

Exhibit DTW 15

Wasatch County  
Planning Commission  
November 12, 2015



Item #4

Rocky Mountain Power

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Conditional Use Permit

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PLANNING COMMISSION APPROVAL - DOES NOT GO ON TO COUNTY COUNCIL



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

**ITEM: 4**

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 50 – 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 JBOZ (Jordanelle Basin Overlay Zone).

**BACKGROUND:**

This proposal is for a new alignment of a 138 kv line. The proposal is located in the Jordanelle basin south of the Summit/Wasatch County boundary line on the west side of Browns Canyon Road. This is north and adjacent to a newly approved medium density development referred to as Black Rock Ridge phases 4-7. The proposal is a conditional use.

This application was heard by the Planning Commission on August 13, 2015 but the applicant withdrew the proposal prior to the motion being made by the Planning Commission. Prior to the August meeting the Planning Commission continued the conditional use from the March 12, 2015 Planning Commission meeting to the May 14<sup>th</sup> meeting then to the July 9<sup>th</sup> meeting and finally to August 13<sup>th</sup> meeting where, as mentioned, it was withdrawn prior to the motion. The purpose for the continuances was for the applicant to work with the stakeholders and discuss how to get the proposal to work within the ordinance as well as look at other options. The applicant has met with the County staff, the developer to the south and east and Promontory, which is the development in Summit County to the north.

The power line currently runs through the middle of the Promontory development in Summit County in an existing easement. 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 a new easement in Wasatch County. As far as Planning Staff and other Wasatch County administration is aware there were no discussions with Wasatch County at that time to see if the line and pole locations could be approved. According to RMP, negotiations with Promontory to keep the line in the existing easement or move the line outside of the new easement in Wasatch County have not been well received.

The new power line easement is adjacent to a medium density development that is under construction. Structures could be within approximately 100' from the poles with guy wires closer to the property line than that.

The poles are proposed to be wood structures (except for the corner pole) and it appears that there are 6 poles in the County if the single pole system is used. If the proposal complies with the ridgeline ordinance there will be more poles due to the separation required for the double circuit. Poles are between 50 and 85 feet above grade.

All properties within 500' of the proposal have been sent a letter regarding this proposal as part of the conditional use.

There are four options being presented with this application.

#### **PROJECT SUMMARY:**

- The applicant has proposed four options for alignments of the power poles. They are:
  1. Running the poles in a mono-pole configuration and violating the ridgeline
  2. Running the poles so they do comply with the ridgeline ordinance which requires a number of additional poles. (no additional cost was identified for this)
  3. Running the poles down Browns Canyon and Highway 248. (cost of \$3,350,000)
  4. Running the poles underground (cost of \$6.8 million)
- Staff feels that there is another potential option which is keeping the line in the existing easement within Promontory which is not an option identified by RMP. The County has requested information about leaving it in the existing easement but nothing has been provided.
- Options 3 and 4 require additional expenditures that may have to be paid for by the County. No amount was noted for option 2. RMP can submit any requirements imposed by the County which increase their cost to the Facilities Board (a state board) which can require the County to pay for any increased costs.

#### **ANALYSIS:**

**Options and costs** – as mentioned RMP has four options. Option one is the preferred option, according to RMP. The proposal is to run a single set of mono-poles in the new easement. This proposal violates the ridgeline ordinance. RMP feels that the single set of poles is a better option than multiple poles which is required to comply with the ridgeline ordinance. The second option complies with the ridgeline ordinance but has multiple poles that are needed to get the

separation required for the double circuit lines. The other two options are: putting the line underground in the new easement or running the line in Browns Canyon and on Highway 248 rights-of-way. These options are costly alternatives that the county could be required to pay the additional costs.

An option not identified by RMP is to keep the power line in the existing easement within Promontory. The County has requested in writing and in meetings for information regarding the old alignment and the contract. This information has not been provided. From a County standpoint keeping the line in the existing location seems to be the best option.

Below is the state code regarding additional costs if specific conditions are placed on a proposal by a local government:

**54-14-201. Conditions on siting of facilities by local governments -- Payment of actual excess costs.**

If otherwise authorized by law, a local government may require or condition the construction of a facility in any manner if:

- (1) the requirements or conditions do not impair the ability of the public utility to provide safe, reliable, and adequate service to its customers; and
- (2) **the local government pays for the actual excess cost resulting from the requirements or conditions**, except:
  - (a) any actual excess costs that the public utility collects from its customers pursuant to an order, rule, or regulation of the commission; or
  - (b) any portion of the actual excess costs that the board requires to be borne by the public utility.

As noted in the project summary options 3 and 4 have a cost associated with them that the County would be expected to pay. The County has no intention of paying the additional cost for those options.

We have not been informed if there would be an additional cost for option 2 which is the option that complies with the ridgeline ordinance but requires additional poles.

**Conditional Use** - The zone allows for larger power lines as a conditional use. Typically conditional uses are uses with characteristics that may negatively impact surrounding property. Such negative impacts may cause the use to be inappropriate for the zone unless they can be mitigated by attaching conditions to

reduce or eliminate the negative impacts. Therefore a conditional use is often allowed but may require conditions. In this situation the location of the use has been determined prior to approaching the County. The Planning Commission should perform their review without any concern for the existing easement. The determination should be if the use is appropriate, can the impacts be mitigated and can all the findings listed below from 16.23.07 be met. If they cannot be met in the proposed location then the proposal should be denied.

The applicant has two issues: first is the conditional use and mitigating any impacts. The second is the ridgeline ordinance. If the line is moved farther away from the residents (in order to reduce the impact to the subdivision) the proposal then violates the ridgeline ordinance.

The italicized comments represents Planning Staff's opinion pertaining to compliance or lack of compliance with the findings the Planning Commission must make in order to approve the 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 option 2 with the proposed poles that would be in Wasatch County and it appears that they will be under the ridgeline however the poles in Summit County that are part of the system will violate the ridgeline. We cannot enforce the ordinance outside of the County boundaries. Along with the ridgeline issue is the impact of the proposal on the neighboring development and if the impacts can be mitigated as part of the conditional use. The impacts of the 50-85' high poles that would be within 100 feet of the neighboring dwellings would need to be mitigated. From a staff perspective, although there may be other detrimental impacts, the impacts we are discussing are aesthetic. Mitigating any impacts, in staffs opinion, would require moving the poles away from the dwellings.*

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 there 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 residential uses. Again staff feels that the impacts created by the use is due to the proximity to the dwellings.*

4. The visual or safety impacts caused by the proposed use can be adequately mitigated with conditions;

*Even with poles below the ridgeline there will still be impacts. Vegetation will be removed, poles will still be visible and within close proximity to residential uses. Can these impacts be mitigated other than by moving them away from the residences?*

5. 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.*

6. 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 location of the poles with their proximity to the medium density residential uses may not be appropriate and may not be able to be mitigated.*

7. 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.

*The applicant has provided in his submittal a study showing that power lines do not have a detrimental impact to property values. The owner of the development has argued that the proximity of the power line will reduce property values.*

8. The use will not adversely affects the health, safety or welfare of the

residents and visitors of Wasatch County.

*Staff has not heard of conclusive proof of the negative effects of power lines adjacent to residential homes but that issue has been argued by both sides.*

**Ridgeline Issues** - 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.

**POSSIBLE FINDINGS:**

- The options of running the power line underground or in the Browns Canyon and Highway 248 rights-of-way will cost additional money which very likely will be required to be paid for by Wasatch County.
- The existing power line is currently in the middle of the Promontory development within an easement wholly in Summit County. RMP purchased a new easement in Wasatch County with the intent to re-align the power poles for the benefit of Promontory residents and the development.



- The County was not consulted about the re-alignment prior to the easement purchase.
- A conditional use allows for uses that may be appropriate with conditions to mitigate negative effects.
- The basis of having a use be conditional is that many uses which may be appropriate in various zoning districts, may not be appropriate due to the facts of a specific request such as proximity to a dissimilar use.
- Due diligence was not done to see what approvals, if any, would be required to locate the power line in Wasatch County.
- The Planning Commission should review this based on meeting the required findings in 16.23.07 and should not feel obligated to approve the alignment because of the new recorded easement which.
- If the negative impacts of the proposal cannot be overcome with conditions the proposal should be denied.
- The County is not obligated to fix a problem created by the applicant.

#### **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 and negative impacts cannot be mitigated.
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 and comply with the ridgeline analysis.
3. If metal poles are used at corner locations they must be rust colored metal.
4. Conductors must be earth toned.
5. If the applicant cannot comply with the ridgeline ordinance they may need to go to the Board of Adjustment for a variance or appeal.

