting on behalf of the Board of Carbon County Commissioners to the Wyoming Department of Environmental Quality/Industrial Siting Council (DEQ/ISC) regarding Boswell Wind LLC's request to amend their permit for the Chairman's signature. The Board wishes to object to Boswell Wind LLC's request to omit the requirement of Special Condition #22, which would require the company to procure and install an Aircraft Detection Lighting System (ADLS) for control of the FAA-required navigational lighting prior to operation. She will present a final letter later in the meeting.

Chairman Johnson presented a License Agreement with the City of Rawlins regarding the Continental Divide Trail Logo. The City of Rawlins requests to spray paint this logo on the west side of the Carbon Building designating it as part of the original Continental Divide Trail. On June 4th, in conjunction with City Clean-Up day, the City of Rawlins, Continental Divide Trail Coalition, and volunteers will be spray painting the CDT logo on sidewalks and streets on the trail as it winds through Rawlins. The desire is to bring more awareness to the trail by locals and visitors.

Commissioner Jones moved to approve the Chairman's signature on the License Agreement between Carbon County and the City of Rawlins to spray paint the "Continental Divide Trail" logo

on licensors' sidewalk to promote tourism through the education about and the use of the trail. Commissioner Espy seconded and the motion carried unanimously.

Vice Chairman Sue Jones presented an Agreement with Custom Fence Co. for the Dixon Airport Replace Wildlife Fence Project for approval and Chairman's signature.

Commissioner Jones moved to approve the Agreement with Custom Fence Co. for the Dixon Airport Replace Wildlife Fence Project in the amount of \$365,605.00. Commissioner Barkhurst seconded and the motion passed unanimously.

Vice Chairman Sue Jones presented Change Order #1 with Straight Stripe Painting, Inc for the Dixon Airport 2022 Pavement Maintenance Program for approval and Chairman's signature. This change order is to correct the bid award amount due to the increase in the state wide wage rates.

Commissioner Jones moved to approve Change Order #1 with Straight Stripe Painting, Inc for the Dixon Airport 2022 Pavement Maintenance Program to correct the bid award amount by \$427.40. Commissioner Barkhurst seconded and the motion passed unanimously.

EXECUTIVE SESSION

Commissioner Espy moved to go into executive session at 10:28 a.m. with Clerk Bartlett and Ashley Mayfield Davis to discuss personnel, potential litigation and other matters considered confidential by law. Commissioner Barkhurst seconded and the motion carried unanimously.

Commissioner Espy moved to come out of executive session at 11:00 a.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Moore seconded and the motion carried unanimously.

BUREAU OF LAND MANAGEMENT

John Elliot, Field Manager and Andrew Kauppila, local acting Assistant BLM Field Manager with the Bureau of Land Management presented an update on the Bureau's projects occurring in Carbon County.

MEMORIAL HOSPITAL OF CARBON COUNTY (MHCC)

Ken Harmon, Chief Executive Officer for Memorial Hospital of Carbon County presented a monthly update on the status of the hospital's financials and obstetric unit.

SEMINOE PUMPED STORAGE PROJECT UPDATE -

Lars Dorr, Program Manager with rPlus Energies and Kevin Baker, General Counsel provided an update on the Seminoe Pumped Storage Project including what pumped energy storage is, how it works, the location of the project and the proposed transmission line. This project would be 900 MW capacity connected at Aeolus with a 29-mile transmission line. There would be an upper and lower reservoir with a 30-foot-high pressure tunnel and 12,500 cubic foot per second discharge

with a \$2.5 billion cost estimate. Mr. Baker anticipates 300-500 jobs over 5 years with 35 full-time employees generating \$10-20 million annually in local tax revenue.

The BOCC discussed concerns about lowering the reservoir's capacity with the project.

