

Exhibit DTW 16

**COPY**

1                   **WASATCH COUNTY PLANNING COMMISSION**

2                               **NOVEMBER 12, 2015**

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5  
6 **PRESENT:**   **Lew Giles, Robert Gappmayer, Gerald Hayward,**  
7                               **Jon Jacobsmeyer, Liz Lewis.**

8 **EXCUSED:**   **Commissioner Brad Lyle and Commissioner Jay**  
9                               **Eckersley**

10 **STAFF:**     **Doug Smith, the Wasatch County Planner.**

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15 **DON WATTS, REPRESENTATIVE FOR ROCKY MOUNTAIN POWER, IS**  
16 **REQUESTING A CONDITIONAL USE PERMIT FOR A NEW DOUBLE**  
17 **CIRCUIT 128 KV LINE WITH ABOVE GRADE POLE HEIGHTS THAT**  
18 **ARE BETWEEN 50-85 FEET. THE PROPOSAL IS ON THE WEST**  
19 **SIDE OF BROWNS CANYON SOUTH OF THE WASATCH/SUMMIT**  
20 **COUNTY LINE IN SECTION 36, TOWNSHIP 2 SOUTH, RANGE 4**  
21 **EAST IN THE JBOZ JORDANELLE BASIN OVERLAY ZONE.**

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1           CHAIR GAPPMAYER: Mr. Watts, representative  
2 for Rocky Mountain Power you are up. Come on up or  
3 excuse me we will turn the time over to Mr. Smith to  
4 give us the information.

5           MR. SMITH: This item has been seen before the  
6 Planning Commission several times. It is for a power  
7 line that is located on Brown's Canyon and Highway 248  
8 just along the county boundary. This is the existing  
9 route in the dotted black line on top. Just to get your  
10 bearings you can see Highway 40 here, Highway 248 on  
11 the way to Kamas, Park City over here on the left side  
12 of the screen. Brown's Canyon and the county line is  
13 some where in this area here on this map. So the  
14 existing route comes right through here and into the  
15 sub-station right in here.

16           The proposal is to take the proposed route and  
17 come down Brown's Canyon into Wasatch County and then  
18 run due west from there.

19           This application started in March and it was  
20 continued and we had it on again in May and July and  
21 the last meeting we saw this proposal was in August, on  
22 August 13. It was pulled from the agenda by the  
23 applicant after discussions with the Planning  
24 Commission.

25           The applicant has come back with four optional

1 alignments for the power poles. Those four proposals  
2 are and we will go through each one individually.

3       Running the monopole configuration which would  
4 violate the ridge line. That is the applicant's  
5 preferred option.

6       Running the poles so they do comply with the ridge  
7 line ordinance which requires a number of additional  
8 poles.

9       The third option is running the poles down Brown's  
10 Canyon and Highway 248 with an added cost of three  
11 point three-five million dollars.

12       The last one is running the lines underground at a  
13 cost of six point eight million dollars.

14       Staff feels that there is another potential option  
15 which is keeping the line in the existing Rocky  
16 Mountain Power easement on Promontory property.

17       The last bullet statement the additional  
18 expenditures noted in the options above three point  
19 three-five million and the six point eight million  
20 could be required to be paid by the county. The State  
21 law allows public facilities to require municipalities  
22 to incur the cost, the additional cost if there are  
23 conditions placed on the alignment of the power poles.  
24 For requirements to do underground or whatever the case  
25 may be.

1           This is the power line easement that comes into  
2 Wasatch County. You have got Brown's Canyon right here.  
3 This is the existing Black Rock Ridge Development. The  
4 new extension of Black Rock Ridge is right in here and  
5 Highway 248 would be down here off the screen. The  
6 county line coming through here like this. So the  
7 easement stays on Promontory's property but comes into  
8 Wasatch County right here.

9           This shows the medium density development that has  
10 been approved to the north and east of the proposed  
11 power line alignment. So right in here we have got one  
12 hundred five foot set back from these proposed  
13 buildings. Then you have got buildings that run  
14 basically facing east up in here their backs to this  
15 property line.

16           So option one and you can see on the top screen  
17 that is the existing conditions. The bottom screen is  
18 the proposed option one which is the monopole preferred  
19 option. That you can see violating the ridge line  
20 there.