#### **Attachments:**

Letter of opposition from neighboring property owner  
Fire Marshall letter

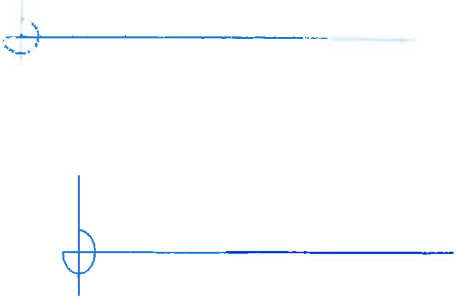
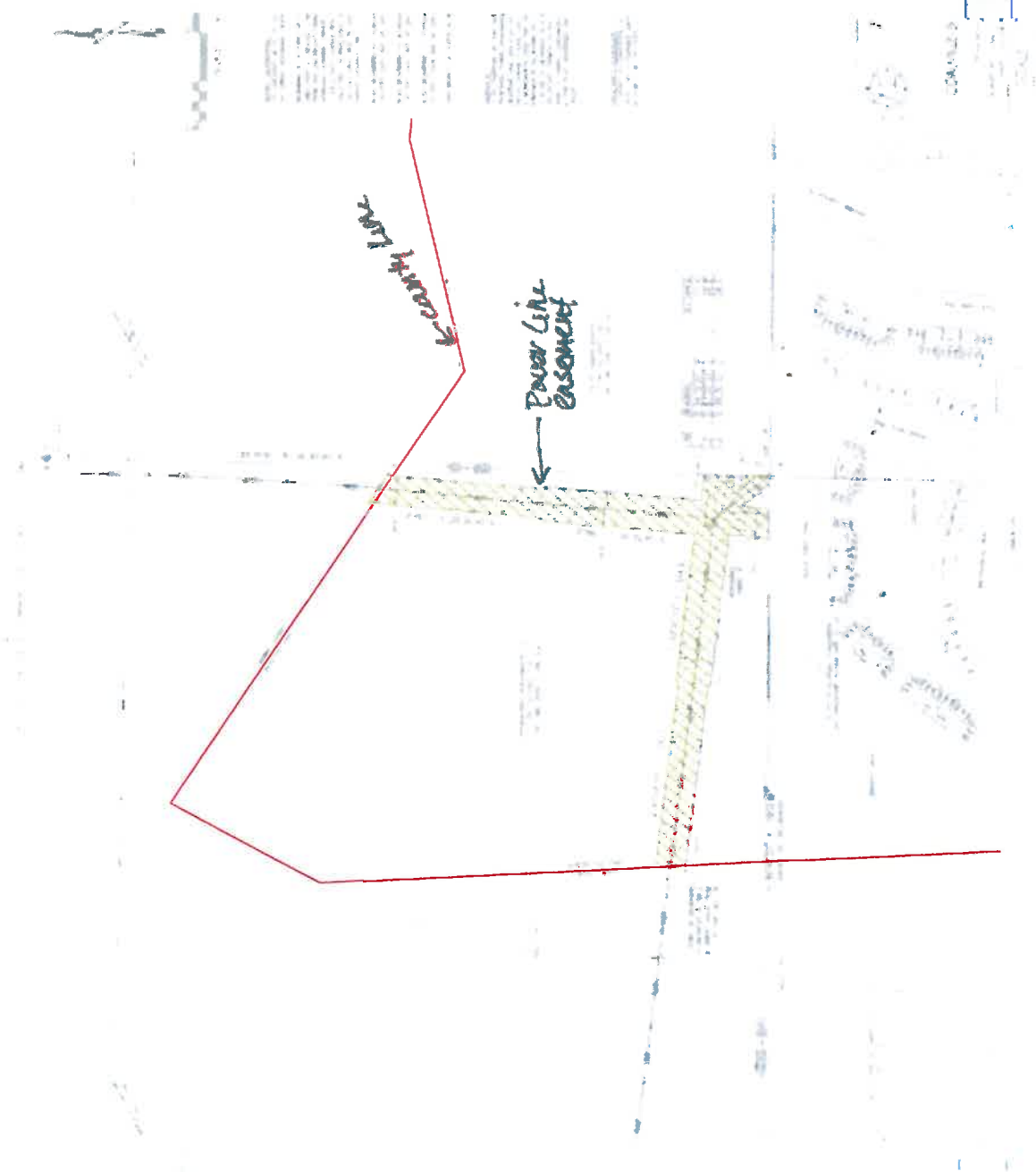


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# Option 1: SITE PLAN



OPTION 1 SUBMITTED WITH PREVIOUS CONDITIONAL USE PERMIT



## COALVILLE TO SILVER CREEK 138KV TRANSMISSION LINE

### PHOTO SIMULATION OPTION 1 LOCATION MAP

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11/3/2015



# Option 1: VIEWS



OPTION 1 SUBMITTED WITH PREVIOUS'S CONDITIONAL USE PERMIT



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**COALVILLE TO SILVER CREEK  
138KV TRANSMISSION LINE**

PHOTO SIMULATION  
**OPTION 1**

11/3/2015

# Option 1: POLE DISTANCE





# Option 2: VIEWS

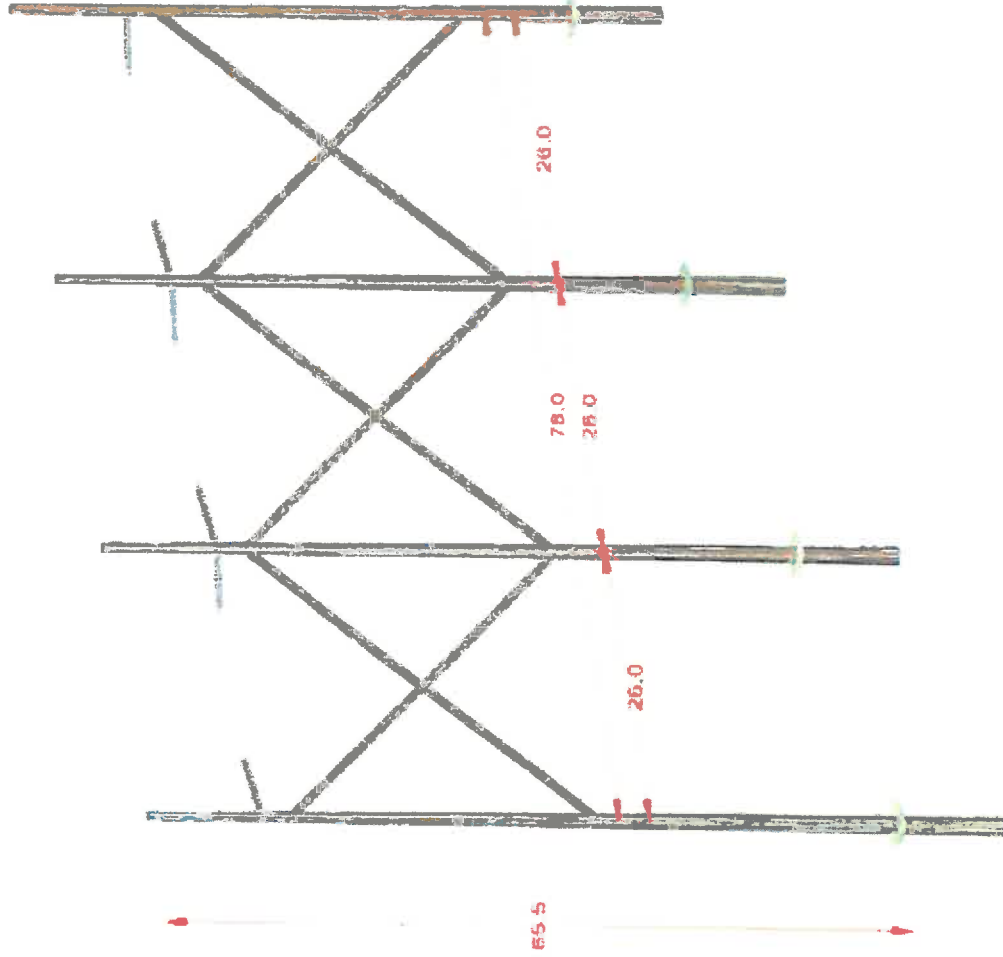


COALVILLE TO SILVER CREEK  
138KV TRANSMISSION LINE



PHOTO SIMULATION  
OPTION 2

# Option 2: Poles





November 3, 2015

**Via Email**

Wasatch County Planning Commission  
55 South 500 East  
Heber City, UT 84032  
[dsmith@co.wasatch.ut.us](mailto:dsmith@co.wasatch.ut.us)

***Re: Rocky Mountain Power's Application for Conditional Use Permit***

Members of the Wasatch County Planning Commission:

Mark 25, LLC ("**Mark**"), by and through this law firm, responds to Rocky Mountain Power's ("**Rocky Mountain**") Supplementary Information (the "**Supplement**") filed in support of its third Application for a Conditional Use Permit (the "**Application**") to construct and operate a transmission line near Brown's Canyon Road.

**Background Information**

Wasatch County Planning Commission (the "**Commission**") held a hearing to consider the Application on March 12, 2015. During that hearing, the Commission instructed Rocky Mountain to work with the affected landowners to address their concerns. The Commission then continued the Application hearing until May 14, 2015. Rocky Mountain then requested and received a continuation of the May 14 hearing. When May 14, 2015, arrived, Rocky Mountain had yet to make any effort to consult with or discuss the Application with Mark—the landowner that will suffer the most harm if the Application is granted. It was not until June 18, 2015, that Rocky Mountain met with Mark to discuss the Application. That meeting was held at this law firm's office. With the exception of Mark, it is our understanding that Rocky Mountain has made no effort to meet with any of the condo and townhome owners in the area. Rocky Mountain explained in its meeting with Mark that, if Mark was unwilling to accept the Application as originally proposed, Rocky Mountain would simply make things worse. First, it would move one of the transmission line poles a few feet out of Wasatch County so Wasatch County could not enforce its ridgeline ordinance with regard to that pole. Second, instead of using single tall poles for the portion of the transmission line in Wasatch County, it would use several shorter poles placed next to each other—leaving a shorter but much wider footprint on the mountainside above Highway 248. This proposal is now described in the Supplement by Rocky Mountain as "Option 2." In essence, Rocky Mountain told Mark to accept the original

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Application or it would impose more harm to the mountainside views by seeking Option 2. Rocky Mountain then filed its second application for conditional use permit. This Commission held a hearing on Rocky Mountain's second application. Rocky Mountain withdrew that application when it became clear the Planning Commission was going to deny it. Now Rocky Mountain has filed another Application. This Application seeks the same approval as the previous applications, but also provides additional alternatives—locating the transmission lines along Browns Canyon Road and the highway or burying the line—but claims it is the County's responsibility to pay for those options. To date, however, Rocky Mountain has still not provided any good reason why the transmission line cannot stay in its current location on the easement it currently has. There is no dispute the transmission line's current route is the safest and cheapest.

