

**REPORT TO THE  
MINUTES OF THE BOARD OF  
CARBON COUNTY COMMISSIONERS  
REGULAR MEETING  
Tuesday, March 7, 2023  
Carbon Building- Courthouse Annex**

A regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, March 7, 2023, at 9:00 a.m. at the Carbon Building-Courthouse Annex in Rawlins, WY. Attending the meeting were Chairman, Sue Jones, Vice Chairman, Travis Moore, Commissioners John Johnson, and Byron Barkhurst. Commissioner John Espy was absent.

**ADDITIONS / CORRECTIONS**

Chairman Jones added Sheriff Bakken to agenda for the emergency purchase of two patrol vehicles.

**VOUCHERS**

Commissioner Barkhurst moved to approve payment to John Espy for \$1,098.10. Commissioner Moore seconded and the motion passed with all voting for the motion except Commissioner Espy who abstained due to personal conflicts.

Commissioner Barkhurst moved to approve the report of expenditures in the amount of \$868,557.95 for an aggregate total today of \$869,655.95. Commissioner Moore seconded and the motion passed unanimously.

Vendor	Detail Line Description	Total
20/20 GeneSystems, Inc	Cancer Screening Kits	\$904.00
Advanced Network Mgmt., Inc.	Network Infrastructure Switches	\$24,118.00
Alvarado, Robyn	Water Filter	\$39.73
Amazon Capital Services	Kid Chairs	\$58.99
APCO International Inc	Licensing Service Fees	\$3,942.00
Apex Communications	Radio Contract Services	\$8,067.76
APG Media of the Rockies	Various Ads	\$80.00
Axis Forensic Toxicology, Inc.	Lab Fees	\$607.00
Bank of Commerce	Monthly Payroll Files	\$180.00
Beck Total Office Interiors	Courthouse Furniture	\$528,741.97
Black Hills Energy	Gas Services	\$21,297.32
Blakeman Propane	Heating Services	\$6,145.62
Blue Knight Security LLC	Extradition	\$7,850.00
Bob Barker Company, Inc.	Inmate Supplies	\$580.44
Capital Business Systems Inc.	IT Copiers	\$5,626.89
Capitol Communications	Fax finder System/Installation	\$5,951.88

Carbon County Fair Board	Monthly Outside Payment	\$4,166.67
Carbon County Library	Monthly Outside Payment	\$30,299.31
Carbon County Museum	Monthly Outside Payment	\$18,750.00
Carbon County Senior Services	Monthly Outside Payment	\$18,750.00
Carbon County Veterinary Hospital	Vaccination & Prescriptions	\$272.04
CareRight Technologies, LLC	Monthly Bed Fee	\$162.80
CDW Government, Inc.	Display Port Switches	\$964.00
Charter Communications	Jail Cable	\$120.13
Corvinus Group LLC	Cell Door Maintenance	\$3,975.00
Cowboy Supply House	Cleaning Supplies & Paper Towels	\$548.88
Cox, John	Courthouse Tech Move/Setup	\$225.00
Cragun, Megan A	Mileage (Rate Correction)	\$7.05
Dallin Motors Inc	Replace Axle Shaft	\$1,189.00
Debakey, Daniel R	Training & Hotel Room Reimb.	\$355.53
Dishman, Seth	Courthouse Tech Move/Setup	\$300.00
Ebell, Chris	Soberlink Refund	\$905.00
Elk Mountain Iron Works	Snow Removal	\$1,305.00
Encartele	Jail Commissary - Data	\$1,050.00
Espy, John	NACO Flight & Meal Reimb.	\$1,098.10
Fatbeam LLC	Fiber & Internet	\$10,340.00
Further	Health Reimb. & Medical FSA	\$3,932.19
Galls/Quartermaster	Pepper Spray & Badges	\$2,017.70
Greater Wy Big Bros/Sisters	Feb 2023 Prevention	\$5,730.21
Gulbrandson, Kimberly A	Mileage	\$13.20
Hanna, Town of	Water Services	\$254.22
High Plains Power	Electric Services	\$553.54
Iacovetto, Karon	Cleaning Services Carbon Bldg./Jail	\$9,280.00
K2 Towers III, LLC	Tower Rent	\$2,185.45
KTGA/KBDY	Tower Rent & Radio Ads	\$520.00
L N Curtis & Sons	Mounting Plates	\$322.17
McKesson Medical-Surgical	Meds & Cold Compresses	\$106.91
Memorial Hospital of Carbon County	Pre-Employment Lab Work	\$511.00
Motorola Solutions	Mobile Radio/Programming	\$3,306.48
Mountain Alarm	Alarm Monitoring	\$47.90
Napa - Saratoga	Misc. Parts	\$166.58
Norco, Inc.	Cylinder Rental	\$24.08
Old Penitentiary Joint Powers Board	Quarterly Outside Payment	\$8,750.00
O'Reilly Auto Parts	Misc. Parts and Supplies	\$176.59
Parker, Elizabeth	Mileage (Rate Correction)	\$99.69
Perkins Oil Co	Fuel	\$416.96
Personnel Evaluation, Inc.	Pre-Employment Evaluation	\$25.00