21           This shows the number of poles that would be in  
22 the county. I am not sure if pole number one is  
23 actually in or out of the county. I am assuming that it  
24 is right on the Summit County side so you have got two,  
25 three, four and five in the county boundary. These are

1 eight-five foot high poles for the first proposal. As I  
2 mentioned one hundred and five feet away from that  
3 closest unit.

4       The costs for this are half a million dollars.  
5 Where this is the preferred plan the county would not  
6 be required to pay for this. These are the costs  
7 without any additional requirements.

8       Option two would be the option that spreads the  
9 poles and lines out and goes below the ridge line so  
10 you can see in the lower screen that you have got the  
11 power poles coming up to the Summit County line and  
12 then dropping to this scenario that is lower and would  
13 be hopeful below the ridge line. The ridge line view  
14 shed is at the intersection of Highway 248 and Brown's  
15 Canyon. So looking at that location that is where the  
16 platform is at. So the lines when they come into the  
17 county it is spread further apart and get lower. So the  
18 separation requirements for those lines instead of  
19 being vertical are horizontal. The same separation.

20       Option three is running the line underground so  
21 you can see on the bottom screen that there are two  
22 poles required as it comes up out of the ground. Both  
23 of those four poles that you see it is my understanding  
24 would be bigger and probably taller than the eighty-  
25 five feet. All four of those poles would be outside of

1 Wasatch County's boundary. There you can see that they  
2 are just right outside the Summit and Wasatch County  
3 line. That has a cost as I mentioned of six point eight  
4 million dollars.

5 Option four is running the lines down Brown's  
6 Canyon and up Highway 248 in or close to the right-of-  
7 way. You can see the additional number of poles in the  
8 county that would require. That would have an added  
9 cost of two point three five million dollars.

10 The possible findings are:

11 1. The options of running the power line  
12 underground or in the Browns Canyon and Highway 248  
13 rights-of-way will cost additional money which very  
14 likely will be required to be paid for by Wasatch  
15 County.

16 2. The existing power line is currently in the  
17 middle of the Promontory development with an easement  
18 wholly in Summit County. Rocky Mountain Power purchased  
19 a new easement in Wasatch County with the intent to re-  
20 align the power poles for the benefit of Promontory  
21 residents and the development.

22 3. The county was not consulted about the re-  
23 alignment prior to the easement being purchased.

24 4. A conditional use allows for uses that may be  
25 appropriate with conditions to mitigate negative

1 effects.

2 5. The basis of having a use be conditional is  
3 that many uses which may be appropriate in various  
4 zoning districts, may not be appropriate due o the  
5 facts of a specific request such as proximity to a  
6 dissimilar use.

7 It looks like I have an incomplete sentence  
8 there. So in other words if you have a power line that  
9 is a conditional use in this zone at a thousand feet or  
10 five hundred feet it may be appropriate. As you move  
11 closer to a dissimilar use in this case housing,  
12 obviously that conditional use becomes inappropriate or  
13 you cannot mitigate the negative affects of that use.  
14 So proximity is certainly something that we need to  
15 look at as you go through the conditional use findings  
16 that are in your staff reports.

17 6. Due diligence was not done to see what  
18 approvals, if any, would be required to locate the  
19 power line in Wasatch County.

20 7. The Planning Commission should review this  
21 based on meeting the required findings in 16.23.07 and  
22 those are findings for conditional uses in your staff  
23 report. And should not feel obligated to approve the  
24 alignment because of the new recorded easement which .

25 8. If the negative impacts of the proposal cannot

1 be overcome with conditions the proposal should be  
2 denied.

3 9. The County is not obligated to fix a problem  
4 created by the applicant.

5 That is strong language but I feel like it is  
6 something that we have been thinking about and talking  
7 about for a number of months. There has not been any  
8 changes to the application. It is the same as it was  
9 before and I don't know how you mitigate the effects  
10 when you have that close of a proximity of eighty-five  
11 power poles to residential uses.

12 Those are all the slides that I have for this  
13 meeting. Do you have any questions for me?

14 CHAIR GAPPMAYER: Any questions for Doug?  
15 Okay, thank you. John has got a question.

16 COMMISSIONER JACOBSMEYER: I do.

17 CHAIR GAPPMAYER: Go ahead.

18 COMMISSIONER JACOBSMEYER: Doug since the  
19 purpose of this commission right here is to protect the  
20 county from evil developers and so forth. In reading  
21 your possible findings and stuff it says that the  
22 county was not consulted about the re-alignment prior  
23 to the easement purchase. In other words there was a  
24 secret meeting between Summit County and Rocky Mountain  
25 Power to decided how they were going to change the



1 easement. They said that we will just change it across  
2 Wasatch County. We weren't asked.