### **Rocky Mountain's Easements**

Rocky Mountain dedicates several pages of its Application to arguing the upgraded transmission line is needed; but nobody is disputing Rocky Mountain's need to upgrade the transmission line. The real issue is whether Rocky Mountain should move that transmission line to satisfy the pecuniary interests of a Summit County developer (Promontory Investments, LLC, an Arizona company ("*Promontory*")) seeking to rid itself of the transmission line at the expense of Wasatch County and its owners and residents, including Mark. Rocky Mountain currently owns and operates a transmission line that runs through Promontory's property. It is that transmission line that Rocky Mountain seeks to not only upgrade, but also move into Wasatch County. It is our understanding that the transmission line currently sits on an easement that Rocky Mountain Power obtained roughly 100 years ago. We also understand that the original easement has not been released and can still be used. As Summit County noted in connection with Rocky Mountain's request to upgrade the transmission line, the "[e]asements were originally recorded in the early 1900's to allow 'the right to erect, operate and maintain electric power, transmission and telephone circuit and appurtenances, attached to a single line of poles or other supports and necessary fixtures on or over'" the relevant properties in Summit County. In short, Rocky Mountain has had for roughly 100 years, and still has, an easement. The only reason Rocky Mountain has filed the Application and seeks to move the transmission line—burdening Wasatch County, Mark, and the other owners in Wasatch County—is to accommodate Promontory. Promontory wants to move the transmission line to lessen its own burden, and even granted Rocky Mountain a new easement to facilitate moving the transmission line. But it is our understanding the transmission line was on Promontory's property long before Promontory purchased it. And Promontory's unilateral issuance of the new easement does not create any obligation on Wasatch County's part to allow the transmission line to be construction on the new easement.

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### Ridgeline/Viewshed Regulations

Rocky Mountain argues that the Ridgeline/Viewshed Regulations (the “*Ridgeline Ordinance*”), codified in Wasatch County Code § 16.27.22, only “limit,” but do not “prohibit” structures that protrude above the ridgeline. Rocky Mountain argues that “limiting” is not synonymous with “prohibiting.” This argument amounts to a distinction without a difference. The clear and stated purpose of the Ridgeline Ordinance is to “protect the valuable views of the ridgelines in Wasatch County.” Accordingly, the Ridgeline Ordinance limits construction to structures that do not “protrude above primary and secondary ridgelines.” Here, Rocky Mountain admits that Options 1 and 4 require construction of towers along protected ridgelines. And while Rocky Mountain claims that Option 2 does not violate the Ridgeline Ordinance because the poles are shorter, that assertion is simply false. Mark hired Gateway Consulting, an engineering firm, to scale and draw the power poles in Rocky Mountain’s Option 2 on Rocky Mountain’s own Photo Simulation. As demonstrated by the drawing, attached as Exhibit 1, any pole over 45 feet will protrude above the ridgeline. Rocky Mountain is proposing poles 50 to 85 feet. Thus, even Option 2 violates the Ridgeline Ordinance. Moreover, Option 2 requires the placement of a large pole directly on top of the ridgeline at issue, destroying the ridgeline view, but moved just outside of Wasatch County to avoid Wasatch County’s jurisdiction. This is clearly inconsistent with the Ridgeline Ordinance’s purpose. Rocky Mountain further argues that, if it is “impossible” to avoid a violation of the Ridgeline Ordinance, an exception can be made. While this may be true, Rocky Mountain’s Application does not qualify for such an exception. Rocky Mountain could locate its transmission line in any number of places without violating the Ridgeline Ordinance, including on the original easement where the transmission line currently sits. The Ridgeline Ordinance is only at issue because Promontory requested that Rocky Mountain move the transmission line from its existing location. Promontory’s self-serving request does not create an “impossibility” sufficient to ignore the Ridgeline Ordinance. Further, even if building the transmission line could not be done without violation the Ridgeline Ordinance, this is not the appropriate process for seeking a variance from the Ridgeline Ordinance. A variance must be granted by the Board of Adjustments.

Further, Rocky Mountain argues that power poles are not “structures” so they are not limited from protruding above the ridgeline. Rocky Mountain argues a structure is a dwelling or shelter of some sort. But the term structure is much broader. The Merriam-Webster Dictionary defines “structure” as “something (such as a house, tower, bridge, etc.) that is built by putting parts together and that usually stands on its own.” Here, Rocky Mountain wants to construct transmission lines, including its various parts, on top of poles (towers) 50 to 80 feet tall. Clearly, these towers qualify as structures. Moreover, if the Ridgeline Ordinance was meant to apply only to dwellings or shelters, it would have said as much. Instead, the Ridgeline Ordinance uses the broader term structure.

### Conditional Use Permit Standard

Even if Rocky Mountain's Application could comply with the Ridgeline Ordinance, Rocky Mountain's Application does not satisfy the conditional use requirements.

***a. The visual and safety impacts of the proposed transmission line cannot be mitigated.***

In order to grant Rocky Mountain's Application, "all issues of . . . the character of the surrounding development, . . . noise, and vibrations" and "visual or safety impacts caused by the" transmission line must be subject to mitigation. Wasatch County Code § 16.23.07. The impacts of Rocky Mountain's proposed transmission line, however, cannot be mitigated. First, Rocky Mountain seeks to build an enormous transmission line supported by poles that will double the 35 foot height restriction (or, in the case of Option 2, several 50 foot poles carving an 80 foot scar across the mountainside). And the mountainside it seeks to burden with these poles and carvings is directly in view of Highway 248. The visual impact, under any proposed option, will be enormous. The only way to mitigate the visual impact of the transmission line is to place the line along the existing original easement. Promontory's pecuniary interests are not more important or valuable than Wasatch County's and its landowners' interest in protecting views.

Second, the safety hazards of placing the transmission line right next to a residential neighborhood are undeniable. Rocky Mountain's Supplement includes articles supporting its claim that transmission lines do not cause health problems. But Rocky Mountain misses the point. Even assuming the articles are credible (and we know nothing about the articles' authors or their funding, biases, credentials, and credibility), these articles ignore the obvious fire hazard created by transmission lines. Wasatch County's Fire Marshall has already gone on record that moving the transmission line creates a fire hazard.

Moreover, in recent months, several transmission line lawsuits have been filed against Rocky Mountain alleging massive fires sparked by Rocky Mountain's transmission lines. Rocky Mountain was recently sued in the United States District Court for the District of Utah. *See Allred v. Pacificorp d/b/a Rocky Mountain Power Company*, Case No.: 2:15 cv-00448. The plaintiffs alleged that "a devastating wildfire, known as the Wood Hollow Fire . . . ignited as a result of arcing between high voltage transmission lines which were owned, operated and maintained by" Rocky Mountain. Complaint, p. 2. "The Fire reportedly burned 47,387 acres, over 75 square miles, destroying everything in its path, including forests, woodlands, sage steppes, grasslands, pastures, springs, ponds, streams, homes and other structures, personal property, wildlife, livestock, and other animals, an causing flooding, erosion and destruction of roads, culverts, waters systems and other infrastructures." *Id.* at 3.

The State of Utah, represented by the Utah Attorney General, filed a similar lawsuit in the Sixth Judicial District Court of Utah. *See Utah v. PacifiCorp d/b/a Rocky Mountain Power Company*, Case No. 150600053. Similarly, in that case, Utah alleged that “certain electrical transmission lines and/or related components of the electrical facilities owned by [Rocky Mountain] caused ignitions of combustible materials, started a wildfire that grew in size and spread to adjacent lands. “ Complaint, p. 3. On July 27, 2015, KSL reported on a fire “near Jordanelle Reservoir.” According to KSL, “[t]here was a power bump before the fire, and fire officials believe a power issue probably sparked the fire.”

Here, Rocky Mountain says nothing about the fire risks. Instead, it is asking to move its transmission line off the original easement (which easement has existed for 100 years) right next to an existing residential development. The fire risks are real and important. And, again, the best way to mitigate against these risks is to keep the transmission line where it already is—away from ridgelines and existing residential development.

Further, Rocky Mountain’s claim that there are no ill health effects of the transmission line is far from conclusive. Again, the studies cited by Rocky Mountain are not conclusive and Rocky Mountain fails to provide any adequate information about those studies, including the funding and biases of the authors.

Finally, the transmission line will create substantial noise. The best way to mitigate that noise is to keep the line away from the residential development and on the original easement.

***b. The transmission line is not consistent with Wasatch County’s General Plan.***

In order to grant Rocky Mountain’s Application, the transmission line must be “consistent with the Wasatch County General Plan.” Wasatch County Code § 16.23.07. As explained above, the transmission line is not consistent with Wasatch County’s Ridgeline Ordinance. And, even if Rocky Mountain’s Option 2 called for placing all of the poles located in Wasatch County below the ridgeline, Option 2 places one pole just a few feet outside of the County’s boundary line to avoid the Ridgeline Ordinance but still sit directly on the ridgeline top. This hyper-technical gamesmanship is inconsistent with Wasatch County’s General Plan. Moreover, the proximity of the proposed transmission line to residences is not typical. The transmission line will parallel the boundary of a residential development. While Rocky Mountain suggests that other residential developments have similar transmission lines nearby, those lines are much less intrusive because they do not closely parallel residences or, in some cases, the affected residences were constructed after the transmission line so the buyers knew what they were getting. Wasatch County’s General Plan is better served if the transmission line stays on Promontory’s property and away from residences. It is our understanding that Promontory bought its property with that transmission line on it, and it should not be allowed

to unburden the transmission line at the expense Wasatch County and other landowners (landowners that did not purchase property with a neighboring transmission line) for self-serving reasons.