Public Hearing – MIN SUB Case File #2022-02 – Blake Kawcak

Chairman Johnson opened a public hearing at 1:30 p.m. to hear Planning & Zoning Minor Subdivision Case File #2022-02, Blake Kawcak's request to create five (5) lots: Lot 1 = 18.413 acres, Lot 2 = 11.862 acres, Lot 3 = 15.351 acres, Lot 4 = 7.872 acres, and Lot 5 = 6.379 acres. The applicant is also applying for a zone change request (see above Z.C. Case #2022-06) to comply with the Carbon County Zoning Resolution of 2015, as amended and is located approximately 3 miles northeast of Baggs off Carbon County Road #702 (Baggs/Dixon Road). Sarah Brugger, Planner/GIS Specialist, presented the case file. The applicant submitted a request to postpone this case and the zone change case file until July 5 as an easement has not yet been obtained. Sarah mentioned that the applicant was present today and the case will not change, other than the date and she would overview the cases today.

Chairman Johnson discussed concerns relayed to water availability. Mr. Kawcak reported they are pushing 8-12 gallons per minute at approximately 120 feet deep with no issues but is unaware if there are other wells in the same aquifer.

Commissioner Espy asked if the applicant should stipulate that the ditch water could be shifted elsewhere where it could be of beneficial use. Sarah thought a water distribution plan would be submitted to the State Engineer's Office regarding this.

Chairman Johnson called for comments for or against the case. There being no comments he continued the hearing until July 5, 2022, at 11:30 a.m. Chairman Johnson closed the hearing at 1:49 p.m.

Commissioner Espy moved to table Minor Subdivision Case File #2022-02, Blake Kawcak's request to create five (5) lots: Lot 1 = 18.413 acres, Lot 2 = 11.862 acres, Lot 3 = 15.351 acres, Lot 4 = 7.872 acres, and Lot 5 = 6.379 acres until July 5, 2022, at 11:30 a.m. Commissioner Moore seconded and the motion passed unanimously.

PUBLIC HEARING – Z.C. CASE #2022-06 – Blake Kawcak

Chairman Johnson opened a public hearing at 1:50 p.m. to hear Planning & Zoning Z.C. Case File #2022-06, Blake Kawcak's request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Rural Residential Agriculture (RRA) for Lots 1 thru 5, located in the proposed Kawcak Minor Subdivision encompassing approximately 64 acres. RRA-18.413 (Lot 1); RRA-11.862 (Lot 2); RRA-15.351 (Lot 3); RRA-7.872 (Lot 4); RRA-6.379 (Lot 5). 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. The approximate location is 3 miles northeast of Baggs off Carbon County Road #702 (Baggs/Dixon Road). Sarah Brugger, Planner/GIS

Specialist, presented the case file. She noted the applicant has requested the case be tabled until July 5, 2022, with its companion file.

Chairman Johnson called for comments for or against the case. There being no comments, Chairman Johnson continued the hearing until July 5, 2022, at 11:30 a.m.

Commissioner Espy moved to table Z.C. Case File #2022-06, Blake Kawcak's request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Rural Residential Agriculture (RRA) for Lots 1 thru 5, located in the proposed Kawcak Minor Subdivision encompassing approximately 64 acres until July 5, 2022, at 11:30 a.m. Commissioner Moore seconded and the motion carried unanimously.

PUBLIC HEARING – Z.C. CASE #2022-07 -Kurt and Kimberly Olson

Chairman Johnson opened a public hearing at 1:52 p.m. to hear Planning & Zoning Z.C. Case File #2022-07, Kurt and Kimberly Olson's request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Residential (RD-3.13) for Tract/Lot 7 and Residential (RD-2.70) for Tract/Lot 8, located in the Rochelle-Bates Tracts. The RD Zone is intended to provide land for residential development that is typically single family detached and located within Town Expansion Areas and within or nearby Rural Centers. Residential single-family zones are intended to be in areas planned for residential development that are easily accessible and infrastructure already exists or is readily available. The approximate location is 1.2 miles east of Baggs on the south side of WY HWY 70. 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 1:54 p.m.

Commissioner Barkhurst asked if there was legal access for both lots. Ms. Olson was present and replied that there is access for Lot 7, separately from Lot 6. She clarified there were no present intentions of developing Lot 7. Sarah stated her office would typically receive an access permit from the WY Department of Transportation when access is off a state highway.