Phillips 66-Conoco-76	Remaining Balance - Fuel	\$5.98
R.P Lumber Company, Inc.	Misc. Parts	\$231.20
Rasmussen Furniture	Washer/Dryer at Caretaker House	\$1,274.89
Rawlins Automotive	Misc. Parts and Supplies	\$814.58
Rawlins Hardware	Cord & Gorilla Glue	\$26.98
Rawlins, City of	Water Service	\$2,454.49
Sanchez, Charlene	Monitor Deposit Refund	\$820.00
Sanofi Pasteur, Inc.	Vaccine	\$88.89
Shepard's	Fuel	\$776.91
Smith Psychological Services	Evaluation	\$400.00
South Central Wy Ems	Quarterly Outside Payment	\$11,250.00
Staples Advantage	Misc. Office Supplies	\$206.23
State of Wyoming A & I	Mainframe Access	\$18.40
State of Wyoming DCI	Sex Offender Changes	\$50.00
Stinker Stores Inc	Fuel	\$9,777.88
Stocks Services	Plow Aprons	\$2,200.00
Summit Food Service	Jail Meals	\$12,142.45
Swanson Services Corporation	Jail Commissary	\$2,392.21
The Masters Touch, LLC	Mailing Services	\$7,105.00
United States Postal Service	Postage Machine Funds	\$10,000.00
Uplift Counseling	Critical Incident Debriefing	\$150.00
UPRSWDD	Trash Services	\$190.00
Valence Health Corp	Inmate Medical Services	\$6,500.00
Whisler Chevrolet Co.	Co Vehicle/Equip CCSO	\$45,529.00
WLEA-Advanced Training	Field Training	\$236.00
WY Diesel Service	Blower Parts	\$479.68
WY Machinery Company	Cutting Edges	\$416.87
WY Secretary of State	Engstrom & Dyer Notary	\$120.00
Wyoming Cleaning & Solutions LLC	County Cleaning Services	\$6,583.33

## **CONSENT AGENDA**

Commissioner Johnson moved to approve the consent agenda noting any item could be removed for separate action. The consent agenda includes the February 28, 2023, regular meeting minutes, monthly receipts from Planning and Development in the amount of \$1,050.00 and Carbon County Clerk in the amount of \$10,566.75. Commissioner Moore seconded and the motion passed unanimously.

## **Employee Recognition**

Deputy Clerk Wendy Newbrough overviewed employees' years of service during March.

## **Sheriff**

Alex Bakken, Carbon County Sheriff requested approval for the emergency purchase of two patrol vehicles. One vehicle is \$43,000.00 and the other is \$44,000.00 and to waive procurement policy.

Commissioner Johnson moved to waive the procurement policy and approve the emergency purchase of two patrol vehicles from the county's vehicle fund #172. Commissioner Barkhurst seconded and motion passed unanimously.

### **Emergency Management**

Lenny Layman, Emergency Management Coordinator provided an update on the Wyoming Department of Transportation WyoLink ARPA grant. He was successful in a partial award for WyoLink compatible radios in the amount of \$33,794.43. Six portable radios for EOC and one land console for Road and Bridge will be purchased.

Mr. Layman presented grant amendment #1 to the Deputy Emergency Manager salary grant to extend the term of the grant to end September 30, 2024.

Commissioner Barkhurst moved to approve any commissioner's signature on Amendment #1 to the Grant Award Agreement between Wyoming Office of Homeland Security and Carbon County (22-EMPG-CAR-GCF22) to extend the term of the grant to September 30, 2024. Commissioner Moore seconded and the motion passed unanimously.

Mr. Layman stated that last week there was a Carbon County 2023 stakeholders' summit for potential flooding. The focus was on the local municipalities and to identify supplies and support available should a flood occur. Mr. Layman stated that he is drafting an emergency declaration for each municipality to sign before flooding season and prepare an action plan. Mr. Layman stated that there are five drainages that they are monitoring and setting up action plans for over the next 4 or 5 months.

Commissioner Moore asked about the Ft. Steele area and wanted to make sure that they were a participating stakeholder. Mr. Layman confirmed that they were and with the assistance of Homeland Security they are working on all communities north of Saratoga.

### **2023 LEADERSHIP CARBON COUNTY**

Pam Thayer introduced the participants of Leadership Carbon County 2023.

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

#### **Road & Bridge**

Kandis Fritz, Road and Bridge Coordinator presented bids for approximately 118 miles of Magnesium Chloride on various county roads throughout Carbon County. One bid was received from Dustbusters in the amount of \$6,000.00 / mile for a total of \$720,000.00.

Commissioner Moore moved to award the bid to Dustbusters in the amount of \$720,000.00 for approximately 118 miles of Magnesium Chloride to be paid from a Congestion Mitigation Air Quality grant and the county's road fund. Commissioner Johnson seconded and the motion passed unanimously.

Mrs. Fritz introduced Engineer Craig Kopasz from AE Engineers and they discussed the bids received for the Brush Creek Chip Seal Overlay Project (County Road 203) which is approximately 2.5 miles. Bids were received from 71 Construction in the amount of \$737,565.00 and Bituminous Paving Inc. in the amount of \$493,650.00. Mrs. Fritz will be utilizing road funds for the completion of this project.

Commissioner Barkhurst requested details on the work. Mr. Kopasz stated that the road was previously paved 6 years ago and the plan is to patch all the potholes with a double chipseal on top. Barkhurst asked about the longevity of the road once it is completed, and Mr. Kopasz stated that it would be approximately 5-10 years. Commissioner Barkhurst also asked whether there will be a center stripe painted on the road. Mrs. Fritz stated that she would have to go out for bid on that once the chip seal is completed. Commissioner Barkhurst asked if there was a less expensive way to repair the road. Mr. Kopasz stated that the County could just go in and fill the potholes but if we do not seal the road, the road will deteriorate more rapidly. Chairman Jones stated that it was in our best interest to repair the road, and that Mrs. Fritz has conducted traffic counts and that road is heavily traveled.

Commissioner Johnson moved to award the bid to Bituminous Paving Inc. in the amount of \$493,650.00 for the Brush Creek Chip Seal Overlay Project (County Road 203) and authorize the Chairman's signature on the Notice of Award. Commissioner Barkhurst seconded and the motion passed unanimously.

