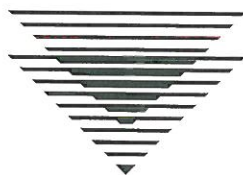


Exhibit DTW 9

**Wasatch County
Planning Commission
March 12, 2015**



Item #1

Rocky Mountain Power

Conditional Use

**Wasatch County
Planning Commission Staff Report
March 12, 2015**

ITEM: 1

Don Watts, representative for Rocky Mountain Power, is requesting a conditional use permit for a new double circuit 138 kv line with above grade pole heights that are between 74.5 – 85 feet. The proposal is on the west side of Browns Canyon south of the Wasatch/Summit County line in Section 36, Township 2 South Range 4 East in the Jordanelle Basin Overlay Zone (JBOZ).

BACKGROUND:

This proposal is for a new alignment of a 138 kv line which requires Conditional Use Permit (CUP) approval. The proposal is located south of the County boundary line on the west side of Browns Canyon Road. This is north and adjacent to a newly approved development referred to as Black Rock Ridge phases 4-7.

The power line currently runs through the middle of the Promontory development in Summit County. According to Rocky Mountain Power (RMP) the line needs to be upgraded and Promontory wanted the line moved out of that portion of their property. An easement agreement was reached between RMP and Promontory to relocate the power line into the new easement. As far as Planning Staff and Wasatch County administration is aware there were no discussions with Wasatch County at the time to see if the line and pole locations would be allowed. According to RMP, negotiations with Promontory to move the line outside of the new easement have not been well received.

The power line easement is adjacent to a medium density development that is either in the process of receiving approvals or under construction. Structures could be within 20-40' of the power poles.

Below is the section of the code governing development on a ridgeline:

16.27.22 Purpose:

A. It is the intent of this section to protect the valuable views of the ridgelines of Wasatch County by providing regulations, which will limit the building of structures that protrude above primary and secondary ridgelines, or will mitigate the appearance of such structures if prevention is not possible.

B. Applicability: These regulations apply to all land use applications in Wasatch County for which any portion of a proposed structure protrudes above ridgelines when viewed from the designated viewing platforms as

shown on the adopted viewing platform map. Any rezoning, proposed development or building permit shall be subject to compliance with these regulations, irrespective of whether specific reference to the regulations is made in this title. In the event of an overlapping or conflicting requirement of this chapter and other provisions or regulations in this code, the more restrictive provision shall apply. All proposals for development of preexisting lots of record or platted plots that may be located within the primary or secondary ridgeline areas are subject to conditional use approval.

The viewing platform for this area is the intersection of Browns Canyon and Highway 248. The visual simulations are all from the above noted platform.

The poles are proposed to be wood structures (except for the corner pole) and it appears that there are 6 poles in the County. Poles are between 74.5 and 85 feet above grade.

All properties within 500' of the proposal have been sent a letter regarding this. The property to the south is very adamant that the proposal not violate the ridgeline.

ANALYSIS:

The comments in italicized represents Planning Staff's comments pertaining to compliance or lack of compliance with the findings the Planning Commission must make in considering this request. Section 16.23.07 requires specifically the Planning Commission to find that:

1. The application complies with all requirements of Title 16; *the applicant has provided photo simulations of the proposed poles that would be in Wasatch County and it appears that they will violate the county's ridgeline ordinance by protruding above significant ridgelines as viewed from the platform.*
2. The business shall maintain business license if required; *Not applicable*
3. The use will be compatible with surrounding structures in use, location, scale, mass, design and circulation; There are structures immediately south and will be structures adjacent to the east. The structures to the east have a 35' height maximum and the 17-plex structure to the south is around 40-45' high. *The poles will be visible above the residential structures and will not fit in with the neighborhood uses.*
4. The visual or safety impacts caused by the proposed use can be adequately mitigated with conditions; *the proposal would be a violation*

of the county's ridgeline ordinance and planning staff does not know of a way to mitigate the poles other than requiring the applicant to move poles to locations that do not violate the ordinance.

5. The use is consistent with the Wasatch County General Plan; *Policy 1.1.2 in the General Plan states: "Promote preservation of ridge lines from development as viewed from any State Roads or County arterial or collector road by keeping the roof lines of structures below the ridge line." The proposal would violate this policy by allowing multiple poles and lines to protrude above the ridgeline as viewed from the intersection of Browns Canyon and SR (State Road) 248.*
6. The effects of any future expansion in use or scale can be and will be mitigated through conditions; *If this proposal is approved any change or expansion in the use would require new conditional use approval.*
7. All issues of lighting, parking, the location and nature of the proposed use, the character of the surrounding development, the traffic capacities of adjacent and collector streets, the environmental factors such as drainage, erosion, soil stability, wildlife impacts, dust, odor, noise, and vibrations have been adequately mitigated through conditions; *The proposed poles violate the county ridgeline ordinance and the impacts have not been mitigated.*
8. The use will not place an unreasonable financial burden on the County or place significant impacts on the County or surrounding properties, without adequate mitigation of those impacts. *It may be argued that the poles could have a detrimental effect on property values.*
9. The use will not adversely affects the health, safety or welfare of the residents and visitors of Wasatch County. *I have not heard that there is conclusive proof of the negative effects of power lines adjacent to residential homes but that issue has been argued.*