*c. The transmission lines will significantly impact surrounding properties.*

In order to grant Rocky Mountain's Application, the transmission line must "not place an unreasonable financial burden on the County or place significant impacts on the County or surrounding properties." Wasatch County Code § 16.23.07. Rocky Mountain's proposed transmission line should be rejected because of the enormous impact it will place on the surrounding properties. There is no dispute that granting Rocky Mountain's Application will result in diminished property values for Wasatch County owners and will directly and negatively impact Mark's ability to market and develop its properties—let alone the impact on hundreds of residents that purchased in the area for its natural beauty.

In an effort to contradict this obvious reality, Rocky Mountain previously cited a power-point presentation from an author in 2005. Rocky Mountain provides no information regarding the qualification of the author, the employer of the author, and the author's funding. Moreover, the author's findings are not conclusive, nor do they weigh in Rocky Mountain's favor. First, the report is not specific to Wasatch County. A transmission line in an urban or commercial area is less likely to diminish property values. But a transmission line in Wasatch County, a location known and sought for its natural beauty, will affect property values and marketability. This conclusion is actually supported by the report cited by Rocky Mountain. On page of 4 of Appendix 8 to Rocky Mountain's Supplement filed in connection with its second application, the author concluded: (1) "In some specific cases—single family homes located immediately adjacent to the towers, vacant rural land suitable for residential development—the degree of impact could be somewhat higher"; and (2) "[s]ome studies indicate that the property value impacts are greatest right after a transmission line is constructed or upgraded, and that the impacts decrease over time." It is for these very reasons Promontory that wants to move the transmission line. It wants to avoid the obvious problems of trying to market new homes in a beautiful location sullied by a transmission line. It is disingenuous to claim that a transmission line running parallel to a residential development in Wasatch County does not impact the surrounding properties' values and marketability. This conclusion is supported by the letter attached hereto as Exhibit 2 from Mark's lender, Bank of American Fork. The Bank may be unwilling to continue to lend on Mark's project with the transmission line in the areas. The Bank has refused to issue financing on projects with transmission lines nearby.

Finally, placing the transmission line in Wasatch County and near a residential development will undoubtedly cause the County, Mark, and other owners to spend extra resources to mitigate its ill-effects, including fire hazards.

- d. The transmission lines will adversely affect the health, safety, and welfare of Wasatch County residents.*

In order to grant Rocky Mountain's Application, the transmission line must "not adversely affect the health, safety or welfare of the residents and visitors of Wasatch County." Wasatch County Code § 16.23.07. As discussed above, the transmission line creates safety hazards (namely fire) and noise. Moreover, the potential for health issues is increased the closer the transmission line is located to residences. The transmission line should be left where it is (away from residences) to minimize the safety, noise, and health risks.

### **Rocky Mountain's Statutory Obligations**

Rocky Mountain claims to be in a difficult spot. It claims to have agreed with Promontory to move the transmission line, yet it does not qualify for a conditional use permit. Unfortunately, it is difficult to evaluate this claim because Rocky Mountain is unwilling to share its agreement with Promontory. Nevertheless, the facts are still the facts: Rocky Mountain has an easement that it is currently operating a transmission line on; Rocky Mountain can still use that easement for its upgraded transmission line; and the existing route is safer and more efficient than any of the routes Rocky Mountain is now proposing. By law, Rocky Mountain is obligated to "use every reasonable effort to protect the public from dangers. Utah Admin. R746-310-5. And it is required to construct its facilities in a safe, efficient manner. Utah Code § 54-14-303. It is disingenuous for Rocky Mountain to ask Wasatch County to ignore the safest, most efficient, and cheapest route in order to please a single landowner (Promontory), which landowner's property has been subject to an existing transmission line easement for years.

Sincerely,

BENNETT TUELLER JOHNSON & DEERE



Jeremy C. Reutzel



EXISTING CONDITIONS

8:54 AM 4/8/2015 NORTHWEST



PROPOSED CONDITIONS

PACIFICORP OPTION 2 MAP WITH ADDED DATA FOR MARK 25



COALVILLE TO SILVER CREEK  
138KV TRANSMISSION LINE

OPTION 2





August 6, 2015

To whom it may concern,

Bank of American Fork has provided construction financing on several units in the Black Rock Ridge project in Wasatch County. It has come to our attention that there is a proposal to install power lines that would cross over a portion of this project. We have found that power lines often reduce value and make the sale of units difficult. This may effect Bank of American Fork's ability to finance these units. There has been other instances in which Bank of American Fork has declined financing and power lines was one of the deciding factors.

Thank you,

**Bret Bushman**  
Vice President

**OREM/PROVO OFFICE**  
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Orem, UT 84097  
(801) 224-9227  
fax (801) 223-5111  
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# Wasatch County Fire District



**10420 North Jordanelle Blvd.  
Heber City, Utah 84032**

**Phone: 435-940-9636**

**Fax: 435-940-9635**

To Whom It May Concern:

It has come to the attention of the Wasatch County Fire District of a proposal to move a high voltage power transmission line out of an existing easement and re located it in the near vicinity of high density housing units such as 4 existing 17 plex housing units with numerous more in the process and hundreds of 1 and 2 family dwellings.

It is the understanding of the Fire District that there is an already preexisting easement a considerable distance from the previous mentioned homes. It is the position of the Fire District that the high voltage transmission line remain in the designated existing easement due to the fact that a fire caused by the transmission lines would be removed from the immediate vicinity of dwellings and thus decreasing the likelihood of loss of life or property in the event of a fire.

This position is substantiated by the experience of the Fire District. In the previous months we have responded to 4 fires that were believed to be caused by electrical transmission lines, 2 of which posed an immediate danger to life and property that required homes be evacuated as extinguishment operations we under way.

It is the responsibility of the Wasatch County Fire District to *“provide a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises, and to provide safety to fire fighters and emergency responders during emergency operations.”* **IFC 101.3** WCFD feels that the relocation of the transmission lines constitutes a distinct danger to the surrounding homes and therefore requests that the transmission lines be maintained in the existing easement.

Sincerely,

Clint Neerings  
Fire Marshal  
Wasatch County Fire District

## Sherry Lawrence

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**From:** Matt Jamison <matt.jamison@gmail.com>  
**Sent:** Tuesday, August 11, 2015 7:38 AM  
**To:** Doug Smith  
**Subject:** black rock power line initiative

Sir, I wanted to express my concern with regard to having power lines run through Black Rock Ridge. As a home owner there, I will not be able to attend the meeting today but wanted to go on record as stating that I'm absolutely against this from happening.

Matt Jamison  
14380 Council Fire Trail

--

Matt Jamison

"Make no little plans. They have no magic to stir men's blood and probably themselves will not be realized." --  
Daniel Burnham

## Sherry Lawrence

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**From:** Brian Smith <bsmith@superkickcolumbus.com>  
**Sent:** Monday, August 10, 2015 1:15 PM  
**To:** Doug Smith; Doug Smith  
**Subject:** Black Rock Ridge Homeowner Power Lines  
**Attachments:** BRR Power Lines Letter 8 15.pdf

August 10, 2015

Wasatch County Planning Commission  
c/o Doug Smith, Director, Wasatch County Planning and Zoning  
55 South 500 East  
Heber City, UT 84032

Dear Wasatch County Commissioners:

I am writing as a Black Rock Ridge homeowner and taxpayer to express my concerns about the proposal to construct high power electric lines directly adjacent to my neighborhood.

I request that the "conditional use permit" for the construction of these power lines be DENIED.

It is my understanding that the "due diligence" process required for this power line construction was not followed.

Thank you for consideration of my concerns,

Brian and Kristen Smith  
Black Rock Ridge Homeowner  
950 White Cloud Trail  
Heber City UT 84032  
Unit 4C

## Sherry Lawrence

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**From:** Terry Johncock <tjohncock@gmail.com>  
**Sent:** Thursday, August 06, 2015 8:38 AM  
**To:** Doug Smith; Doug Smith  
**Subject:** Black Rock Ridge Power Lines

Dear Mr. Smith:

My wife and I are owners of a Black Rock townhouse. We have 2 very young grand daughters that will be with us often there. We want you to know of our extreme opposition to the proposed electrical line installation. I believe Mr. Holmberg has expressed in the following letter all the points that we too are concerned with.

Linda and I will not be in the area to attend the upcoming meeting so please consider this letter during that time for us.

We both feel strongly that this plan should be denied and dealt with in another way.

Thank you,

Linda and Terry Johncock

14189 North Counsel Fire Unit 21B

Heber City, UT 84032

August 4, 2015

Wasatch County Planning Commission

c/o Doug Smith, Director, Wasatch County Planning and Zoning

55 South 500 East

Heber City, UT 84032

Dear Wasatch County Commissioners:

I am writing as a Black Rock Ridge homeowner and taxpayer to express my concerns about the proposal to construct high power electric lines directly adjacent to my neighborhood.

I request that the “conditional use permit” for the construction of these power lines be DENIED.

It is my understanding that the “due diligence” process required for this power line construction was not followed. The impact points listed below should be given serious consideration as part of this process.

Please consider each of the following negative environmental, aesthetic and financial impacts to the Black Rock Ridge community as you prepare to vote:

The proposed high power lines would be placed within 50 to 75 feet of a medium residential area. This is too close for safety and health.

The high capacity electrical lines could generate audible noise in the neighborhood.

Studies of populations living near high powered lines show a link between strong electrical fields and health problems. (Please see an attached list of references.)

The combined height and mass of the poles and lines may not meet county standards for construction.

The extreme height of the poles does not fit the design of a residential area and would create an eyesore along the ridge.

The combined mass of the poles coupled with high powered lines would detract from the appeal of the neighborhood and the underlying mountain ridge.

The scale of the project, as a whole, would be out of proportion with the aesthetic quality of the Black Rock Ridge neighborhood.