Mrs. Fritz discussed the snow accumulation this winter and she is aware of a loader mounted snow blower available for sale soon and she wanted to place it on the BOCC's radar with the likelihood of her requesting approval outside a commission meeting due to the timing.

Mrs. Fritz thanked the following people and organizations who assisted in snow removal from this last storm. Q Creek Land and Cattle brought in a dozer and operator to help open up County Road 291 – North of Hanna; Double 8 Ranch put their dozers to work on county roads 101 and 3 in Elk Mountain; Saratoga Forest Management: Gary Ervin and crew has also helped keep 101 open this winter while logging up in the forest; All the oilfield companies keeping the Wamsutter road open; Bureau of Reclamation helped on the Seminoe Road with their loader; Strauch over in the Medicine Bow Country on County Road 1 and 320 kept those roads open with their equipment; Seth Kelley and Charlie George on the Arch Cut; Elk Mountain Fire Department for the use of their tracked SXS; F&S Trucking and Welding for snow removal on Pass Creek, Arch Cut and Seminoe Road; Brian O'Conner, on Pass Creek; Rodney Bennett & Paul Howe, just started in Saratoga working on Hay Creek and hopefully Saratoga side of Pass Creek; Clyde Johnson has helped with his blower on Pass Creek; and Locke Trucking.

Mrs. Fritz stated that between F&S Trucking and Brian O'Conner, she has a combined total of \$17,961.88 in expenses for just on the Elk Mountain side of Pass Creek. Commissioner Johnson

asked if there should be a budget amendment expected. Mrs. Fritz stated that she was not anticipating having to do one.

Mrs. Fritz presented a Road Use Agreement with Innergex Renewal Energy for the Last Mile Transmission Line Project for board approval and Chairman's signature.

Commissioner Johnson moved to approve the Road Use Agreement between Innergex Renewal Energy and Carbon County for the Last Mile Transmission Line Project and authorize the Chairman's signature. Commissioner Moore seconded and the motion passed unanimously.

Commissioner Johnson asked about an increase in the cost per mile. Mrs. Fritz stated that she would calculate the costs per mile and get back with the BOCC, however at last calculation it was \$15,000.00 per mile which is the amount that is utilized in this road use agreement.

### **Planning & Development**

Sarah Brugger, County Planning Director requested the Chairman's signature on a letter to be a cooperating agency on the Bureau of Land Management's environmental impact statement and resource management plan amendments for updated utility-scale solar energy planning on Federal public lands.

Commissioner Moore moved to approve the Chairman's signature on the letter to be a cooperating agency on the Bureau of Land Management's environmental impact statement and resource management plan amendments for updated utility-scale solar energy planning on Federal public lands. Commissioner Johnson seconded and the motion passed unanimously.

Mrs. Brugger reported that on March 3, 2021, the Board approved Resolution No. 2021-10, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission C.U. Case File #2021-01, ESA Architects (Applicant) and Three Forks Ranch Inc. (Landowner) request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request was to provide event space and an interior Pickleball Court building as amenities for the Three Forks Lodge and Spa. The applicant is requesting a 24-month extension to their Conditional Use Permit due to construction supply chain issues with materials and the availability of labor in the more remote area where the project is located.

Commissioner Barkhurst moved to approve Resolution No. 2023-10, A Resolution Authorizing ESA Architects a two-year extension of time to commence operation of the Three Forks Lodge Event Center and Pickleball Court. Commissioner Moore seconded and the motion passed unanimously.

### **Resolution No. 2023 – 10**

#### **A RESOLUTION AUTHORIZING ESA ARCHITECTS A TWO-YEAR EXTENSION OF TIME TO COMMENCE OPERATION OF THE THREE FORKS LODGE EVENT CENTER AND PICKLEBALL COURT.**

**WHEREAS**, on March 2, 2021, the Board of County Commissioners of Carbon County, Wyoming, in accordance with Wyoming State Law and the Carbon County Zoning Resolution of 2015, as amended, by Resolution No. 2021-10, approved the granting of a conditional use permit to ESA Architects, C.U. Case File #2021-01, for the construction and operation of the Three Forks Lodge Event Center and Pickleball Court; and

**WHEREAS**, pursuant to Chapter 7, Section 7.7.I., Extension of Conditional Use Permits of the Carbon County Zoning Resolution of 2015, as amended, a conditional use permit may, for good cause shown, be extended in accordance with Section 7.7.I; and

**WHEREAS**, the Applicant, ESA Architects, having applied for a two-year extension, and the Board of County Commissioners of Carbon County, Wyoming, having considered said written request on the 7th day of March 2023, and finding that good cause was shown for the delay and that granting of the extension until March 2, 2025, was in the best interest of the residents of Carbon County; and

**NOW, THEREFORE BE IT RESOLVED**, by the Board of County Commissioners of Carbon County, Wyoming, that the conditional use permit granted to ESA Architects for the construction and commencement of operations of the Three Forks Lodge Event Center and Pickleball Court be and is hereby extended for a period of two (2) years, and that this Conditional Use Permit (C.U. Case File #2021-01) is valid until March 2, 2025.

**BE IT FURTHER RESOLVED** that all other conditions of the conditional use permit, C.U. Case File #2021-01, approved in Resolution No. 2021-10 remain in full force and effect.

**APPROVED AND ADOPTED THIS 7<sup>th</sup> DAY OF MARCH 2023.**

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

By: -s- Sue Jones, Chairman  
On behalf of the Carbon County  
Board of County Commissioners

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

Mrs. Brugger reported that on September 14, 2021, the Board approved 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.". At the time of the meeting and with all the planned amendments to the Resolution and to the P.U.D. discussion was held between the Carbon County Attorney Ashley Mayfield and the Brush Creek Ranch Attorney to make the recommended amendments and approach the board for final approval later.