Commissioner Jones moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2022-23 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 #2022-07, Kurt and Kimberly Olson's request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Residential (RD-3.13) for Tract/Lot 7 and Residential (RD-2.70) for Tract/Lot 8, located in the Rochelle-Bates Tracts. The approximate location is 1.2 miles east of Baggs on the south side of WY HWY 70. Commissioner Barkhurst seconded, and the motion passed unanimously.

Resolution No. 2022 – 23

**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 #2022-07

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, May 2, 2022, which hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at the Monday, May 2, 2022, 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, May 2, 2022, 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, June 7, 2022; and

WHEREAS, at said public hearing on June 7, 2022, 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 #2022-07: Request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Residential (RD-3.13) for Tract/Lot 7 and Residential (RD-2.70) for Tract/Lot 8, located in the Rochelle-Bates Tracts. The RD Zone is intended to provide land for residential development that is typically single family detached and located within Town Expansion Areas and within or nearby Rural Centers. Residential single family zones are intended to be located in areas planned for residential development that are easily accessible and infrastructure already exists or is readily available.

Petitioners: Kurt and Kimberly Olson (Applicants and Land Owners)

Parcel Identification Numbers: 12910910100700 and 12910910100800

General Site Location: Approximately 1.2 miles east of Baggs on the south side of WY HWY 70

Legal Description (taken from Warranty Deed, Book 1314, Page 231):

Tract/Lot 7: Beginning at a point 1993 feet from the East ¼ Corner of Section 9, Township 12 North, Range 91 West, 6th P.M., Carbon County, Wyoming, on the South Line of the NE1/4 of Section 9, said point being on the southwest corner of Lot 8 and the southeast corner of Lot 7; Thence westerly along the South Line of the NE1/4 of Section 9, a distance of 232 feet to a point, said point being the southwest corner of Lot 7 and the southeast corner of Lot 6; Thence northeasterly a distance of 827 feet, more or less, to a point on the southerly right-of-way of the Baggs-Dixon Highway, Said point being the Northwest Corner of Lot 7 and the Northeast Corner of Lot 6; Thence southeasterly along said southerly right of way of the Baggs-Dixon Highway, a distance of 150 feet to a point being the Northwest Corner of Lot 8 and the Northeast Corner of Lot 7; Thence southerly a distance of 718 feet, more or less, to the Point of Beginning.

Legal Description (taken from Warranty Deed, Book 1375, Page 148):

Tract/Lot 8: Beginning at a point 1,772 feet from the East ¼ corner of Section 9, Township 12 North, Range 91 West of the 6th P.M., in Carbon County, Wyoming, on the South line of the NE1/4 of Section 9, said point being on the southwest corner of Lot 9 and the Southeast corner of Lot 8; thence westerly along the South line of the NE1/4 of Section 9, a distance of 221 feet to a point, said point being the southwest corner of Lot 8 and the Southeast corner of Lot 7; thence northeasterly a distance of 718 feet, more or less to a point on the southerly right-of-way of the Baggs-Dixon Highway, said point being the northwest corner of Lot 8 and the northeast corner of Lot 7; thence southeasterly right-of-way of the Baggs-Dixon Highway a distance of 150 feet to a point, said point being the northwest corner of Lot 9 and the northeast corner of Lot 8; thence southerly a distance of 630 feet, more or less, to the point of beginning, Carbon County, Wyoming.

**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 Residential (RD-3.13) for Tract/Lot 7 and Residential (RD-2.70) for Tract/Lot 8, located in the Rochelle-Bates Tracts.

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 7th of June 2022.

**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 – Z.C. CASE #2022-08 – Vincent and Chelsea Vogt

Chairman Johnson opened a public hearing at 1:57 p.m. to hear Planning & Zoning Z.C. Case File #2022-08, Vincent and Chelsea Vogt’s request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Forestry Production and Seasonal Recreation (FPSR-18.43) on approximately 18.43 acres. The FPSR Zone is intended to be applied to areas of the County in which timber production and seasonally accessible recreation uses are the desirable predominant uses. The approximate location is 9 miles southwest of Encampment off WY HWY 70 on the north and south side. 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 2:00 p.m.