The financial impact on Black Rock Ridge homeowners would be significant. Property values would decrease based on the presence of nearby, negatively perceived power lines.

In addition, long term financial consequences for the County should be given your consideration. If the planned development moves forward, Wasatch County tax revenues may suffer. If property values in the community decrease because of nearby power lines, this would, in turn, lower the tax revenue base in this and other nearby developing communities. Loss of revenue would hurt the quality of county school services and other important activities enjoyed by the community.

I urge you to give serious consideration to each of the issues above. They present strong reasons for denying construction of the power lines as currently proposed.

I request that my letter be read into the notes of the commission meeting on August 13, or alternatively, be included in the meeting information packet for each of the commissioners.

Thank you for consideration of my concerns,

Charles E. Holmberg

Black Rock Ridge Homeowner

Attached: List of references





**REFERENCES: This list was omitted from this email as it is redundant with Mr. Holmberg list.**

Terry

## Sherry Lawrence

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**From:** Paige Allison <paigea33@yahoo.com>  
**Sent:** Thursday, August 13, 2015 2:31 PM  
**To:** Doug Smith; Doug Smith  
**Cc:** Greg Haack  
**Subject:** Black Rock Ridge Power Lines

Mr. Smith, and Wasatch County Commissioners,

I am writing as a Black Rock Ridge homeowner and taxpayer to express my concern and strong opposition to the proposal to construct high power electric lines directly adjacent to my neighborhood. I am unable to attend the hearing this evening, and hope that this email can be included with the other letters and emails in opposition to this matter.

The condo I purchased in Building 40 at Black Rock Ridge is my first home purchase. As a former Summit County resident, when looking to buy my first home, I looked in both Summit and Wasatch County before choosing to make Black Rock my home. The location of Black Rock and the draw to that area, at least for me, is the open space feeling, and semi remote feeling, and the investment was within my budget. I was very excited to close on my home, and to now be informed that the threat of high power electrical lines are a possibility that will not only affect property value and the overall landscape of the area, and can come with health risks to those of us that have chosen Black Rock as our home, is extremely disheartening.

I have lived in Utah for 9 years, and have always appreciated the beauty of the landscape. I remember when Black Rock was dirt and that area of Wasatch County was not being developed. It is my observation that demographics are shifting, and while development in Wasatch County may be enjoying an upswing as people seek to move to areas that are less congested, to build these power lines and mar the landscape will affect current and any future property owners at Black Rock.

I strongly urge Wasatch County to **DENY** the "conditional use permit" for the construction of these power lines.

Thank you,  
Paige Allison  
Black Rock Ridge Homeowner

## Sherry Lawrence

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**From:** Graham Flinn <gflin06@gmail.com>  
**Sent:** Thursday, August 13, 2015 1:37 PM  
**To:** Doug Smith; Doug Smith  
**Subject:** Black Rock Ridge Power Lines

Hello Doug,

I am unable to attend the meeting tonight but I want to be on record as opposed to the power lines being moved to the ridge by Black Rock Ridge.

Thank you,

Graham Flinn

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**Graham Flinn**

Head FIS Strength and Conditioning Coach

Assistant Men's FIS Coach - Park City Ski Team

802-578-5317

[gflin06@gmail.com](mailto:gflin06@gmail.com)

[parkcityskiteam.org](http://parkcityskiteam.org)

## Sherry Lawrence

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**From:** Stephen Ruegg <mountaneire@gmail.com>  
**Sent:** Thursday, August 13, 2015 2:08 PM  
**To:** Doug Smith  
**Subject:** Black Rock Ridge vs Rocky Mountain Power lines

Hi Doug,

I am sending this objection to both of your email accounts because I believe that it is of the utmost importance that Rocky Mountain Power not be allowed to move their power lines into my neighborhood. As a homeowner, I agree with all the arguments that have been made regarding adverse environmental, aesthetic and financial impacts these power lines would create if they are allowed to be built. Please take into consideration that the current lines have been in place for over 100 years and have no need to be moved.

Just to be clear, I request that the "conditional use permit" for the construction of these power lines be DENIED. If you would like, you may read into the notes of the commission meeting on August 13, or alternatively, be included in the meeting information packet for each of the commissioners.

Thank you for your time,  
Stephen Ruegg

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Stephen T. Ruegg

## Sherry Lawrence

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**From:** Kimberly Reading <kimberlyreading0817@gmail.com>  
**Sent:** Tuesday, August 11, 2015 5:20 AM  
**To:** Doug Smith; Doug Smith  
**Subject:** Black Rock Ridge

Wasatch County Planning Commission

c/o Doug Smith, Director, Wasatch County Planning and Zoning

55 South 500 East

Heber City, UT 84032

Dear Wasatch County Commissioners:

I am writing as a Black Rock Ridge homeowner and taxpayer to express my concerns about the proposal to construct high power electric lines directly adjacent to our beautiful neighborhood. I request that the "conditional use permit" for the construction of these power lines be **DENIED**.

The extreme height of the poles does not fit the design of our residential area. The mass of poles would create an eyesore along the ridge and detract from the appeal of the neighborhood and the underlying mountain ridge. The financial impact on Black Rock Ridge homeowners would be significant. Property values would decrease based on the presence of nearby, negatively perceived power lines.

Please consider each of the following negative environmental, aesthetic and financial impacts to the Black Rock Ridge community as you prepare to vote. Thank you for consideration of my concerns,

Sincerely,

Kimberly Reading & Miguel Azcarate

Black Rock Ridge Homeowners

August 6, 2015

Wasatch County Planning Commission  
c/o Doug Smith, Director, Wasatch County Planning and Zoning  
55 South 500 East  
Heber City, UT 84032

Dear Wasatch County Commissioners:

I am writing as a Black Rock Ridge homeowner and taxpayer to express my concerns about the proposal to construct high power electric lines directly adjacent to my neighborhood.

I request that the "conditional use permit" for the construction of these power lines be DENIED.

It is my understanding that the "due diligence" process required for this power line construction was not followed. The impact points listed below should be given serious consideration as part of this process.

Please consider each of the following negative environmental, aesthetic and financial impacts to the Black Rock Ridge community as you prepare to vote:

- The proposed high power lines would be placed within 50 to 75 feet of a medium residential area. This is too close for safety and health.
- The high capacity electrical lines could generate audible noise in the neighborhood.
- Studies of populations living near high powered lines show a link between strong electrical fields and health problems. (Please see an attached list of references.)
- The combined height and mass of the poles and lines may not meet county standards for construction.
- The extreme height of the poles does not fit the design of a residential area and would create an eyesore along the ridge.
- The combined mass of the poles coupled with high powered lines would detract from the appeal of the neighborhood and the underlying mountain ridge.
- The scale of the project, as a whole, would be out of proportion with the aesthetic quality of the Black Rock Ridge neighborhood.
- The financial impact on Black Rock Ridge homeowners would be significant. Property values would decrease based on the presence of nearby, negatively perceived power lines.

In addition, long term financial consequences for the County should be given your consideration. If the planned development moves forward, Wasatch County tax revenues may suffer. If property values in the community decrease because of nearby power lines, this would, in turn, lower the tax revenue base in this and other nearby developing communities. Loss of revenue would hurt the quality of county school services and other important activities enjoyed by the community.

I urge you to give serious consideration to each of the issues above. They present strong reasons for denying construction of the power lines as currently proposed.

I request that my letter be read into the notes of the commission meeting on August 13, or alternatively, be included in the meeting information packet for each of the commissioners.

Thank you for consideration of my concerns,

Matthew Harris  
Black Rock Ridge Homeowner

Attached: List of references

**REFERENCES**  
**IMPACT OF ELECTROMAGNETIC FIELDS AND POWER LINES ON HUMAN HEALTH**

**Record: 1**

Association between Exposure to Electromagnetic Fields from High Voltage Transmission Lines and Neurobehavioral Function in Children. By: Huang, Jiongli; Tang, Tiantong; Hu, Guocheng; Zheng, Jing; Wang, Yuyu; Wang, Qiang; Su, Jing; Zou, Yunfeng; Peng, Xiaowu. PLoS ONE. Jul2013, Vol. 8 Issue 7, p1-10. 10p. DOI: 10.1371/journal.pone.0067284.

**Persistent link to this record (Permalink):** <https://ezproxy.frederick.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=aph&AN=89626709&site=ehost-live>

**Record: 2**

Effects of a 60 Hz Magnetic Field Exposure Up to 3000  $\mu$ T on Human Brain Activation as Measured by Functional Magnetic Resonance Imaging. By: Legros, Alexandre; Modolo, Julien; Brown, Samantha; Roberston, John; Thomas, Alex W. PLoS ONE. 7/27/2015, Vol. 10 Issue 7, p1-27. 27p. DOI: 10.1371/journal.pone.0132024.

**Persistent link to this record (Permalink):** <https://ezproxy.frederick.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=aph&AN=108686529&site=ehost-live>

**Record: 3**

ELECTROSHOCKER. By: Segell, Michael. Prevention. Jan2010, Vol. 62 Issue 1, p84-95. 11p. 3 Color Photographs, 1 Black and White Photograph, 1 Diagram.

**Persistent link to this record (Permalink):** <https://ezproxy.frederick.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=aph&AN=45687404&site=ehost-live>

**Record: 4**

EMFs a Health Risk Worthy of Your Attention. By: Sinatra, Stephen T. Total Health. May/Jun2002, Vol. 24 Issue 2, p21. 3p. 1 Color Photograph.