Mrs. Brugger requested to withdraw Resolution No. 2021-35 that was previously approved on September 14, 2021 and requested approval and Chairman's signature on Resolution for 2023-11.

Commissioner Barkhurst asked what the reason for the delay was and if the wording was ever replaced from “will” to “shall” for the requirement of statistical enforceable baseline watershed data.

Commissioner Barkhurst moved to withdraw 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 and approve and authorize the Chairman’s signature on Resolution No. 2023-11, 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. Commissioner Moore seconded and the motion passed unanimously.

**Resolution No. 2023 – 11**

**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 File #2021-02**

**“Green Mountain at Brush Creek Ranch P.U.D.”  
Zone Change to Planned Unit Development (P.U.D.)**

**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, July 12, 2021, which hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

**WHEREAS**, at the Monday, July 12, 2021, public hearing, the Carbon County Planning and Zoning Commission provided the public the opportunity to comment and the Carbon County Planning and Zoning Commission considered any public comments which were made at said public hearing; and

**WHEREAS**, at the conclusion of the Monday, July 12, 2021, public hearing, the Carbon County Planning and Zoning Commission tabled the request until Monday, July 26, 2021; and

**WHEREAS**, the Carbon County Planning and Zoning Commission held and reopened said public hearing on Monday, July 26, 2021; and provided the public the opportunity to comment; and

**WHEREAS**, at the conclusion of said Monday, July 26, 2021, public hearing, the Carbon County Planning and Zoning Commission voted to certify in writing its recommendation to the Carbon County Board of County Commissioners to adopt the zone change as an amendment to the Carbon County Official Zoning Map for Carbon County, Wyoming; and

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

**WHEREAS**, at said public hearing on September 14, 2021, the Carbon County Board of County Commissioners provided the opportunity for the public to comment and for the Carbon County

Board of County Commissioners to consider any comments which were made on the proposed amendment; and

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

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

**WHEREAS**, at a regularly scheduled meeting of the Carbon County Board of County Commissioners, by majority vote, the Carbon County Board of County Commissioners moved to approve the proposed zoning amendment to the Carbon County Official Zoning Map; and

**WHEREAS**, the recording of the resolution for P.U.D. Case File #2021-02 was delayed pending the submission of the Green Mountain PUD Guide with the Carbon County Board of County Commissioners approved amendments from the Petitioner to the County; and

**WHEREAS**, on February 28, 2023, the Petitioner submitted to the County the Green Mountain PUD Guide with the Carbon County Board of County Commissioners approved amendments; and

**WHEREAS**, Z.C. Case File #2001-12, the 2001 Declaration of Covenants, and associated master plan is officially terminated by the approval and filing of the of the Green Mountain PUD Guide - P.U.D. Case #2021-02.

**P.U.D. Case #2021-02:** 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.

**Petitioner:** Brush Creek, LLC (Applicant and Land Owner)

**Parcel Identification Number:** 14853610003600

**General Site Location:** Approximately 4 miles south of WY HWY 70 off U.S.F.S. Road #550

**Legal Description (Warranty Deed, Book 1335, Page 34):** Lots 1, 2, 3, and 4, W1/2E1/2, W1/2 (ALL), Section 36, T14N, R85W, 6<sup>th</sup> P.M., Carbon County, WY.

**NOW THEREFORE BE IT RESOLVED BY THE**

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

That the Carbon County Board of County Commissioners, hereby adopts this amendment(s) as certified to them in writing by the Carbon County Planning and Zoning Commission for 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 and as more specifically described in the Green Mountain at Brush Creek Ranch P.U.D. Guide (Attached as Exhibit A).

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.

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 7<sup>th</sup> day of March 2023.

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

By: -s- Sue Jones, Chairman  
On behalf of the Carbon County  
Board of County Commissioners

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

**Carbon County Economic Development Corporation**

Yvonne Johnson, Carbon County Economic Development Corporation Director presented her quarterly report for the Economic Development Corporation to include past and future economic growth in Carbon County.

**CITIZEN/COMMISSIONERS DISCUSSION**

Louie Stolns, a resident of Mountain View Estates, located East of Saratoga requested that the County begin maintaining the private roads off County Road 550 specifically including Cowboy Road to Ridge Lane. Mr. Stolns stated that he cannot get his oxygen deliveries or other deliveries. He is just requesting the County come in and move over the wind rows that he can make on his own.

Mrs. Fritz stated that all the discussed roads would need to meet specific standards for the county to adopt and to maintain it, easements would need to be obtained, etc.

Chairman Jones stated that the County already has to maintain too many county roads as it is and it would not be possible to add anymore. Commissioner Johnson further stated that there are legal and liability issues that prevents the County from maintaining personal roads. Chairman Jones stated that she would reach out to a private vendor to assist him.

**CARBON COUNTY FIRE PROTECTION DISTRICT**

Jim Piche, Vice-Chairman of the Carbon County Fire Protection District and John Rutherford, Carbon County Fire Warden presented a lease agreement with the County for office space located in the Carbon Building. The actual office space has not been determined because WIC has not made and official decision on whether they will me moving offices.

Commissioner Johnson moved to approve the Lease Agreement between Carbon County Commissioners and Carbon County Fire Protection District for office space located on the 3<sup>rd</sup> floor of the Carbon Building to be determined at a later date for no fee and for a term of July 1, 2023, through June 30, 2024, and authorized any commissioner to sign. Commissioner Moore seconded and the motion passed unanimously.

Mr. Piche provided an update on the status of the Fire District including ordinances, resolutions, and financial statements.