3 MR. SMITH: Well, I don't know that it was  
4 between Summit County. I am guessing it was the  
5 property owner and Rocky Mountain Power were  
6 discussions. Promontory is the underlying property  
7 owner and it just so happens to be in Summit County  
8 now.

9 COMMISSIONER JACOBSMEYER: Well, then  
10 Promontory. I mean one is as good as the other. All  
11 right, and then it says as you said if the negative  
12 impacts of the proposal could not be overcome. In other  
13 words if they are not going to change it and do what  
14 they originally agreed to the proposal should be denied  
15 which is about where we are headed.

16 The county is not obligated to fix a problem  
17 created by the applicant. Now in this case the  
18 applicant took money and gave them an easement across  
19 his property and now they want to come across our  
20 property and just laugh it off by giving us four  
21 proposals that we never got a chance to talk about  
22 before they presented them. I am having a problem here.

23 MR. SMITH: Just a clarification as you go  
24 through and deliberate regarding the conditional use  
25 and the impacts if you could go through all of those

1 findings and see if it can be mitigated or not. I think  
2 that is the record that you need to make whether  
3 decided that it can be mitigated or whether it cannot  
4 be mitigated. That is up to you in those findings  
5 listed in 16.23.07. Any other questions.

6 CHAIR GAPPMAYER: Okay, thank you.

7 MR. SMITH: You are welcome.

8 CHAIR GAPPMAYER: Okay, Mr. Watts.

9 MR. DON WATTS: Thank you Doug and I would  
10 like to thank each of the commissioners for their time  
11 and effort in all these tough decisions that they get  
12 to volunteer for in their work that they do. But it is  
13 a necessary work for all of our communities.

14 As discussed just to review and rehash. I know  
15 that you have heard before some of the history of these  
16 projects and some of the needed necessity for this  
17 project.

18 As a power company we have an obligation to serve  
19 and provide reliable electric service to all of our  
20 customers. We have an obligation to do that as best as  
21 we possibly can to provide those.

22 In modern society as they develop and as they grow  
23 and as we have discussed before it gets harder and  
24 harder to find locations where people want power lines.  
25 We don't disagree that not everybody likes what the

1 product that we put into the ground is. But their lives  
2 would be significantly different if that product was  
3 not there. We would not have Iphones, Ipads, T.V.'s,  
4 radio, and they would not exist and our life spans  
5 would be a lot shorter.

6 I would argue that since the invention of  
7 electricity our lives have gotten significantly better.  
8 Our life spans have almost doubled since the turn of  
9 the century when electricity was created. But it poses  
10 some interesting challenges as we try and move forward  
11 to permit electrical power lines. We all depend on them  
12 every day. We expect lights to turn on and off every  
13 day. We don't even give it a second thought as we are  
14 driving down the road to those power poles on the side  
15 of the road until they are touched or moved or proposed  
16 some where close to a property. And you understand that  
17 there are some potential impacts there. We feel that we  
18 have done the best that we can to mitigate those in the  
19 time that we have been building these facilities in our  
20 history.

21 I think we operate thousands upon thousands of  
22 miles of line safely and efficiently to provide  
23 reliable power almost not quite on hundred percent but  
24 we are pretty dang close if you look at our numbers. We  
25 pride ourselves on that effort to be able to provide

1 that and as well one of the cheapest power suppliers in  
2 the country. We are in the low end of the power  
3 supplies as far as the cost to our customers because we  
4 have a great working relationship with our communities  
5 and our customers. We pride ourselves on that effort.

6 The project that we are talking about tonight  
7 started in about 2007 where some risks were identified  
8 in our system where we needed to reinforce the Summit  
9 and Wasatch County region. This project was proposed.  
10 The line has already been constructed almost down to  
11 Coalville if I am correct from Evanston, Wyoming. So we  
12 have already constructed a major portion of this line  
13 but to complete this segment we need to get it from  
14 Coalville down to the Silver Creek Sub-Station. Have a  
15 pointer Doug?