**Persistent link to this record (Permalink):** <https://ezproxy.frederick.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=aph&AN=6813493&site=ehost-live>



**Record: 5**

Health responses to a new high-voltage power line route: design of a quasi-experimental prospective field study in the Netherlands. By: Porsius, Jarry T.; Claassen, Liesbeth; Smid, Tjabe; Woudenberg, Fred; Timmermans, Danielle R. M. BMC Public Health. 2014, Vol. 14 Issue 1, p1-26. 26p. 2 Charts, 2 Graphs, 1 Map. DOI: 10.1186/1471-2458-14-237.

**Persistent link to this record (Permalink):** <https://ezproxy.frederick.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=aph&AN=94900048&site=ehost-live>

**Record: 6**

Industrialization, electromagnetic fields, and breast cancer risk. By: Kheifets, Leeka I.; Matkin, C. Chantal. Environmental Health Perspectives Supplements. Feb99 Supplement 1, Vol. 107, p145. 10p. 2 Diagrams, 4 Charts, 1 Graph.

**Persistent link to this record (Permalink):** <https://ezproxy.frederick.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=aph&AN=1769129&site=ehost-live>

**Record 7**

Neuronal Cellular Responses to Extremely Low Frequency Electromagnetic Field Exposure: Implications Regarding Oxidative Stress and Neurodegeneration. By: Reale, Marcella; Kamal, Mohammad A.; Patruno, Antonia; Costantini, Erica; D'Angelo, Chiara; Pesce, Miko; Greig, Nigel H. PLoS ONE. Aug2014, Vol. 9 Issue 8, p1-10. 10p. DOI: 10.1371/journal.pone.0104973.

**Persistent link to this record (Permalink):** <https://ezproxy.frederick.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=aph&AN=97802185&site=ehost-live>

**Record: 8**

Occupational Electromagnetic Field Exposures Associated with Sleep Quality: A Cross-Sectional Study. By: Liu, Hui; Chen, Guangdi; Pan, Yifeng; Chen, Zexin; Jin, Wen; Sun, Chuan; Chen, Chunjing; Dong, Xuanjun; Chen, Kun; Xu, Zhengping; Zhang, Shanchun; Yu, Yunxian. PLoS ONE. Oct2014, Vol. 9 Issue 10, p1-8. 8p. DOI: 10.1371/journal.pone.0110825.

**Persistent link to this record** <https://ezproxy.frederick.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=aph&AN=99201074&site=ehost-live>

**Record: 9**

Power struggle. By: Thomas, Patricia. Harvard Health Letter. Jul93, Vol. 18 Issue 9, p1. 4p. 1 Color Photograph, 1 Graph.

**Persistent link to this record** <https://ezproxy.frederick.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=aph&AN=9307140137&site=ehost-live>

**Record: 10**

The Environmentalist's Challenge. By: Wegman, David H. American Journal of Public Health. Jun78, Vol. 68 Issue 6, p540. 2p.

**Persistent link to this record (Permalink):** <https://ezproxy.frederick.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=aph&AN=5674045&site=ehost-live>

## Sherry Lawrence

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**From:** Dayna Deuter <daynadeuter@gmail.com>  
**Sent:** Thursday, August 13, 2015 1:58 PM  
**To:** Doug Smith; Doug Smith  
**Subject:** Letter of opposition to proposed high-capacity electrical lines

Wasatch County Planning Commission

c/o Doug Smith, Director, Wasatch County Planning and Zoning

55 South 500 East

Heber City, UT 84032

Dear Wasatch County Commissioners:

I am a Black Rock Ridge homeowner and taxpayer. I am writing to express my **strong opposition** to the proposal to construct high capacity electric lines directly adjacent to my neighborhood.

I request that the “conditional use permit” for the construction of these power lines be **DENIED**.

Please consider each of the following negative environmental, aesthetic and financial impacts to the Black Rock Ridge community as you prepare to vote:

- The proposed high power lines would be placed within 50 to 75 feet of a medium residential area. This is too close for safety and health
- The high capacity electrical lines could generate audible noise in the neighborhood.
- Studies of populations living near high powered lines show a link between strong electrical fields and health problems. (Please see an attached list of references.)
- The combined height and mass of the poles and lines may not meet county standards for construction
- The extreme height of the poles does not fit the design of a residential area and would create an eyesore along the ridge
- The combined mass of the poles coupled with high powered lines would detract from the appeal of the neighborhood and the underlying mountain ridge.

- The scale of the project, as a whole, would be out of proportion with the aesthetic quality of the Black Rock Ridge neighborhood.
- The financial impact on Black Rock Ridge homeowners would be significant. Property values would decrease based on the presence of nearby, negatively perceived power lines.

In addition, long-term financial consequences for the County should be given your consideration. If the planned development moves forward, Wasatch County tax revenues may suffer. If property values in the community decrease because of nearby power lines, this would, in turn, lower the tax revenue base in this and other nearby developing communities. Loss of revenue would hurt the quality of county school services and other important activities enjoyed by the community.

Finally, it is my understanding that the “due diligence” process required for this power line construction was not followed.

I urge you to give serious consideration to each of the issues above. They present strong reasons for denying construction of the power lines as currently proposed.

Thank you for consideration of my concerns,

Dayna Deuter

Black Rock Ridge Homeowner

## Sherry Lawrence

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**From:** fosterlearning@gmail.com on behalf of Tom Foster <tfoster@fosterlearning.org>  
**Sent:** Friday, August 07, 2015 4:01 PM  
**To:** Doug Smith  
**Subject:** Objection to Proposed Power Line Project at Black Rock Ridge

August 7, 2015

Wasatch County Planning Commission  
c/o Doug Smith, Director, Wasatch County Planning and Zoning  
55 South 500 East  
Heber City, UT 84032

Dear Wasatch County Commissioners:

We are homeowners at Black Rock Ridge and would like to register our opposition to the proposed construction of high power electric lines directly adjacent to our neighborhood.

We request that the “conditional use permit” for this construction be DENIED.

We are concerned about the following issues.

- The proposed high power lines would be placed within close proximity to a residential area, which may create adverse health concerns. Studies of populations living near high powered lines show a link between strong electrical fields and health problems.
- High capacity electrical lines generate audible noise which may impact the neighborhood.
- The combined height and mass of the poles and lines may not meet county standards for construction.
- The height of the poles does not fit the design of a residential area and would create an eyesore along the ridge.
- The combined mass of the poles coupled with high powered lines would detract from the appeal of the neighborhood and the underlying mountain ridge.
- The scale of the project, as a whole, would be out of proportion with the aesthetic quality of the Black Rock Ridge neighborhood.
- The financial impact on Black Rock Ridge homeowners would be significant. Property values would decrease based on the presence of nearby, negatively perceived power lines.

In addition, long term financial consequences for the County should be given your consideration. If the planned development moves forward, Wasatch County tax revenues may suffer. If property values in the community decrease because of nearby power lines, this would, in turn, lower the tax revenue base in this and other nearby developing communities. Loss of revenue would hurt the quality of county school services and other important activities enjoyed by the community.

I urge you to give serious consideration to each of the issues above. They present strong reasons for denying construction of the power lines as currently proposed.

I request that this email be read into the notes of the commission meeting on August 13, or alternatively, be included in the meeting information packet for each of the commissioners.

Thank you for consideration,  
George and Margo Foster  
14151 N Council Fire Trail

Black Rock Ridge Homeowner

## Sherry Lawrence

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**From:** Joy Rocklin <joyrocklin@gmail.com>  
**Sent:** Sunday, August 09, 2015 7:23 PM  
**To:** Doug Smith; Doug Smith  
**Cc:** BRR HOA Greg; Greg Haack  
**Subject:** Objection to the Proposed Power Line Project at Black Rock Ridge

August 9, 2015

Wasatch County Planning Commission

c/o Doug Smith, Director, Wasatch County Planning and Zoning

55 South 500 East

Heber City, UT 84032

Dear Wasatch County Commissioners:

I strongly object to the construction of high power electric lines adjacent to the Black Rock Ridge community and

request that the “conditional use permit” for the construction of high power electric lines be DENIED.

I am a new homeowner at Black Rock Ridge who is very upset about the proposal to construct high power electric lines directly adjacent to my neighborhood. I certainly would not have paid what I did for my townhome near high power electric lines. As a matter of fact, I would not have purchased the unit at all. I fear a considerable decrease in property values throughout Black Rock Ridge and other nearby communities should this proposal be approved.

Additional concerns include:

- • The proposed high power lines would be placed within 50 to 75 feet of a medium residential area. This is too close for safety and health. Studies of populations living near high powered lines show a link between strong electrical fields and health problems.
- • The high capacity electrical lines could generate audible noise in the neighborhood.
  - The combined height and mass of the poles and lines may not meet county standards for construction.
- The extreme height of the poles does not fit the design of a residential area and would create an eyesore along the ridge.
- The combined mass of the poles coupled with high powered lines would detract from the appeal of the neighborhood and the underlying mountain ridge.
- The scale of the project, as a whole, would be out of proportion with the aesthetic quality of the Black Rock Ridge neighborhood.
- The financial impact on Black Rock Ridge homeowners would be significant. Property values would decrease based on the presence of nearby, negatively perceived power lines.
- It is my understanding that the “due diligence” process required for this power line construction was not followed.

In addition, long term financial consequences for the County should be given your consideration. If the planned development moves forward, Wasatch County tax revenues may suffer. If property values in the community decrease because of nearby power lines, this would, in turn, lower the tax revenue base in this and other nearby developing communities. Loss of revenue would hurt the quality of county school services and other important activities enjoyed by the community.

I urge you to give serious consideration to each of the issues above. They present strong reasons for denying construction of the power lines as currently proposed.

As I cannot attend this important meeting, I request that my letter be read into the notes of the commission meeting on August 13, or alternatively, be included in the meeting information packet for each of the commissioners.