Warden Rutherford stated that he is doing the ISO rating now and it will be able to be handed off to the district soon. This will assist the district in giving them a good start. Warden Rutherford stated that he received a grant in the amount of \$48,134.56 for the purchase of WyoLink compatible radios for the Fire District.

Mr. Piche stated that the board plans on continuing to have two meetings a month to ensure the success of the district.

## **IT**

Matt Webster, IT Director requested and received approval for additional \$4,000.00 from the Chokecherry Impact Fund for additional IT infrastructure for the remodel of housing control at the jail. He had originally requested \$8,000.00. As of today, the total for the completion of the IT infrastructure in housing control is \$11,759.09.

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

Ken Harmon, Chief Executive Officer for Memorial Hospital of Carbon County provided an update on the status of MHCC including financials, physician recruitment, as well as COVID cases, testing and vaccines. Also present was Rod Waeckerlin, MHCC Trustee. Mr. Waeckerlin reported the hospital trustees would like to have a meeting with the commissioners or members of the commissioners regarding their upcoming budget request.

## **PUBLIC HEARING – C.U. Case #2023-01–Rock Creek I Transmission Line Project - Invenergy**

Chairman Jones opened a public hearing at 11:22 a.m. to hear Planning & Zoning C.U. Case #2023-01–Rock Creek I Transmission Line Project - Invenergy’s request for a Conditional Use Permit to construct, operate, and maintain the Rock Creek I Transmission Project (Project). The Transmission Project will transmit the electricity generated to the Foote Creek Substation. Rock Creek proposes to construct an overhead 230 kilovolt (kV), single-circuit, alternating-current electric line that will act as a generation tie line (“Gen-Tie”) connecting Rock Creek Wind Project (“Wind Project”) located in Carbon and Albany Counties to the existing Foote Creek Substation in Carbon County. The Project would traverse approximately 8.3 miles in Carbon County. The Project begins in Carbon County approximately 0.5 miles west from the Albany County border and proceeds northwest to the Foote Creek Substation in Carbon County. The Foote Creek Substation is located approximately 4 miles northeast of Arlington and approximately 2 miles north of WY HWY 13. Sarah Brugger, County Planner, presented the case file.

Chase Marston, Maggie Haynes, and Greg Weisz (Project Counsel), all members of the Rock Creek Wind Transmission project team were present to speak for the project. Mr. Marston explained there are two applications submitted for two separate transmission lines, Rock Creek I

and II. Each line is associated with the Rock Creek Wind project, which has been approved by both the county and the Industrial Siting Council. In addition, they have performed a Class I cultural study for this project and identified areas to avoid. Ms. Bruggar had previously mentioned a 180' tower height and Mr. Marston asked that they be allowed to keep that tower in the project. In addition, they plan to parallel the existing High Plains line. The schedule outlines a county building permit in Spring 2023 with most of the construction in 2024 and turbine installation summers of 2023-2025. They do plan to transfer ownership to PacifiCorp.

Commissioner Johnson pointed out specific conditions including #8, meeting with various county departments to determine requirements for those offices; #9, requiring point of sale for construction materials be Carbon County; #10 providing proof of tax payments; #11 requiring registration of vehicles and equipment used, #13 and #14 regarding road use agreements if needed and all federal/state permits as well.

Chairman Jones called for comments for or against the case. There being no comments, she closed the hearing at 11:46 a.m.

Commissioner Moore moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2023-12, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding C.U. Case #2023-01–Rock Creek I Transmission Line Project - Invenergy’s request for a Conditional Use Permit to construct, operate, and maintain the Rock Creek I Transmission Project. Commissioner Barkhurst seconded and motion passed unanimously.

### **Resolution No. 2023 – 12**

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

#### **C.U. Case File #2023-01– “Rock Creek I Transmission Line 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, January 9, 2023, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

**WHEREAS**, at the January 9, 2023, regular meeting, the public hearing was cancelled due to a lack of quorum. The public hearing was rescheduled for Monday, February 6, 2023; and

**WHEREAS**, at the Monday, February 6, 2023, public hearing, the Carbon County Planning and Zoning Commission provided the public the opportunity to comment and the Carbon County Planning and Zoning Commission considered any public comments which were made at said public hearing; and

**WHEREAS**, at the conclusion of the Monday, February 6, 2023, public hearing, the Carbon County Planning and Zoning Commission voted to certify in writing its recommendation to the Carbon County Board of County Commissioners pursuant to the Carbon County Zoning Resolution of 2015, as amended for Carbon County, Wyoming; and

**WHEREAS**, the Carbon County Board of County Commissioners, pursuant to the Carbon County Zoning Resolution of 2015, as amended, and Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation; advertised by public notice at least 14 days prior to a public hearing to take public input and comments which said hearing occurred on Tuesday, March 7, 2023; and **WHEREAS**, at said public hearing on March 7, 2023, the Carbon County Board of County Commissioners provided the opportunity for the public to comment and for the Carbon County Board of County Commissioners to consider any comments which were made on the proposed application; and

**WHEREAS**, the Carbon County Board of County Commissioners in considering said application have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended; and the Carbon County Zoning Resolution of 2015, as amended, specifically, Section 7.7, Conditional Use Permits; and

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

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

**C.U. Case #2023-01:** Conditional Use Permit to construct, operate, and maintain the Rock Creek I Transmission Project (Project). The Transmission Project will transmit the electricity generated to the Foote Creek Substation. Rock Creek proposes to construct an overhead 230 kilovolt (kV), single-circuit, alternating-current electric line that will act as a generation tie line (“Gen-Tie”) connecting Rock Creek Wind Project (“Wind Project”) located in Carbon and Albany Counties to the existing Foote Creek Substation in Carbon County. The Project would traverse approximately 8.3 miles in Carbon County.