16 MR. SMITH: Yes.

17 MR. WATTS: Is this the pointer? As Doug  
18 mentioned it is here. That is our end point getting  
19 from Point A to Point B.

20 In the course of our business in this particular  
21 project as we have discussed in previous meetings is  
22 the renewal of an existing easement along the entire  
23 route of this project.

24 For this particular area when we approached the  
25 property owner concerning the new project they

1 requested that if we would consider relocating to the  
2 edge of their property which the property owner has  
3 every right to ask.

4 We reviewed it and we looked at it and we  
5 negotiated with them and they made our rate payers  
6 whole for any additional costs to relocate to the edge  
7 of their property. And those values were considered and  
8 an agreement was struck. It is a normal part of our  
9 business if the property owner requests even of an  
10 existing line if they would like us or pay us to  
11 relocate those poles for whatever costs those are we  
12 will do it. We will relocate those if a farmer needs  
13 some extra space for irrigation and he can make us  
14 whole to those we will move them. That is pretty much  
15 how it happened.

16 So we have made this accommodation for the  
17 property owner so that he can more fully enjoy his  
18 property and we understand it puts it closer to an  
19 adjacent property owner that doesn't necessarily agree  
20 with our proposal. But we have to operate in a way that  
21 we can find a way to construct these facilities to  
22 continue to build and maintain that reliable electrical  
23 service to our customers.

24 So in this process at the end of those  
25 negotiations that would have been about 2011 in April

1 is when we recorded that easement. It is my  
2 understanding that at the time some of the adjacent  
3 property around it was not zoned for residential use  
4 but for recreational open space. So compatibility with  
5 recreation and open space differently would fit with a  
6 overhead power line as well as being a conditional use  
7 permitted application for a power line listed in your  
8 county ordinances.

9 Our preferred option that we feel is the least  
10 impactful to the county in that we have shown through  
11 our mitigation efforts in the proposals and studies  
12 that we presented as far as property values, electrical  
13 magnetic fields and others sound that we submitted in  
14 our package is this monopole design.

15 The monopole design minimizes the number of total  
16 structures in the county. We would have a total of  
17 five, one, two, three, four, five. This originally was  
18 proposed as a double pole, a corner structure with  
19 guide wires coming down to make the turn. We have sense  
20 proposed installing a rust colored or a patina steel  
21 pole. To minimize the number of poles as well as to  
22 eliminate any guide wires coming down that would be a  
23 lot closer to the property owner or the adjacent  
24 property.

25 If those guide wires were there the guide wires

1 would terminate approximately forty to fifty feet from  
2 the edge of the property. This is in depicting the  
3 monopole that we proposed as a mitigation to getting it  
4 further away from those adjacent property owners to one  
5 hundred and five feet.

6         Some of the other characteristics of the line that  
7 we proposed to help mitigate is to use wood poles on  
8 the tangent poles, of course the rust colored steel and  
9 we call a non-specular conductor. Essentially, the  
10 conductor and it is an aluminum conductor, aluminum  
11 tend to be when it comes from the factor fairly shining  
12 so it reflects a lot of sun light. So we asked our  
13 manufacturers to do is essential sand blast it to  
14 remove that shiny patina and dull it so it is less  
15 reflective as much as possible for our industry  
16 standards. That will eliminate a lot of the patina or  
17 shine on that conductor that will be up in the air.

18         Option one of course is one that we would build on  
19 our expense include it in the cost of our project.

20         Option two that was shown here as a mitigation to  
21 the ridge line concerns that were proposed or talked  
22 about as we were talking with the county and others to  
23 mitigate any of the appearances above the ridge line  
24 this is our proposal for that so that we would come in  
25 compliance with the ridge line ordinance. We shortened

1 the tangent poles number two and number four. Number  
2 three would still be the self supporting steel pole,  
3 the monopole so the conductors would be in a, and three  
4 wires on each side, would be in a vertical  
5 configuration. Then on number two and number four the  
6 wires would roll flat so that we could shorten the  
7 poles but we do have to go a little wider to  
8 accommodate those wires to keep spacing and safety so  
9 that we are not shorting out our lines.

10       These would be wood poles as well but they would  
11 be four pole structures as shown here. This option as  
12 well is a consideration for the ordinance in coming in  
13 compliance we would also pay for this. There would be  
14 no additional cost for the county or anyone else. We  
15 would build this one as well if the county prefers this  
16 option versus option one.