Commissioner Espy moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2022-24 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 #2022-08, Vincent and Chelsea Vogt’s request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Forestry Production and Seasonal Recreation (FPSR-18.43) on approximately 18.43 acres. The approximate location is 9 miles southwest of Encampment off WY HWY 70 on the north and south side. Commissioner Moore seconded, and the motion passed unanimously.

Resolution No. 2022 – 24

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 #2022-08

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, May 2, 2022, which hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at the Monday, May 2, 2022, 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, May 2, 2022, 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, June 7, 2022; and

WHEREAS, at said public hearing on June 7, 2022, 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 #2022-08: Request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Forestry Production and Seasonal Recreation (FPSR-18.43) on approximately 18.43 acres. The FPSR Zone is intended to be applied to areas of the County in which timber production and seasonally accessible recreation uses are the desirable predominant uses.

Petitioners: Vincent and Chelsea Vogt (Applicants and Land Owners)

Parcel Identification Number: 14852720002400

General Site Location: Approximately 9 miles southwest of Encampment off WY HWY 70 on the north and south side.

Legal Description (taken from Warranty Deed, Book 1376, Page 6): The “Gussie A” Survey No. 299 located in Section 27, Township 14 North, Range 85 West; 6th Principal Meridian. All mineral rights retained by Crow & Co, by virtue of a deed issued to the said Company, as follows: Commissioners Deed No. 188288, dated May 8, 1941 recorded May 21, 1941.

**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 Forestry Production and Seasonal Recreation (FPSR-18.43) on approximately 18.43 acres.

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 7th of June 2022.

**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 – MIN SUB Case #2022-03 – Golden Age Properties, LLC

Chairman Johnson opened a public hearing at 2:01 p.m. to hear Planning & Zoning MIN SUB Case #2022-03 – Golden Age Properties, LLC – Vern L Linn & Barbara B Linn’s Minor Subdivision request to create five (5) lots (Lot 1 = 3.1 Acres, Lot 2 = 3.3 Acres, Lot 3 = 3.7 Acres, Lot 4 = 3.5 Acres, and Lot 5 = 1.7 Acres) in the Limited Industrial (IL) Zone. The IL Zone is intended for areas in which manufacturing and commercial uses are the desirable and predominant land uses. Limited Industrial provides for a mix of manufacturing, storage, warehousing, and office space with limited retail and service uses. The intent is to provide appropriate setbacks and screening to minimize potential nuisance conditions and assure compatibility with adjoining uses. This is located approximately 2 miles east of Rawlins; south of I-80 and north of HWY 76 (Old Sinclair/Lincoln Highway). Sarah Brugger, County Planning Director presented the case file.

Chairman Johnson called for comments for or against the case. There being no other comments, Chairman Johnson closed the hearing at 2:05 p.m.

Commissioner Espy moved to authorize the Chairman’s signature on the corrected plat for Minor Subdivision Case #2022-03 – Golden Age Properties, LLC – Vern L Linn & Barbara B Linn’s Minor Subdivision request to create five (5) lots in the Limited Industrial (IL) Zone. This is located approximately 2 miles east of Rawlins; south of I-80 and north of HWY 76 (Old Sinclair/Lincoln Highway). Commissioner Moore seconded and the motion passed unanimously.

Public Hearing (Continuation) - C.U.W. Case #2022-01 - PacifiCorp - Rock River I Wind Energy

Commissioner Espy moved to untangle C.U.W. Case #2022-01 - PacifiCorp - Rock River I Wind Energy – PacifiCorp’s request for a Conditional Use Permit for a Commercial Wind Energy Facility in the Ranching, Agriculture and Mining (RAM) Zone. Commissioner Jones seconded and the motion carried unanimously.

Ms. Brugger reported on the original comments received and that both WY Game & Fish and WY State Historic Office have been notified and have provided comment letters that have been copied to the applicant.