**Project/Site Name:** Rock Creek I Transmission Line Project

**Petitioners:** Rock Creek I Gentie/Invenergy-Rock Creek

**General Site Location:** The Project begins in Carbon County approximately 0.5 miles west from the Albany County border and proceeds northwest to the Foote Creek Substation in Carbon County. The Foote Creek Substation is located approximately 4 miles northeast of Arlington and approximately 2 miles north of WY HWY 13.

**TERMS AND CONDITIONS OF APPROVAL:**

1. If the transmission towers are removed from service pursuant to this Conditional Use Permit, the Applicant shall reclaim the existing foundations to a depth of a minimum of 36 inches or to current State standards, whichever standards are more stringent shall apply.
2. The applicant shall cooperate with the Wyoming Game and Fish Department and the United States Wildlife service to develop an appropriate survey plan and implement measures to minimize impacts to nesting raptors.
3. The maximum transmission tower height is 180 feet total.
4. Site Plan Approval is required through the Building Permit review process. Building permit application(s) are required and must be submitted prior to construction.
5. The Applicant will provide survey or engineering drawings to the Carbon County Planning & Development Department prior to construction.

6. The Applicant will submit proof of legal access to the Carbon County Planning & Development Department prior to construction.
7. If adjustments to the transmission line centerline and access roads are required beyond those described in the Conditional Use Permit application, the applicant shall:
  - a. Notify the Carbon County Planning & Development Department in writing describing the proposed adjustments.
  - b. Upon receipt of a notice of proposed adjustments to the transmission line centerline and access roads, the Planning Director or designee shall approve the adjustments by issuance of a building permit\zoning certificate; or,
  - c. The Planning Director shall place the notice of the proposed adjustments on the next available Planning and Zoning Commission's agenda.
  - d. The Planning and Zoning Commission shall determine whether the proposed adjustments remain in general conformance with this Conditional Use Permit; or,
  - e. If the proposed adjustments are deemed significant by the Planning Director or designee, the applicant may be required to submit a new Conditional Use Permit Application.
8. 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.
9. Point of Sale for all construction materials utilized in this Conditional Use Permit shall be Carbon County, Wyoming.
10. The Owner(s) or Operator(s) of the 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.
11. 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.
12. If the applicant is hauling water in Carbon County, they shall provide a copy of any agreement to the Carbon County Planning & Development Department. When hauling water, the applicant should follow the best management practices on aquatic habitat in accordance with the comment letter provided from the Wyoming Game and Fish Department.
13. The Applicant shall negotiate in good faith and enter into road use agreements with Carbon County and any other town or municipality with roadways that are impacted by this Conditional Use Permit.
14. The Applicant shall obtain and provide all required state and federal permits to the Carbon County Planning & Development Department prior to issuance of a building permit.
15. No conditional use permit shall be transferred without the prior approval of the Board of County Commissioners. The Board's approval shall not be unreasonably withheld upon good cause shown. Any transferee shall agree in writing to be bound by the terms of the Conditional Use Permit. It is specifically understood and agreed that after the completion of construction of the Project, the Applicant intends to transfer this permit to PacifiCorp for operation of the Project. The Board hereby approves of such transfer, subject to PacifiCorp agreeing in writing to be bound by all terms of the Conditional Use Permit as the owner of the permit. This Conditional Use Permit shall not have any additional transfers

other than the aforementioned transfer under this paragraph without prior approval of the Board of County Commissioners.

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

a. Section 7.7-H--Expiration of Conditional Use Permits.

Any use for which a conditional use permit is granted must be commenced within two (2) years from the date of approval. If the Project is not commenced within two (2) years from the date of approval then the conditional use permit shall expire and become null and void and be of no further effect, except as extended in compliance within this section.

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

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

If the project has not been commenced as required, the Applicant(s) may request from the Board an extension of the permit for a period of up to twenty-four (24) months upon a showing of good cause. The Applicant(s) shall apply to the County, through the Department, in writing for the extension no later than ninety (90) days prior to the expiration of the permit or any previously granted extension. At the time of the application for the extension the Applicant(s) shall provide such information as is necessary for the County to determine whether good cause exists for the extension. Good cause may include, but is not limited to, good faith efforts to obtain required authorization from other agencies with jurisdiction, delay in construction due to weather conditions, pending litigation, or other causes which have delayed the project and which are beyond the reasonable control of the Applicant(s). The Applicant(s) may request not more than two (2) separate extensions from the Board, with such total extension period not to exceed forty-eight (48) months. The Board shall promptly consider the application for the extension and either allow it or deny it.

1. Requests for subsequent extensions of the permit shall first be presented to the Commission no later than ninety (90) days prior to the expiration of the permit or any previously granted extension. The Commission shall recommend to the Board either approval or denial of the extension of the permit. The recommendation of the Commission shall be considered by the Board at their next regular meeting.

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

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

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

**NOW THEREFORE BE IT RESOLVED BY THE**

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

That the Carbon County Board of County Commissioners hereby approves this Conditional Use Permit (CUP) as certified to them in writing by the Carbon County Planning and Zoning Commission as represented in the Conditional Use Permit (C.U. Case #2023-01 – “Rock Creek I Transmission Line Project”).

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 7<sup>th</sup> day of March 2023.