POSSIBLE FINDINGS:

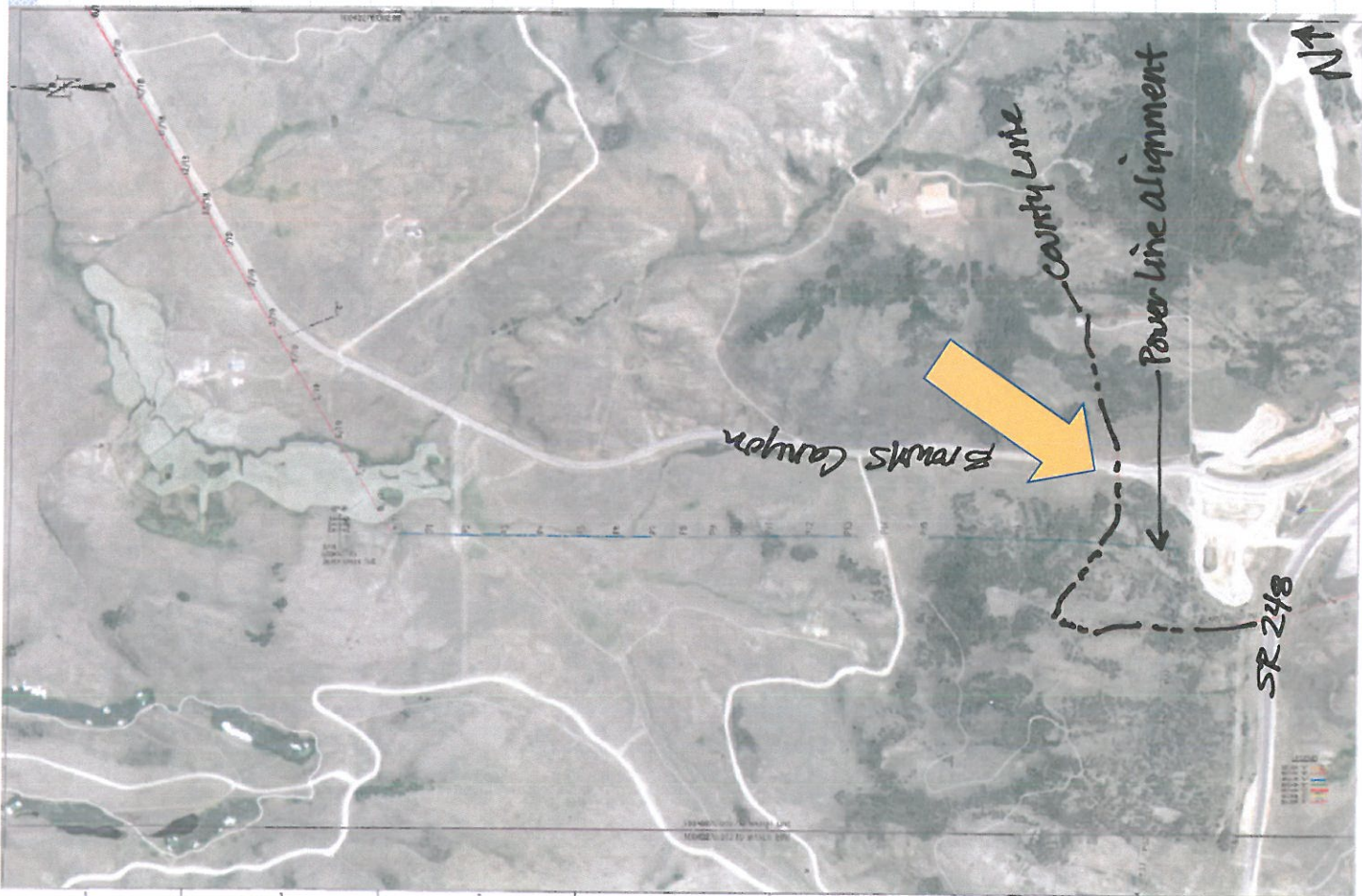
- The proposal does not comply with ridgeline ordinance as written in 16.27.22
- The proposal does not comply with policy 1.1.2 of the Wasatch County General Plan.
- The ridgeline ordinance refers to structures not dwellings.
- Wasatch County, as far as we are aware, was not consulted with the alignment of the newly purchased easement.

ALTERNATIVE ACTIONS:

1. Recommendation for denial. This action can be taken if the Planning Commission feels that the request does not meet the requirements of the ordinance.
2. Recommendation for conditional approval. This action can be taken if the Planning Commission feels that conditions placed on the approval can resolve any outstanding issues.
3. Recommendation for continuance. This action can be taken if the Planning Commission feels that there are unresolved issues.