Chairman Johnson opened a public hearing and at 2:07 p.m. to hear Planning & Zoning Case C.U.W. Case #2022-01 - PacifiCorp - Rock River I Wind Energy – PacifiCorp’s request for a Conditional Use Permit for a Commercial Wind Energy Facility in the Ranching, Agriculture and Mining (RAM) Zone. The request is to allow the applicant (PacifiCorp) to repower the “Rock River I Wind Energy Project” (Project). Currently the Project consists of 50 wind turbines and pad sites. The applicant plans to replace the 50 wind turbines with 19 new turbines. The overall Project installed nameplate capacity will increase from 50 MW to 53.58 MW. However, the total Project capacity interconnected to the transmission system will remain unchanged at 50 MW. Repowering activities will result in less than 37 acres of temporary construction disturbance. The Project includes all associated components and facilities that are necessary to generate electricity and deliver electricity to the transmission grid. The existing O&M/control building, maintenance

yard(s), staging yard(s), storage area(s), substations and related facilities and equipment are expected to remain unchanged and located in the Eastern portion of Carbon County; primarily to the northeast of I-80, north of State Highway 13, and east of Carbon County Road #1 (Medicine Bow-McFadden Road). Sarah Brugger, County Planning Director presented the case file.

Mr. Hemstreet reported the county left off with point-of-sale language and use tax potential and proposed new language to Condition 15. Attorney Davis reported since tax was paid and construction with hose materials will take place within 3 years of purchase, there would be no tax due to the state of WY. Commissioner Barkhurst stated he would like to solve the tax issue and Chairman Johnson asked Mr. Hemstreet to confirm they could report on other projects as well and he confirmed he could. He mentioned they propose 2% as that's the portion the county would have received. Commissioner Barkhurst stated concern for the fact their word was not kept on a previous project as far as tax dollars promised to the county.

Chairman Johnson asked if the turbines could be used elsewhere and Mr. Hemstreet stated that each individual turbine is identified for the tax benefit therefore can't be used anywhere else. Chairman Johnson expressed his concern about making exceptions and setting precedent.

Commissioner Espy stated he felt he could take the company at their word today however if not he would have issue approving future permits for Rocky Mountain Power. He asked the company to work with the county to have a legislative change to permanently fix this in addition to keeping their word and when they can't, reporting that to the county and trying to make it right.

There being no other comments, Chairman Johnson closed the hearing at 2:45 p.m.

Commissioner Barkhurst moved to approve and amend the May 17, 2022, motion to approve Resolution 2022-21 amending to 2022-25, Carbon County Planning and Zoning Commission regarding C.U.W. Case #2022-01 - Rock River I Wind Energy – PacifiCorp's request for a Conditional Use Permit for a Commercial Wind Energy Facility in the Ranching, Agriculture and Mining (RAM) Zone. The request is to allow the applicant (PacifiCorp) to repower the "Rock River I Wind Energy Project" (Project). Located in the Eastern portion of Carbon County; primarily to the northeast of I-80, north of State Highway 13, and east of Carbon County Road #1 (Medicine Bow-McFadden Road). Commissioner Jones seconded and the motion carried unanimously.

Commissioner Espy moved to amend Resolution 2022-25 to amend Condition 15 to state "Point of Sale for all construction materials utilized in this Conditional Use Permit shall be Carbon County, Wyoming. For any construction materials used that cannot comply with this condition, the Owner(s) or Operator(s) shall remit to Carbon County an impact assessment payment equivalent to 2 percent of the purchase price of such construction materials. The Owner(s) or Operator(s) shall provide the County Treasurer with receipt(s) that include the purchase price of said construction materials and assessed payment shall be paid to the County Treasurer as certified funds within 150 days of such materials being used on the project". Commissioner Moore seconded and the motion carried unanimously.

