

Resolution No. 2021 – 06

**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 #2020-15 – “Gateway West Segment D-1 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, November 2, 2020, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at the Monday, November 2, 2020, 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, November 2, 2020, 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, December 15, 2020; and

WHEREAS, at said public hearing on December 15, 2020, the Carbon County Board of County Commissioners provided the opportunity for the public to comment and for the Carbon County Board of County Commissioners to consider any comments which were made on the proposed application; and

WHEREAS, at the conclusion of the Tuesday, December 15, 2020, public hearing, the Carbon County Board of County Commissioners tabled the request until Tuesday, February 2, 2021; and

WHEREAS, the Carbon County Planning and Zoning Commission held and reopened said public hearing on Tuesday, February 2, 2021; and provided the public the opportunity to comment; and



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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 #2020-15: Request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to construct the Gateway West Segment D-1 Transmission Line Project from Shirley Basin Substation to Windstar Substation. The project will consist of two parallel 230-kV alternating current (AC) electric transmission lines and associated substations facilities as part of the PacifiCorp Energy Vision 2020 Plan.

Project/Site Name: Gateway West Segment D-1 Transmission Line Project

Petitioner: PacifiCorp doing business as Rocky Mountain Power

General Site Location: The Project crosses approximately 20 miles through Carbon County from the Shirley Basin Substation to the Carbon and Natrona County line.

TERMS AND CONDITIONS OF APPROVAL:

1. Site Plan Approval is required through the Building Permit review process. Building permit application(s) are required and must be submitted prior to construction.
2. The Applicant will provide survey or engineering drawings to the Carbon County Planning & Development Department prior to construction.
3. The Applicant will submit proof of legal access to the Carbon County Planning & Development Department prior to construction.
4. 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.
5. The Applicant will submit the Project PODs to the Carbon County Planning & Development Department when completed and approved by BLM.
 6. 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.
 7. Point of Sale for all construction materials utilized in this Conditional Use Permit shall be Carbon County, Wyoming.
 8. 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.
 9. If the applicant is hauling water in Carbon County they shall provide a copy of any agreement to the Carbon County Planning and Development Department.
 10. The Applicant shall negotiate in good faith and enter road use agreements with Carbon County and any other town or municipality with roadways that are impacted by this Conditional Use Permit.
 11. The Applicant shall negotiate in good faith with Carbon County to cover impact costs to the Carbon County Sheriff's Office from construction pursuant to this Conditional Use Permit.
 12. The Applicant shall provide a copy of the executed Carbon County Road Use Agreement to the Carbon County Planning & Development Department prior to construction.
 13. Upon approval by the Board, the following provisions from the Zoning Resolution will be incorporated into the final Resolution:



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

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

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

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

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

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

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

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

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

- a. The permit transfer request is initiated by a written request from the current permit holder and accompanied by a written acceptance of the permit, its terms and conditions by the prospective transferee.
- b. The permit transfer request is heard by the Board at a public meeting after notice is published.
- c. The permit transfer administrative fee has been paid.
- d. Board approval shall not be unreasonably withheld upon good cause shown.

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

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

14. The Applicant shall obtain and provide all required state and federal permits to the Carbon County Planning & Development Department.

15. Rocky Mountain Power 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.

**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 #2020-15 – “Gateway West Segment D-1 Transmission Line Project”).

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 2nd day of February, 2021.

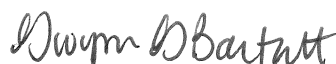
**BOARD OF COUNTY COMMISSIONERS OF
CARBON COUNTY, WYOMING**

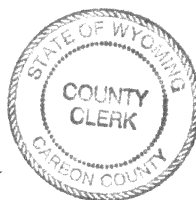
By:



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

Attest:


Gwynn G. Bartlett, Carbon County Clerk



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