17       Option three and option four we don't feel are as  
18 viable options. They are possible options should you  
19 wish to consider these as an option. Our preference of  
20 course is our first option that we again proposed. If  
21 there are any questions I would be willing to take any  
22 of those.

23               CHAIR GAPPMEYER: I had a question about the  
24 existing power line coming into your sub-station could  
25 you go back to the sub-station right there.



1 MR. WATTS: Okay.

2 CHAIR GAPPMAYER: Show me where the existing  
3 line comes in.

4 MR. WATTS: I believe the existing line comes  
5 in approximately here and turns into the sub-station.

6 CHAIR GAPPMAYER: Okay. That answered my  
7 question. The next one is why isn't it put back on that  
8 line?

9 MR. WATTS: Again the property owner requested  
10 that we so he could more fully enjoy his property asked  
11 us and we negotiated with him and he paid us the  
12 difference of the additional cost to relocate which is  
13 a normal business practice for us to do. We would do  
14 with any of the property owners that would request that  
15 of us. If there is no additional cost for us to  
16 relocate we will relocate. If there are additional  
17 costs and they are able to make that payment or make  
18 the rate payers whole then we would accommodate that  
19 and make that change. If not we would keep in the  
20 original alignment.

21 CHAIR GAPPMAYER: And so with that original  
22 alignment you are not even by Wasatch County.

23 MR. WATTS: Correct.

24 CHAIR GAPPMAYER: And so it looks like to me  
25 that still would be an option if you came up Brown's

1 Canyon Road to the Wasatch County line and turned and  
2 went west on the north side of that slope turn and went  
3 west to that--

4 MR. WATTS: You are proposing here?

5 CHAIR GAPPMAYER: Well, where is the slope.

6 COMMISSIONER GILES: Pull that pole picture  
7 back up and behind the poles on your computer. Behind  
8 that ridge right there.

9 CHAIR GAPPMAYER: Behind that ridge.

10 MR. WATTS: Right here so that would put that  
11 right here.

12 CHAIR GAPPMAYER: Okay. This is all steeper  
13 than thirty percent slope and so he is not going to be  
14 able to use it anyway. It is not impacting any  
15 structures and so it looks like to me and I am just a  
16 layman. I am just an old farmer but hell if I was going  
17 to have a line that didn't affect anybody that is where  
18 I would put it.

19 MR. WATTS: Unfortunately that is not where he  
20 requested our easement to be. This is where that  
21 easement was requested to go.

22 CHAIR GAPPMAYER: And so it affects us though.  
23 You say it doesn't affect property values but it does  
24 affect property values especially tax value for Wasatch  
25 County. You can't build anything there. You are not

1 going to get any taxes period. So any way it looks like  
2 to me that there is another solution here in my simple  
3 mind.

4           COMMISSIONER GILES: Who owns that property on  
5 the backside?

6           CHAIR GAPPMAYER: Same guy.

7           COMMISSIONER GILES: Promontory owns that too.

8           CHAIR GAPPMAYER: So that gets it off his  
9 ground that is useable because he is not going to be  
10 able to use that ground that is sloped more than thirty  
11 percent. So you put coming up that Brown's Canyon Road  
12 and turn and go west right there before the ridge line.  
13 And if you really want to throw it in Wasatch County's  
14 face put them above the ridge line but in Summit County  
15 so we can see them.

16           MR. WATTS: We would prefer not to do that?

17           CHAIR GAPPMAYER: Why not?

18           MR. WATTS: We would prefer to work with the  
19 county.

20           CHAIR GAPPMAYER: Okay, there is a key word  
21 right there. You want to work with the county? I think  
22 that we ought to work with the county. You know we have  
23 been at this for four months and we are still spinning  
24 our wheels. That is all that I have got to say, thank  
25 you.

1 Any other questions?

2 MR. WATTS: If I could turn some time over  
3 Rich Hall.

4 MR. RICH HALL: My name is Richard Hall. I am  
5 an attorney for Watkins and Stowridge and outside  
6 counsel for Rocky Mountain Power. I would just try to  
7 address the question about working for the county  
8 there. I think that Rocky Mountain Power has tried to  
9 do it. Again, as indicated this is not easy to do. As  
10 we looked at working with the county you have got to  
11 recognize that we have to work with landowners as well.