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

By: -s- Sue Jones, Chairman  
On behalf of the Carbon County  
Board of County Commissioners

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

**PUBLIC HEARING – C.U. Case #2023-02–Rock Creek II Transmission Line Project -  
Invenergy**

Chairman Jones opened a public hearing at 11:48 a.m. to hear Planning & Zoning C.U. Case #2023-02–Rock Creek II Transmission Line Project - Invenergy’s request for a Conditional Use Permit to construct, operate, and maintain the Rock Creek II Transmission Project (Project). The Transmission Project will transmit the electricity generated to the Aeolus Substation. Rock Creek proposes to construct an overhead 230 kilovolt (kV), single-circuit, alternating-current electric line that will act as a generation tie line (“Gen-Tie”) connecting Rock Creek II Wind Project (“Wind Project”) located in Albany County to the existing Aeolus Substation in Carbon County. The Project would traverse approximately 23.5 miles in Carbon County. The Project begins in Albany County and proceeds northwest to the Aeolus Substation in Carbon County. The Aeolus Substation is located approximately 11 miles north, northwest of US HWY 30 off Carbon County Road #121 (Difficulty Shirley Road). Sarah Brugger, County Planning Director, presented the case file.

Chase Marston, Maggie Haynes and Greg Weisz (Project Counsel), all members of the Rock Creek Wind Transmission team were present. Mr. Marson stated there has been a full environmental impact statement on the route already. This project connects the Rock Creek Wind project to the Aeolus Substation, crosses private, federal and state land and the majority of the line is in the BLM designated utility corridor.

Commissioner Johnson once again pointed out there are various conditions that must be met as he outlined in the previous case heard earlier today. Attorney Weisz stated that Invenergy was extremely aggressive in reaching out to meet with county departments and had a conference call in the last couple weeks with various Albany County and Carbon County departments.

Chairman Jones called for comments for or against the case. There being no comments, she closed the hearing at 12:05 p.m.

Commissioner Moore moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2023-13, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding C.U. Case #2023-02–Rock Creek II Transmission Line Project - Invenergy’s request for a Conditional Use Permit to construct, operate, and maintain the Rock Creek II Transmission Project. Commissioner Johnson seconded and Commissioner Barkhurst thought the motion should be contingent upon receipt of the Right of Way from the Bureau of Land Management. Commissioner Moore agreed to amend the motion to include that, and Commissioner Johnson agreed. The motion, including the contingency of receipt of the Right of Way from the BLM, passed unanimously.

**Resolution No. 2023 – 13**

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

**C.U. Case File #2023-02– “Rock Creek II Transmission Line 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, January 9, 2023, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

**WHEREAS**, at the January 9, 2023, regular meeting, the public hearing was cancelled due to a lack of quorum. The public hearing was rescheduled for Monday, February 6, 2023; and

**WHEREAS**, at the Monday, February 6, 2023, public hearing, the Carbon County Planning and Zoning Commission provided the public the opportunity to comment and the Carbon County Planning and Zoning Commission considered any public comments which were made at said public hearing; and

**WHEREAS**, at the conclusion of the Monday, February 6, 2023, public hearing, the Carbon County Planning and Zoning Commission voted to certify in writing its recommendation to the Carbon County Board of County Commissioners pursuant to the Carbon County Zoning Resolution of 2015, as amended for Carbon County, Wyoming; and

**WHEREAS**, the Carbon County Board of County Commissioners, pursuant to the Carbon County Zoning Resolution of 2015, as amended, and Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation; advertised by public notice at least 14 days prior to a public hearing to take public input and comments which said hearing occurred on Tuesday, March 7, 2023; and

**WHEREAS**, at said public hearing on March 7, 2023, the Carbon County Board of County Commissioners provided the opportunity for the public to comment and for the Carbon County Board of County Commissioners to consider any comments which were made on the proposed application; and

**WHEREAS**, the Carbon County Board of County Commissioners in considering said application have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended; and the Carbon County Zoning Resolution of 2015, as amended, specifically, Section 7.7, Conditional Use Permits; and

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

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

**C.U. Case #2023-02:** Conditional Use Permit to construct, operate, and maintain the Rock Creek II Transmission Project (Project). The Transmission Project will transmit the electricity generated to the Aeolus Substation. Rock Creek proposes to construct an overhead 230 kilovolt (kV), single-circuit, alternating-current electric line that will act as a generation tie line (“Gen-Tie”) connecting Rock Creek II Wind Project (“Wind Project”) located in Albany County to the existing Aeolus Substation in Carbon County. The Project would traverse approximately 23.5 miles in Carbon County.

**Project/Site Name:** Rock Creek II Transmission Line Project

**Petitioners:** Rock Creek II Gentie/Invenergy-Rock Creek

**General Site Location:** The Project begins in Albany County and proceeds northwest to the Aeolus Substation in Carbon County. The Aeolus Substation is located approximately 11 miles north, northwest of US HWY 30 off Carbon County Road #121 (Difficulty Shirley Road).

#### **TERMS AND CONDITIONS OF APPROVAL:**

1. If the transmission towers are removed from service pursuant to this Conditional Use Permit, the Applicant shall reclaim the existing foundations to a depth of a minimum of 36 inches or to current State standards, whichever standards are more stringent shall apply.
2. The applicant shall cooperate with the Wyoming Game and Fish Department and the United States Fish and Wildlife Service to develop an appropriate survey plan and implement measures to minimize impacts to nesting raptors.
3. The maximum transmission tower height is 115 feet total.
4. Site Plan Approval is required through the Building Permit review process. Building permit application(s) are required and must be submitted prior to construction.
5. The Applicant will provide survey or engineering drawings to the Carbon County Planning & Development Department prior to construction.
6. The Applicant will submit proof of legal access to the Carbon County Planning & Development Department prior to construction.
7. If adjustments to the transmission line centerline and access roads are required beyond those described in the Conditional Use Permit application, the applicant shall:
  - a. Notify the Carbon County Planning & Development Department in writing describing the proposed adjustments.
  - b. Upon receipt of a notice of proposed adjustments to the transmission line centerline and access roads, the Planning Director or designee shall approve the adjustments by issuance of a building permit/zoning certificate; or,
  - c. The Planning Director shall place the notice of the proposed adjustments on the next available Planning and Zoning Commission’s agenda.
  - d. The Planning and Zoning Commission shall determine whether the proposed adjustments remain in general conformance with this Conditional Use Permit; or,