Resolution No. 2022 – 25

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 #2022-01

Commercial Scale Wind Energy Facility

“ROCK RIVER I 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 6.1-Commercial Scale Energy Facilities-Overlay District and Section 6.2-Commercial Scale Wind Energy Facilities, of the Carbon County Zoning Resolution of 2015, as amended, the Carbon County Planning and Zoning Commission held a public meeting on Monday, May 2, 2022, 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 6.2-Commercial Scale Wind Energy Facilities (Part A, Item #13, Part E), 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 6.2 and W.S. §18-5-506. The notice, published in the Rawlins Times on April 16, 2022, and April 20, 2022, and in the Saratoga Sun on April 21, 2022, 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 6.2 (Part A, Item #13, Part C), the Applicant did submit affidavits of public notice in their application for Conditional Use Permit prior to the Board’s hearing. In addition, the County prepared a notice and published said notice in in the Rawlins Times on March 30, 2022, and the Saratoga Sun on March 31, 2022, 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 Rock River I Wind Energy Project will be constructed. Said notice included a statement of the applicant’s intention to construct the Rock River I 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 6.2-Commercial Scale Wind Energy Facilities 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, May 17, 2022; and

WHEREAS, at said public hearing on May 17, 2022, 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 6.2-Commercial Scale Wind Energy Facilities; 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 approve the following Conditional Use Permit Application for a Commercial Wind Energy Facility.

C.U.W. Case #2022-01: Request for a Conditional Use Permit for a Commercial Wind Energy Facility in the Ranching, Agriculture and Mining (RAM) Zone. The request is to allow the applicant (PacifiCorp) to repower the “Rock River I Wind Energy Project” (Project).

Project Description: Currently the Project consists of 50 wind turbines and pad sites. The applicant plans to replace the 50 wind turbines with 19 new turbines. The overall Project installed nameplate capacity will increase from 50 MW to 53.58 MW. However, the total Project capacity interconnected to the transmission system will remain unchanged at 50 MW. Repowering activities will result in less than 37 acres of temporary construction disturbance. The Project includes all associated components and facilities that are necessary to generate electricity and deliver electricity to the transmission grid. The existing O&M/control building, maintenance yard(s), staging yard(s), storage area(s), substations and related facilities and equipment are expected to remain unchanged.

Legal Description:

Township 20 North, Range 77 West, 6th Principal Meridian, Carbon County, Wyoming

Section 7: All

Township 20 North, Range 78 West, 6th Principal Meridian, Carbon County, Wyoming

Section 11: All

Section 13: N 1/2

Section 15: All

State of Wyoming--Township 20 North, Range 78 West, 6th Principal Meridian, Carbon County, Wyoming

Section 12: S 1/2

Section 14: E 1/2

Applicant: PacifiCorp

General Location: Eastern portion of Carbon County; primarily to the northeast of I-80, north of State Highway 13, and east of Carbon County Road #1 (Medicine Bow-McFadden Road)

CONDITIONS OF APPROVAL:

1. Conditional Use Permit is granted for up to 19 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.
2. Nothing in this permit's conditions is intended to preempt other applicable State and Federal laws or regulations. All WECS Project facilities shall be constructed to meet and be maintained in compliance with all Federal, State, and County requirements. If compliance issues arise at any time during the review, development or operational phases, the Applicant(s) or Owner(s), at the discretion of the County may be requested to provide additional studies or reports prepared by qualified professionals addressing the issues and mitigation measures that may be needed to maintain compliance.
3. The Applicant(s) shall submit a copy of all subsequent Federal and State approvals, including all required studies, reports and certifications prior to the issue of any applicable building permits.
4. All structures proposed within the application area require a building permit. Multiple WECS Towers may be permitted with a single application as long as the site plan or plan of development includes all relevant details adequate to determine general conformance with the applicable standards and conditional use permit conditions. Project structures other than WECS Towers require an individual building permit application for each structure.
5. Each building permit application shall include a letter of consent from the surface private property owners upon which the WECS project will be located or other legal documentation which demonstrate consent of the surface property owner.
6. When not conflicting with colors required by the Federal Aviation Administration or other Federal Agencies, towers and blades shall be painted off-white or another non-reflective, unobtrusive color. The color selected is intended to help the Project blend with the natural visual character of the area. The Applicant(s) shall submit a visual rendering of the proposed towers with color scheme for approval by the Board.
7. Operations and Maintenance:
 - a. Routine scheduled maintenance shall include the repainting of equipment and structures, and maintenance of grounds or landscaping as appropriate to the location.
 - b. All solid wastes and hazardous materials related to the construction, operation, maintenance and decommissioning of a Project shall be handled, stored or disposed of in accordance with the approved waste management plan and in accordance with all applicable Federal, State, and County laws and regulations. The permittee shall be responsible for litter control including the regular clean up of litter blown from dumpsters and similar storage areas.
 - c. On April 1st of every even numbered year after the third anniversary of the permit, the Owner(s) or Operator(s) of the WECS shall submit to the Carbon County Planning and Development Department a statement that lists all WECS currently inoperative for longer than six continuous (6) months. All WECS that remain inoperative for eighteen (18) continuous months or longer must be removed unless the Owner(s) provides a written plan and schedule acceptable to the Carbon County Planning and Zoning Commission for refurbishing and/or reactivating the inoperative WECS.