12 The comment was made that if we put the line there  
13 Wasatch County can't build on that property. Well it is  
14 the landowner's property and they are going to have to  
15 decide what they want to do with it and don't want to  
16 do with it and they are the ones who decide who builds  
17 it. But we do have to again when this line went in  
18 there. This was a landowner that requested it. They are  
19 the ones that have the right to build on it and the  
20 subject of local land use ordinances and regulations.  
21 But we have got to work with the landowners as well as  
22 the county. That needs to be remembered as well.

23 The other thing was -

24 CHAIR GAPPMAYER: That is a good point. That  
25 it works both sides.

1           MR. HALL: It does go both ways. I think that  
2 is what we have tried to do here tonight to go through  
3 this process. We appreciate this. This has been a long  
4 process. This is never easy.

5           When we first approached the county obviously we  
6 indicated that option one is our preferred option. But  
7 we view option two as an attempt to mitigate the  
8 concerns that the county had. Primarily we have heard a  
9 lot about the ridge line ordinance. So we looked at the  
10 second option which is more expensive but in hopes of  
11 addressing the county's concerns to the extent that we  
12 can. We tried to mitigate those through option two as  
13 well we talked about the conductors and the lines as  
14 well for the alignment. That is most of the cause of  
15 the power lines but the conductors it goes well using  
16 the non-reflective conductors and such.

17           Really the key here is recognizing that from the  
18 county it seems that the option that is the preference  
19 and we can appreciate that is take it up the original  
20 line. We understand that. But we also have to work with  
21 our landowners as well. When we get into that kind of  
22 a tight spot we try to mitigate these as much as can.  
23 That is what we have tried to do here. We really tried  
24 and again option one we think that we have tried to  
25 mitigate that but recognizing the concerns of the ridge

1 line we have tried to use option two as a form of  
2 mitigation.

3 We can't hide these poles entirely. I think  
4 everybody appreciates that. If we could we would dress  
5 them up like evergreen trees or something like that but  
6 people would catch on to that.

7 Nonetheless, we try to do the best we can to  
8 mitigate and we think that we have done the best we can  
9 in this situation.

10 There has been discussions about whether we should  
11 have consulted the county, whether we should have  
12 figures out whether this was going to be permitted or  
13 not. Keeping in mind that our understanding is that the  
14 property that was there at the time was recreation and  
15 open space. That would have seemed to have been a  
16 compatible use for these lines as that easement was  
17 recorded. We can't anticipate what is going to come in  
18 certainly to look at that was going to come. But we do  
19 have these lines, thousand of miles of these lines and  
20 we do the best we can do to take care of the concerns.

21 CHAIR GAPPMAYER: Any questions. Okay, thank  
22 you. Any other representatives Mr. Watts?

23 MR. WATTS: No.

24 CHAIR GAPPMAYER: That is the case. We will  
25 now open this up for public comments. Just a couple of

1 words about public comment. How many people would like  
2 to comment representing themselves against this Rocky  
3 Mountain Power proposal? Okay, we don't have very many  
4 so it really doesn't matter. You need to raise your  
5 hand and I will call on you. Come up to the microphone  
6 and state your name and take a minute if you would  
7 please. Okay, who is first. Come on up.

8           MR. TODD STARK: Good evening. My name is Todd  
9 Stark and a resident of Black Rock Ridge. And I would  
10 just like to go on record as being opposed to all the  
11 presentations that I have heard this evening. You know  
12 we have talked a lot about when they came here but it  
13 seems the rights of Promontory and exercising their  
14 rights and have taken away our rights to any sort of  
15 modification to these plans. This is what you are  
16 suggesting but if that yellow line just kind of cut off  
17 that corner on the summit maybe that would be something  
18 that would continue to work and allow the constructions  
19 of these lines. With all the options presented I  
20 wouldn't view any of them as being acceptable.

21           CHAIR GAPPMAYER: Okay, thank you. Who is  
22 next? Come on up.

23           MR. STEIN RODGERS: My name is Stein Rodgers  
24 and I live in Black Rock Ridge also. I have been there  
25 for just over a year and I have got to say that we

1 really love it. It seems to me after listening to the  
2 different arguments and as the last gentleman said I am  
3 opposed to all four of the different options also. It  
4 seems to me that it is really all about the money. We  
5 all know that Promontory is a very prestigious  
6 subdivision and piece of land. In my opinion number one  
7 they should have as my mom always said you got to ask  
8 for permission first not afterwards. I think  
9 potentially you know even the positioning of the first  
10 two options as their preferred options not having the  
11 county pay for it I think that is just another way of  
12 trying to manipulate the situation with money.