Thank you for consideration of my concerns,



Joy M. Rocklin

Black Rock Ridge Homeowner

## Sherry Lawrence

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**From:** Chris Wilson <chris@workcompadvisors.net>  
**Sent:** Thursday, August 06, 2015 12:19 PM  
**To:** Doug Smith  
**Subject:** Power Lines - Black Rock Ridge

Mr. Smith,

I am a resident of Black Rock Ridge and want to formally protest the building of power lines near Black Rock Ridge. These power lines will be too close to the population of our community and can potentially cause cancer as well as other health issues. Some say the jury is still out on some of the causality of health issues and power lines, however I do not wish to risk it with my family. In addition it will affect property values and will be an eye sore to the community. The easement that the power lines were originally is still the best choice as the power lines will be next to existing power lines. The money provided between the parties to move the power lines is a disgrace and should not be allowed.

Sincerely

Chris Wilson, Owner



801.699.0418 Cell  
801.303.7368 Efax  
[chris@workcompadvisors.net](mailto:chris@workcompadvisors.net)

6905 South 1300 East #113  
Midvale, UT 84047  
[www.workcompadvisors.net](http://www.workcompadvisors.net)

## Sherry Lawrence

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**From:** WittnebertK <wittnebertk@gmail.com>  
**Sent:** Thursday, August 06, 2015 11:26 AM  
**To:** Doug Smith; Doug Smith  
**Cc:** Abby Wittnebert; management@blackrockridgehoa.com  
**Subject:** Power Lines near Black Rock Ridge

Wasatch County Planning Commission

c/o Doug Smith, Director, Wasatch County Planning and Zoning

55 South 500 East

Heber City, UT 84032

Dear Wasatch County Commissioners:

I am writing as a Black Rock Ridge homeowner and taxpayer to express my concerns about the proposal to construct high power electric lines directly adjacent to my neighborhood.

I request that the “conditional use permit” for the construction of these power lines be DENIED.

It is my understanding that the “due diligence” process required for this power line construction was not followed. The impact points listed below should be given serious consideration as part of this process.

Please consider each of the following negative environmental, aesthetic and financial impacts to the Black Rock Ridge community, and the future developers near our community, as you prepare to vote:

- The proposed high power lines would be placed within 50 to 75 feet of a medium residential area. This is too close for safety and health.
- The high capacity electrical lines could generate audible noise in the neighborhood.
- Studies of populations living near high powered lines show a link between strong electrical fields and health problems. (Please see an attached list of references.)
- The combined height and mass of the poles and lines may not meet county standards for construction.
- The extreme height of the poles does not fit the design of a residential area and would create an eyesore along the ridge.
- The combined mass of the poles coupled with high powered lines would detract from the appeal of the neighborhood and the underlying mountain ridge.
- The scale of the project, as a whole, would be out of proportion with the aesthetic quality of the Black Rock Ridge neighborhood.

- The financial impact on Black Rock Ridge homeowners would be significant. Property values would decrease based on the presence of nearby, negatively perceived power lines.

In addition, long term financial consequences for the County should be given your consideration. If the planned development moves forward, Wasatch County tax revenues may suffer. If property values in the community decrease because of nearby power lines, this would, in turn, lower the tax revenue base in this and other nearby developing communities. Loss of revenue would hurt the quality of county school services and other important activities enjoyed by the community.

I urge you to give serious consideration to each of the issues above. They present strong reasons for denying construction of the power lines as currently proposed.

I request that my letter be read into the notes of the commission meeting on August 13, or alternatively, be included in the meeting information packet for each of the commissioners.

Thank you for consideration of my concerns,

Kevin & Abigail Wittnebert

Black Rock Ridge Homeowner

## Sherry Lawrence

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**From:** mbgreenflash@aol.com  
**Sent:** Tuesday, August 11, 2015 11:09 AM  
**To:** Doug Smith  
**Cc:** Dsmith@wasatch.ut.gov  
**Subject:** Powerlines at Black Rock Ridge

August 11, 2015

Wasatch County Planning Commission  
c/o Doug Smith, Director, Wasatch County Planning and Zoning  
55 South 500 East  
Heber City, UT 84032

Dear Wasatch County Commissioners:

I am writing as a Black Rock Ridge homeowner and taxpayer to express my concerns about the proposal to construct high power electric lines directly adjacent to my neighborhood. I request that the "conditional use permit" for the construction of these power lines be **DENIED**. We live at 1291 Black Rock Trail, the proposed power lines will be directly across the street from our building. These Power lines will negatively impact the value of our property. In addition, we believe they will detrimentally impact the overall natural beauty of Wasatch county itself.

It is our understanding that the "due diligence" process required for this power line construction was not followed. The impact points listed below should be given serious consideration as part of this process.

Please consider each of the following negative environmental, aesthetic and financial impacts to the Black Rock Ridge community as you prepare to vote:

- The proposed high power lines would be placed within 50 to 75 feet of a medium residential area. This is too close for safety and health.
- The high capacity electrical lines could generate audible noise in the neighborhood.
- Studies of populations living near high powered lines show a link between strong electrical fields and health problems.
- The combined height and mass of the poles and lines may not meet county standards for construction.
- The extreme height of the poles does not fit the design of a residential area and would create an eyesore along the ridge.
- The combined mass of the poles coupled with high powered lines would detract from the appeal of the neighborhood and the underlying mountain ridge.

- The scale of the project, as a whole, would be out of proportion with the aesthetic quality of the Black Rock Ridge neighborhood.
- The financial impact on Black Rock Ridge homeowners would be significant. Property values would decrease based on the presence of nearby, negatively perceived power lines.

In addition, long term financial consequences for the County should be given your consideration. If the planned development moves forward, Wasatch County tax revenues may suffer. If property values in the community decrease because of nearby power lines, this would, in turn, lower the tax revenue base in this and other nearby developing communities. Loss of revenue would hurt the quality of county school services and other important activities enjoyed by the community. In addition, gigantic ugly power lines running so obviously through a residential area negatively impact the beauty and potential of our county to grow into a natural playground destination with enormous economic potential.

We urge you to give serious consideration to each of the issues above and your overall vision for a thriving community/county. They present strong reasons for denying construction of the power lines as currently proposed.

We request that my letter be read into the notes of the commission meeting on August 13, or alternatively, be included in the meeting information packet for each of the commissioners.

Thank you for consideration of my concerns,

Jim and Mary Brown  
Black Rock Ridge Homeowner

## Sherry Lawrence

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**From:** Tonya Keeve <tonyakeeve@yahoo.com>  
**Sent:** Sunday, August 09, 2015 6:12 PM  
**To:** Doug Smith  
**Subject:** Promontory Power Lines

Dear Wasatch County Commissioners,

I am writing as a Black Rock Ridge homeowner and taxpayer to express my concerns about the proposal to construct high power electric lines in my neighborhood. The high power electric lines should stay where they are currently located. I grew up in this area and recently moved back. The main reason I chose this area to buy was because of the mountain top beauty. I request that the construction of these power lines be denied. Please consider the negative impact this will have on this area. The lines would be placed too close for the safety and health of the existing neighborhood and the financial impact for this area of Wasatch County and the tax revenues. The scale of this project would greatly affect this entire area which is developing so significantly because of the beautiful views of the mountain top ridges. Please deny the construction of these power lines as currently proposed. I am unable to attend the Aug. 13th meeting due to a mandatory work meeting. Thank you for considering the concerns of the Wasatch County residents of this area.

Tonya B Keeve  
Black Rock Ridge Homeowner

Tonya Keeve  
Sent from my iPhone

**Sherry Lawrence**

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**From:** Steve.Hildreth@sanofipasteur.com  
**Sent:** Monday, August 10, 2015 1:57 PM  
**To:** Doug Smith  
**Subject:** Proposed Location of Power lines adjacent to BRR  
**Attachments:** proposed power lines 6-22-15b[2].jpg

August 10, 2015

Wasatch County Planning Commission  
c/o Doug Smith, Director, Wasatch County Planning and Zoning  
55 South 500 East  
Heber City, UT 84032

Dear Doug Smith,

I am writing as a Black Rock Ridge homeowner and taxpayer to express my concerns about the proposal to construct high power electric lines directly adjacent to my neighborhood. I request that the "conditional use permit" for the construction of these power lines be **DENIED**.

I would attend your planning meeting in person on Thursday August 13<sup>th</sup>, but I will be out of state on business. Thus this email should serve as my official request to deny the Rocky Mountain Power request of construction of the proposed power-line poles (towers). These power lines will greatly reduce the value of our homes. We purchased our homes based on the environment we observed when acquiring our homes. Power lines are strongly viewed by many in the public as also being a health risk; although this is still a scientific unresolved issue there are impacts to communities, our community should not be required to take that risk. This area is one of the growing locations for our community, bring in needed affordable housing and bring people in that will grow the economy and the tax base. Having these towers constructed as proposed will have a very negative impact on that growth and reduce the needed tax base.

Stephen Hildreth  
Black Rock Ridge Homeowner

14340 N. Council Fire Trail





## Sherry Lawrence

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**From:** Bryan Levine <blevin00@gmail.com>  
**Sent:** Tuesday, August 11, 2015 9:13 AM  
**To:** Doug Smith  
**Subject:** Proposed Power Lines at Black Rock Ridge

Dear Mr. Smith,

I own a condominium unit F in building 40 at the black rock ridge development. It has recently come to my attention that Rocky Mountain power has proposed construction on new power line infrastructure directly behind my building. Looking at the renderings of the proposed location there will be new 60 to 90 foot power poles placed on the hillside directly behind my building.

I'd like to go on record as strongly objecting to this proposed construction, which will have the effect of decreasing my property value and quality of life. I've been near high voltage transmission lines before and they create a constant buzzing noise. There are also health risks with long term exposure to EMF created by these power lines.