- d. The Owner(s) or Operator(s) of the WECS shall control and eradicate noxious and invasive weed species within the disturbed areas of the project. Weed control shall be maintained as directed by the Carbon County Weed and Pest District or the appropriate public entity having jurisdiction.
8. The Applicant(s) shall provide the applicable wireless telecommunication service providers and local emergency service provider(s) (911 operators) copies of the Project's summary and site plan. To the extent that the above provider(s) demonstrate a likelihood of interference with their communications resulting from the WECS(s), the Applicant(s) shall take reasonable measures to mitigate such anticipated interference.
 - a. If, after construction of the WECS(s), the Owner(s) or Operator(s) receives a written complaint related to interference with emergency services communications, local broadcast of residential television or other communication venues, the Owner(s) or Operator(s) shall take steps to respond to the complaint and take reasonable measures as necessary to alleviate or mitigate the interference.
 - b. The Owner(s) or Operator(s) shall mitigate light impact on existing residences that are visible within one (1) mile of an existing residence and still meet applicable FAA requirements. Examples of light mitigation include but are not limited to: downward directed lighting, use of shielded light fixtures, eliminating lighting that casts light onto adjacent property.
9. If there are any variations in the Project's construction which would materially impact the updated Emergency Response Plan, the Emergency Response Plan shall be supplemented and revised following construction of the WECS project and submitted to the County Sheriff and Emergency Management Coordinator.
10. To the extent not inconsistent with confidentiality and security obligations under State and Federal law, the Owner(s) or Operator(s) shall provide the Carbon County Planning and Development Department with a detailed map of the site within ninety (90) days of when operation begins. The Project Map will include the geographic coordinates of each WECS structure, all roads within the WECS Project area, and public roads and turnouts connecting to roads of the WECS Project. The Project Map shall be updated by the Owner(s) or Operator(s) every five (5) years or after the completion of any significant additional construction.
11. The Owner(s) or Operator(s) of the WECS Project shall maintain a current General Liability Policy issued by an insurance company authorized to do business in Wyoming covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. The Applicant(s) shall provide proof of insurance to the Board of County Commissioners prior to the Board's approval of the submitted application or otherwise demonstrate adequate self-insurance. If the application is approved, the Owner(s) or Operator(s) of the WECS shall provide proof of insurance to the Board annually. Proof of insurance may be made by providing a certificate of insurance. If the Owner(s) of the project is a person regulated by the Wyoming Public Service Commission, the requirements of the paragraph shall not apply.
12. No conditional use permit shall be transferred without the prior approval of the Board of County Commissioners. Board's approval shall not be unreasonably withheld upon good cause shown. Any transferee shall agree in writing to be bound by the terms of the Conditional Use Permit.
13. 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.