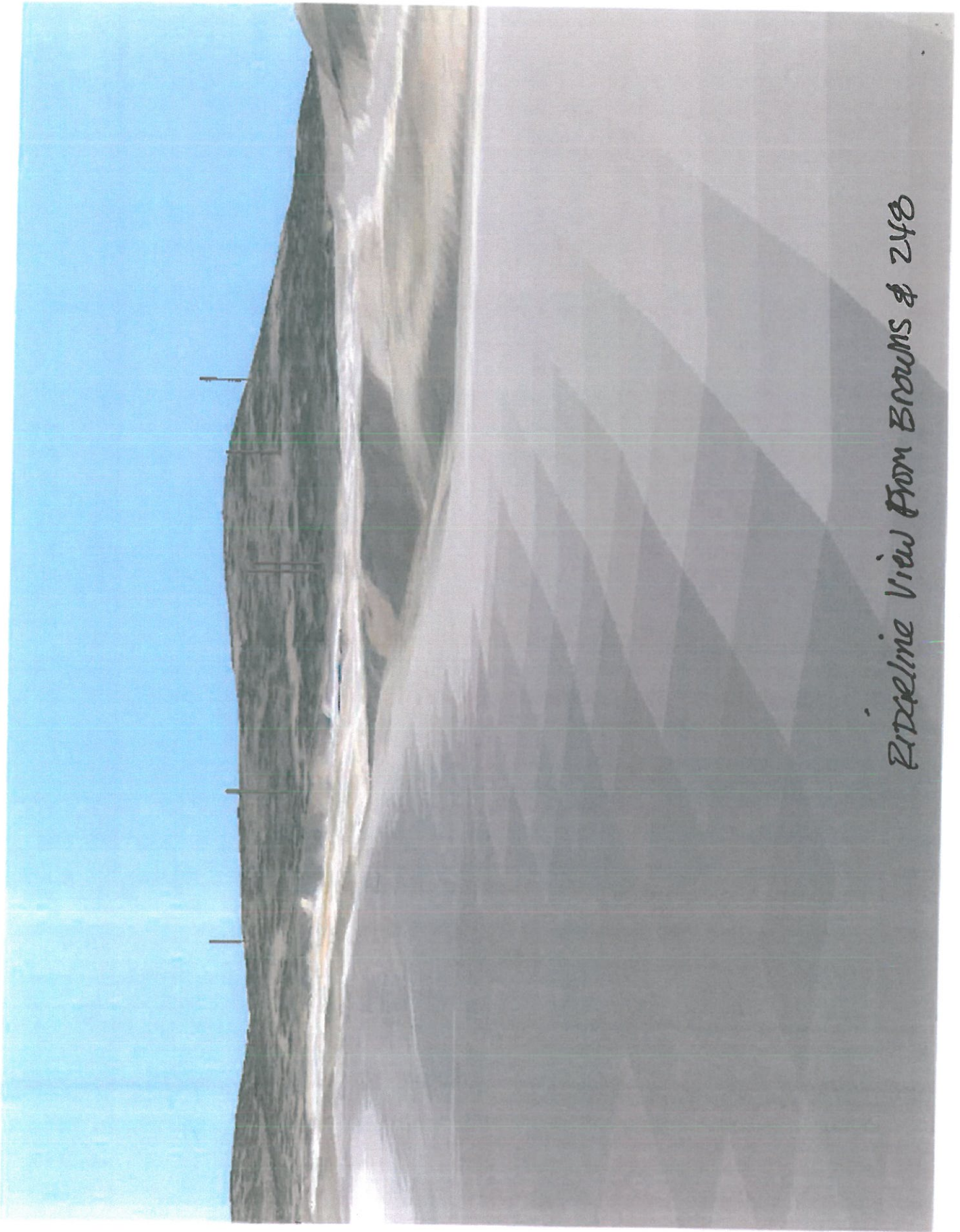
PROPOSED CONDITIONS (if approved):

1. Poles must be wood if possible.
2. It must be demonstrated that the poles are at lowest height necessary.
3. If metal poles are used at corner locations they must be the rust colored metal.



Row #	Structure Number	STR TYPE	Line Angle (deg)	Stake Description	X Easting (ft)	Y Northing (ft)	Structure Height Above Ground
1	13/20	TG271	0	Structure Hub	1520011.238	14777204.39	95
2	14/20	TG271	1.52	Structure Hub	1520006.989	14776905.2	86
3	15/20	TG271	1.99	Structure Hub	1519995.473	14776622.47	72.5
4	16/20	TG271	0	Structure Hub	1519977.925	14776390.29	74.5
5	17/20	TG271	0	Structure Hub	1519956.318	14776104.41	81.5
6	18/20	252 (2 POL)	92.34	Structure Hub Left	1519930.158	14775758.29	85
7	18/20	252 (2 POL)	92.34	Structure Hub Right	1519911.072	14775781.44	85
8	1/21	TG271	0	Structure Hub	1519596.965	14775797.18	81.5
9	2/21	TG271	0	Structure Hub	1519349.506	14775826.06	74.5
10	3/21	TG271	0	Structure Hub	1519097.091	14775855.53	70

Heights



Ridgeline View From Browns & 248