13 I think that one of the big problems is that they  
14 should move back to the original easement but I think  
15 that one of their concerns potentially is to that they  
16 would have to pay some of that money back to the  
17 original landowner. That is my comment.

18 CHAIR GAPPMEYER: Thank you. Who is next come  
19 on up.

20 MRS. SUSAN MCDONALD: My name is Susan  
21 McDonald and I am a resident of Black Rock Ridge. I too  
22 oppose this. I thought I understood correctly in the  
23 meeting in August that you guys requested Rocky  
24 Mountain Power meet with the residents which was the  
25 second request. Then you also asked for them to get a



1 health study to provide to us in having these poles  
2 that close to us. I haven't seen any of that. I don't  
3 know if they had any comments why they didn't do that.

4 CHAIR GAPPMAYER: Okay, thank you. who is  
5 next? Come on up. I thought that we had a volunteer.  
6 Come on up.

7 MR. JEREMY REUTZEL: My name is Jeremy  
8 Reutzel, I am the attorney for Mark 25. We have been  
9 here in several meetings so my face may look a little  
10 bit familiar.

11 Nobody is arguing the need for the power line. It  
12 is a false choice when we talk about should we have  
13 this power line or not. Everybody knows that we need to  
14 upgrade the power line.

15 The real issue is what is the safest and most  
16 efficient way to do it. Despite Rocky Mountain Power  
17 saying that they have a statutory obligation to do in  
18 the safest and most efficient way. Clearly the safest  
19 and most efficient way is the existing route. It is  
20 the straightest line. It is away from the residences.  
21 It is where it has been for years, decades.

22 The other thing that needs to be noted is they  
23 can do it there. They have an easement there, a single  
24 pole easement that allows them to upgrade their power  
25 line right through there. As I understand it they have

1 told Summit County that even if some you landowners  
2 on this land line don't, or on this power line, don't  
3 agree to a new easement they can just force it through  
4 on the existing easement. I don't believe that they  
5 can do that here.

6 We haven't seen the agreement with Promontory so  
7 we don't know what that agreement is. All we know is  
8 that they made an agreement with Promontory and  
9 everyone else is stuck with the consequences.

10 Again I think that is a false choice. The county  
11 has authority to require do not allow them to  
12 manipulate through entering into an agreement with a  
13 neighboring landowner.

14 I also want to point out a couple of other things.  
15 In the packet that I submitted you will see that we had  
16 an engineering firm Paul Watson look at their option  
17 number two where the shorter power lines are and there  
18 are four poles. Even that still exceeds the ridge line.  
19 Not by much but it still does exceed the ridge line.

20 I really don't think there is much else to say. I  
21 think that we have talked about it a lot but if there  
22 is any questions that I can answer for you I would be  
23 happy to do that.

24 CHAIR GAPPMAYER: Is there any questions go  
25 ahead.

1           COMMISSIONER GERALD HAYWARD: I suppose you didn't  
2 but I will ask it. You didn't have your engineering  
3 firm look on the other side of the hill to see if that  
4 was a viable option.

5           MR. REUTZEL: Well, so what we have done is we  
6 have proposed and we have submitted to the county an  
7 alternative option and it was much like Mr. Gappmayer's  
8 suggestion. It came right around and kind of cut that  
9 corner and came on the other side of the slope on that  
10 unbuildable terrain and kinda of came under the ridge  
11 line. We think that is a viable option as well.

12           COMMISSIONER HAYWARD: You did have him look  
13 at that?

14           MR. REUTZEL: Well, we haven't had him conduct  
15 a full study. Yes, we have had him look at that and  
16 plat it out. I think that was submitted to Doug at some  
17 point as well. Thank you.

18           CHAIR GAPPMAYER: Come on up.

19           MR. JAY PRICE: Jay Price, Wasatch County  
20 resident. In 2005 I think Mr. Watts made some  
21 misstatements here. In 2005 the initial approval for  
22 Black Rock Ridge come to Wasatch County Council and  
23 that was prior to and I don't know if it was Mr. Watts  
24 or their attorney but that was prior to the agreement  
25 with Promontory. So this development has been in the

1 planning stages for a long time.