14. Any contractors involved in construction activities shall appoint a representative to attend a meeting with all Carbon County department heads impacted by said activities prior to commencement of construction.
15. Point of Sale for all construction materials utilized in this Conditional Use Permit shall be Carbon County, Wyoming. For any construction materials used that cannot comply with this condition, the Owner(s) or Operator(s) shall remit to Carbon County an impact assessment payment equivalent to 2 percent of the purchase price of such construction materials. The Owner(s) or Operator(s) shall provide the County Treasurer with receipt(s) that include the purchase price of said construction materials and assessed payment shall be paid to the County Treasurer as certified funds within 150 days of such materials being used on the project.
16. All machinery and motorized equipment utilized in construction activities for this Conditional Use Permit shall obtain necessary registration, plates, and permits from the Carbon County Treasurer's Office and Carbon County Road and Bridge Department prior to being utilized for construction.
17. The Owner(s) or Operator(s) of the WECS Project shall provide copies of all reports and payments of sales tax to the County Clerk and County Treasurer related to this project on a quarterly basis.
18. If repowering occurs and the turbines are removed from service pursuant to this Conditional Use Permit, the Applicant shall reclaim the existing foundations to a depth of 36 inches or to the existing depths required at the time of reclamation, whichever standards are more stringent shall apply.
19. Installation and maintenance of an aircraft detection lighting systems (ADLS) is required in order to mitigate light impacts. Such FAA approved systems shall require the turbine tower warning lights to be off except when necessary to alert aircraft in the area. Lights shall remain off at night unless aircraft are detected within FAA proximity minimums in the area by the ADLS or if FAA requirements dictate otherwise. If the FAA does not approve an aircraft detection lighting system for any of the towers in the project, then the applicant shall provide a secondary lighting plan approved by the FAA to the Board.
20. 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 #2022-01) as certified to them in writing by the Carbon County Planning and Zoning Commission in the Ranching, Agriculture and Mining (RAM) Zone for the “Rock River I Wind Energy Project”.

Expiration of Conditional Use Permits for Commercial Scale Energy Facilities.

Any Commercial Energy Project 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, 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 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. Commencement of construction of Project Structures, buildings and other physical assets, including roadways, of the Project shall be considered commencement of the project. A Commercial Energy Project shall be considered to be operational if the project is generating electricity.

Extension of Conditional Use Permits for Commercial Scale Energy Facilities.

If the Commercial Energy 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 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 Project from other agencies with jurisdiction, such as the Wyoming Industrial Siting Council, 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.

- A. 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.
- B. No permit shall expire during the time the decision on the extension is being considered.

Transfer of Conditional Use Permits for Commercial Scale Energy Facilities.

- A. No conditional use permit shall be transferred without the prior approval of the Board.
- B. The Board may authorize transfers of permits to a different person if:
 - 1. 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.
 - 2. The permit transfer request is heard by the Board at a public meeting after notice is published.
 - 3. The permit transfer administrative fee has been paid.
 - 4. Board approval of the transfer shall not be unreasonably withheld.

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 7th day of June 2022.

**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

DEMOLITION DERBY – Mr. Lonnie Pacheco

Mr. Lonnie Pacheco oversees the Rawlins demolition derby known as the RawTown Riot. He requested authorization to light fireworks during the event. He will work with the Rawlins Fire Department for safety and timing of the lighting and requested authorization from the BOCC to have fireworks at the Fairgrounds. The request is dependent upon fire weather. The BOCC's approval is required for the City to approve such a permit. He noted they will already have fire and EMS there to support the event. After discussion it was revealed that the fireworks would likely be set off on city property across from the fairgrounds so John Rutherford suggested that would be city approval.

Commissioner Espy moved to allow Lonnie Pacheco, the Superintendent of the RawTown Riot, the use pyrotechnics on the county fairgrounds property during the 2022 RawTown Riot Demolition Derby subject to City of Rawlins approval. Commissioner Jones seconded and the motion carried unanimously.

BOSWELL

Commissioner Jones moved to approve the Chairman's signature on the letter to DEQ/ISC objecting to the Boswell Wind LLC's request to amend the permit to remove the Aircraft Detection Lighting System. Commissioner Espy seconded and the motion passed unanimously.

ADJOURNMENT

Commissioner Espy moved to adjourn the meeting at 3:06 p.m. Commissioner Moore seconded and the motion passed unanimously.

A regular meeting of this Board will be held July 5, 2022, at 9:00 a.m., at the Carbon Building-Courthouse Annex, located at 215 W. Buffalo St. Suite 240A, 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.