- e. If the proposed adjustments are deemed significant by the Planning Director or designee, the applicant may be required to submit a new Conditional Use Permit Application.
8. 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.
9. Point of Sale for all construction materials utilized in this Conditional Use Permit shall be Carbon County, Wyoming.
10. The Owner(s) or Operator(s) of the 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.
11. 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.
12. If the applicant is hauling water in Carbon County, they shall provide a copy of any agreement to the Carbon County Planning & Development Department. When hauling water, the applicant should follow the best management practices on aquatic habitat in accordance with the comment letter provided from the Wyoming Game and Fish Department.
13. The Applicant shall negotiate in good faith and enter into road use agreements with Carbon County and any other town or municipality with roadways that are impacted by this Conditional Use Permit.
14. The Applicant shall obtain and provide all required state and federal permits to the Carbon County Planning & Development Department prior to issuance of a building permit.
15. The Owner(s) or Operator(s) shall limit construction activity in areas that have been designated by Wyoming Game & Fish Department as big game crucial winter range from November 15-April 30. In the event the owners or operators need to carry out construction activities in this time period and within said ranges, it shall notify and consult with both the Wyoming Game & Fish Department and Carbon County to determine how the activity in question will be carried out without undue harm to big game populations.
16. No conditional use permit shall be transferred without the prior approval of the Board of County Commissioners. The Board's approval shall not be unreasonably withheld upon good cause shown. Any transferee shall agree in writing to be bound by the terms of the Conditional Use Permit. It is specifically understood and agreed that after the completion of construction of the Project, the Applicant intends to transfer this permit to PacifiCorp for operation of the Project. The Board hereby approves of such transfer, subject to PacifiCorp agreeing in writing to be bound by all terms of the Conditional Use Permit as the owner of the permit. This Conditional Use Permit shall not have any additional transfers other than the aforementioned transfer under this paragraph without prior approval of the Board of County Commissioners.
17. Upon approval by the Board, the following provisions from the Zoning Resolution will be incorporated into the final Resolution:
  - a. Section 7.7-H--Expiration of Conditional Use Permits.  
Any use for which a conditional use permit is granted must be commenced within two (2) years from the date of approval. If the Project is not commenced within two

(2) years from the date of approval then the conditional use permit shall expire and become null and void and be of no further effect, except as extended in compliance within this section.

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

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

If the project has not been commenced as required, the Applicant(s) may request from the Board an extension of the permit for a period of up to twenty-four (24) months upon a showing of good cause. The Applicant(s) shall apply to the County, through the Department, in writing for the extension no later than ninety (90) days prior to the expiration of the permit or any previously granted extension. At the time of the application for the extension the Applicant(s) shall provide such information as is necessary for the County to determine whether good cause exists for the extension. Good cause may include, but is not limited to, good faith efforts to obtain required authorization from other agencies with jurisdiction, delay in construction due to weather conditions, pending litigation, or other causes which have delayed the project and which are beyond the reasonable control of the Applicant(s). The Applicant(s) may request not more than two (2) separate extensions from the Board, with such total extension period not to exceed forty-eight (48) months. The Board shall promptly consider the application for the extension and either allow it or deny it.

18. 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.

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

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

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

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

That the Carbon County Board of County Commissioners hereby approves this Conditional Use Permit (CUP) as certified to them in writing by the Carbon County Planning and Zoning Commission as represented in the Conditional Use Permit (C.U. Case #2023-02 – “Rock Creek II Transmission Line Project”).

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 7<sup>th</sup> day of March 2023.

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

By: -s- Sue Jones, Chairman  
On behalf of the Carbon County  
Board of County Commissioners

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

**Road Use Agreement**

Ms. Fritz presented a Road Use Agreement for the Rock Creek projects noting the agreement covered 16.5 miles on two different roads.

Commissioner Barkhurst moved to authorize the Chairman's signature on a Road Use Agreement between Carbon County and Rock Creek Wind II LLC for 11 miles of County Roads 121 and 5.5 miles on County Road 1. Commissioner Moore seconded and the motion passed unanimously.

**Clerk**

Gwynn Bartlett, Carbon County Clerk presented board applications that she received from Bradley Ferguson and John W. Moore both for the Upper Platte River Solid Waste Disposal District.

Commissioner Johnson moved to appoint Bradley Ferguson for an unexpired 3-year term ending August 2023 and John W. Moore for an unexpired 3-year term ending August 2025 both for the Upper Platte River Solid Waste Disposal District. Commissioner Barkhurst seconded and the motion passed unanimously.

**COMMISSIONERS**

Commissioner Moore attended the Carbon County Economic Development Corporation meeting yesterday.

**ADJOURNMENT**

Commissioner Johnson moved to adjourn the meeting at 12:34 p.m. Commissioner Barkhurst seconded and the motion passed unanimously.

A regular meeting of this Board will be held Tuesday, April 4, 2023, at 9:00 a.m., at the Carbon Building – Courthouse Annex, located at 215 W. Buffalo St. Suite 240C, Rawlins, WY. The public is invited to attend, or you can listen online at the website listed below. To get on the agenda, call the Clerk's Office by the Thursday before the meeting. Per Wyo. Stat. §18-3-516(f), access to

county information can be obtained at [www.carbonwy.com](http://www.carbonwy.com) or by calling the Clerk's Office at (307) 328-2668 or 1-800-250-9812.