Sincerely,

Bryan Levine

1291 West Black Rock Trail Unit F

435-962-9014

[blevin00@gmail.com](mailto:blevin00@gmail.com)

## Sherry Lawrence

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**From:** Todd Stark <tstark5295@gmail.com>  
**Sent:** Sunday, August 09, 2015 11:55 AM  
**To:** Doug Smith; management@blackrockridgehoa.com; Greg Haack  
**Subject:** Rocky Mountain Power Conditional Use Request

Dear Mr. Smith & Members of the Wasatch County Planning Commission,

I am a resident of the Black Rock Ridge community and member of the home owners association. I am unable to attend the Commission meeting scheduled meeting for Thursday, 13 August, 2015, where a conditional use permit for Rocky Mountain Power, regarding the relocation of high voltage power lines, will be discussed.

I would like to register my opposition to granting RMP's request and that this request for construction of power lines, in a new easement, be denied.

Routing of the power lines to the requested location would

- place hazardous infrastructure too close to existing residential dwellings
- affect the quality of life currently available to Wasatch County residents by irrevocably damaging ridgeline sightlines and causing unnecessary ecological damage vs. construction within the already existing easements
- negatively affect property values for existing, and future, property owners in Black Rock Ridge and other nearby Wasatch County communities

I do recognize the need to plan for future power requirements of both Summit and Wasatch County residents. However, no information has been provided to demonstrate why those needs cannot be met through use of the current RMP easement. At present, it seems that the sole reason for this request is to accommodate the preferences of one community over those of another. That reasoning is insufficient justification in comparison to the damages that would be inflicted on Black Rock Ridge and Wasatch County residents.

I respectfully request that this message be read at Thursday's discussion and be entered into the Commission meeting minutes.

Sincerely,

Todd Stark  
Black Rock Ridger home owner

## Sherry Lawrence

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**From:** Karen & Charlie <primichprkcty@aol.com>  
**Sent:** Monday, August 10, 2015 9:06 PM  
**To:** Doug Smith  
**Cc:** management@blackrockridgehoa.com  
**Subject:** Rocky Mountain Power Conditional Use Request

Dear Mr. Smith and Members of the Wasatch County Planning Commission,

As a member of the community at Black Rock Ridge and also a member of the home owners association, I am writing to you in opposition to Rocky Mountain Powers request regarding the relocation of High Voltage Power lines.

1. These High Voltage Power lines will be placing Hazardous Health conditions that are to close to existing residential buildings.
2. These High Voltage Power lines will cause life long ecological damage and ruin the pristine view of the Wasatch Mountains for Back Rock Ridge Residences.
3. These High Voltage Power lines will negatively reduce the property values of existing and future property owners at Black Rock Ridge.

There is no reason why the existing High Voltage Power lines cannot be upgraded through use of the currant Rocky Mountain Power easement. There is also no justification to accommodate the demands of one community at the expense of Black Rock Ridge.

I respectfully request that you and the Wasatch County Planning Commission deny Rocky Mountain Powers request for construction of High Voltage Power lines in a new easement that is in close proximity of Black Rock Ridge Community. I request that this letter be read at the August 13th meeting and be entered into the Commission meeting minutes.

Sincerely,

Charles Primich  
Black Rock Ridge homeowner

**Sherry Lawrence**

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**From:** granddogson@att.net  
**Sent:** Monday, August 10, 2015 11:22 AM  
**To:** Doug Smith  
**Subject:** Rocky Mountain Power power lines

August 10,

2015

Wasatch County Planning Commission  
c/o Doug Smith, Director, Wasatch County Planning and Zoning  
55 South 500 East  
Heber City, UT 84032

Dear Wasatch County Commissioners:

I am writing as a Black Rock Ridge homeowner and taxpayer to express my concerns about the proposal to construct high power electric lines directly adjacent to my neighborhood.

I request that the "conditional use permit" for the construction of these power lines be DENIED.

It is my understanding that the "due diligence" process required for this power line construction was not followed. The impact points listed below should be given serious consideration as part of this process.

Please consider each of the following negative environmental, aesthetic and financial impacts to the Black Rock Ridge community as you prepare to vote:

- The proposed high power lines would be placed within 50 to 75 feet of a medium residential area. This is too close for safety and health.
- The high capacity electrical lines could generate audible noise in the neighborhood.
- Studies of populations living near high powered lines show a link between strong electrical fields and health problems. (Please see an attached list of references.)
- The combined height and mass of the poles and lines may not meet county standards for construction.
- The extreme height of the poles does not fit the design of a residential area and would create an eyesore along the ridge.
- The combined mass of the poles coupled with high powered lines would detract from the appeal of the neighborhood and the underlying mountain ridge.
- The scale of the project, as a whole, would be out of proportion with the aesthetic quality of the Black Rock Ridge neighborhood.
- The financial impact on Black Rock Ridge homeowners would be significant. Property values would decrease based on the presence of nearby, negatively perceived power lines.

I urge you to give serious consideration to each of the issues above. They present strong reasons for denying construction of the power lines as currently proposed.

Sincerely,  
Linda Millican  
14039 N Council Fire Trail  
Heber City, Ut 84032

## Sherry Lawrence

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**From:** Mike Daly <mdaly1358@gmail.com>  
**Sent:** Wednesday, August 12, 2015 9:10 PM  
**To:** Doug Smith; Doug Smith  
**Subject:** Rocky Mountain Power Request for Conditional Use Permit for power line

Dear Wasatch County Planning Commission Members:

We are writing to oppose the issuance of a Conditional Use Permit for the construction of power lines north of Black Rock Ridge. We are currently under contract to purchase a condominium located at 1291 Black Rock Trail #F. We became aware of this issue after signing our contract and it must be resolved prior to closing or we will be forced to find a different property in a different location.

We have read the Planning Commission Staff Report and agree with many of their conclusions. The Applicant has stated that power lines do not have a detrimental impact on property values. If this were true, why would Promontory want to relocate the power line from its present location on their Summit County property and why have negotiations between Rocky Mountain Power and Promontory ( as stated in your Staff Report) to move the line outside of the new easement not been well received by Promontory?

While there may not be conclusive evidence that high voltage power lines in close proximity to residential homes cause health issues, we will not take that chance with our grandchildren. We do not have to live in Black Rock Ridge. It is our preference, but not with high voltage power lines.

Finally, why would issuing a permit even be considered that would have an immediate negative effect on tax revenues in Wasatch County and future negative impacts on tax revenues by stymieing continued development in the area of the power lines?

Thank you for your time to consider all sides of the issue and we are hopeful you will deny the request.

Mike and Tammy Daly

## Sherry Lawrence

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**From:** Traci Main <traci.main@fourseasons.com>  
**Sent:** Tuesday, August 11, 2015 12:49 PM  
**To:** Doug Smith; Doug Smith

Dear Wasatch County Planning Commission,

I am writing to you to express my deep concern regarding the proposal to construct power lines near my home, located at Black Rock Ridge, as I am unable to attend the meeting on August 13, 2015.

Of major concern are the health implications directly associated with such power lines; this issue will pass a serious health risk onto the current and future homeowners at Black Rock Ridge. Never did I think that shortly after closing on my home, I would be gravely concerned regarding health and safety. I would never have purchased at Black Rock Ridge had the lines already been up, or if this had been proposed to me when I was making a purchase decision, which was during the preconstruction phase, in January 2014.

Of equally grave concern are the financial implications associated with living near such power lines. I have been a licensed Real Estate Broker for over 2 decades, and currently hold the position of Director, Four Seasons Residential, overseeing the sales and marketing of several 500 + million dollar real estate projects. I share this with you only to legitimize my position on this matter. It is my professional opinion that the homeowners at Black Rock Ridge will be greatly impacted if this proposal is accepted and the power lines in question are placed directly adjacent to our homes. Please understand that a steep and immediate decline in our property values is imminent, should this proposal be accepted.

Health and finances notwithstanding, it simply is not fair to burden the owners of Black Rock Ridge with an issue that belongs to another neighborhood. If Promotory doesn't want the power lines near their homes, why would we ?

Thank you in advance for your kind and diligent attention to this important matter; I beg of you to take our personal and financial health into consideration, and trust that this letter will be included in the notes of the commission meeting.

Sincerely,

Traci Lynn Main  
Owner - Black Rock Ridge

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Traci Main  
Residential Sales Director  
Four Seasons Residences  
Toll Free Direct USA: 1-877-699-6060  
Toll Free Direct CAN: 1-877-899-6060  
International Mobile: 011-521-(322)-120-6592  
e-mail: [traci.main@fourseasons.com](mailto:traci.main@fourseasons.com)



Jeffrey and Paula Chipman  
1029 W. White Cloud Trail  
Heber City, UT 84032

August 10, 2015

Wasatch County Planning Commission  
c/o Doug Smith, Director, Wasatch County Planning and Zoning  
55 South 500 East  
Heber City, UT 84032

Dear Wasatch County Commissioners:

We are writing to express our opposition to the proposed construction of high power electric lines on the ridge across from our Black Rock Ridge home and request the denial of the "conditional use permit." We understand the need for responsible development, and with it, expansion of the electrical grid. Our opposition in this case is based on the following:

1. We have concerns that proper due process was not followed.
2. We believe that such construction will negatively impact property values. This, in part, because we would have second-guessed our own purchase were we aware of this potential construction. This will undoubtedly be the reaction of other potential buyers. Decreased property values will in turn decrease property valuations for tax purposes.
3. We are aware of the "hum" associated with such power lines.
4. The negative impact on the natural appearance, sight lines, and appeal of the location.
5. The potential violation and compromise of county construction standards.

We request that our opinions be considered and that our opposition be recorded in the August 13 minutes of the County Commission.

Thank you for considering our concerns,

Jeffrey and Paula Chipman  
Black Rock Ridge Homeowners