2 I was on the Council at the time. Rocky Mountain  
3 Power has never approached the Council to change this  
4 alignment. If the alignment was changed I don't think  
5 and as I have discussed it with other members that  
6 Park City or Summit County has given approval. In fact  
7 when you talk about moving it on the other side of the  
8 ridge I don't think that is an acceptable to Park City  
9 or Summit County. Summit County specifically. So I  
10 don't think that they have considered that.

11 The best route is in the existing route as has  
12 been stated. When they say that they have a judicial,  
13 a physical responsibility to the rate payers yet when  
14 they are going to change it and then they offer to pay  
15 you for option two yet they are going to expect Wasatch  
16 County to pay for option three or four. Aren't we rate  
17 payers? Several of us have Rocky Mountain Power hookups  
18 here. So where is the fiscal responsibility to the  
19 Wasatch County rate payers if this additional cost they  
20 are going to force us. Yet they said that they were  
21 going to pay for option two. I don't get it. To me that  
22 is kind of a two sided statement.

23 I would urge the commissioner members and I think  
24 that this has gone far enough. I think it is time to  
25 deny the request and lets look at their original

1 alignment where it goes now. Thank you.

2 CHAIR GAPPMAYER: Who is next? Come on up.

3 MS. DEBBIE SHOENBURGER: My name is Debbie  
4 Shoenburger and I am a Black Rock Ridge resident. I  
5 think that my fellow neighbors have spoken well here. I  
6 think there is a fifth option which is not the option  
7 that Promontory and Summit County want to do. Thank  
8 you.

9 CHAIR GAPPMAYER: Who would like to be next?  
10 Does that take care of our public comment section. Okay  
11 come on up.

12 MR. DAN SHARP: My name is Dan Sharp also a  
13 resident of Black Rock. One of the things that I have  
14 heard talked about tonight is safety. One of the things  
15 that I haven't heard talked about tonight is that the  
16 Chief of the Fire District here has made a ruling that  
17 the power lines that close to our property lines isn't  
18 safe. I have heard it brought up tonight but I just  
19 wanted to reiterate that we have had a fire  
20 professional that those lines that close to our  
21 property lines is not safe.

22 CHAIR GAPPMAYER: Good enough thank you.  
23 Anyone else, speak now or forever hold your peace. We  
24 are going to close public comment. Public comment is  
25 going to close. I closed public comment. Okay, is there

1 any questions that we have here. Any thing that you  
2 want to discuss.

3 COMMISSIONER LIZ LEWIS: There is a letter  
4 from the Fire Marshal in our packet.

5 CHAIR GAPPMAYER: Yes, there is.

6 COMMISSIONER GILES: And it goes into the  
7 safety item.

8 COMMISSIONER LIZ LEWIS: Yes, the last  
9 paragraph.

10 CHAIR GAPPMAYER: Duly noted.

11 COMMISSIONER JACOBSMEYER: If Promontory has  
12 that many acres to develop they must have a few bucks.  
13 Why can't they put the original existing right-of-way  
14 underground. Go right through Promontory without making  
15 any towers. Let the landowner pay for it instead of  
16 trying to force it down our throats. That was a  
17 rhetorical question you don't have to answer it.

18 CHAIR GAPPMAYER: I don't know who is even  
19 going to try. Okay, is that all the discussion that we  
20 have. Are we ready for a motion?

21 COMMISSIONER HAYWARD: I will make one more  
22 item of discussion.

23 CHAIR GAPPMAYER: Okay, go ahead.

24 COMMISSIONER HAYWARD: If I understand we have  
25 been through this several times. The conditional use

1 statute allows development or structures or uses if  
2 they can meet certain parameters of mitigation for the  
3 questions that come up.

4 I think and you know I have listened to the  
5 arguments back and forth. We have heard and received  
6 information about health issues and the distance from  
7 the power lines. Shall we say a controversial batch of  
8 information. We also have received information on  
9 property values and distance from power lines. That  
10 also has been a mixed bag. I think in general the trend  
11 is that yes it does decrease property values to have a  
12 power line in your back yard.

13 Just on top I can't see that the place they are  
14 going to put this power line can be mitigated. I think  
15 it is something that there is no way to do it. I mean  
16 it is where it is. It is within a certain distance of  
17 that other habitation. There is evidence that will  
18 decrease their property values and will have a negative  
19 impact on their lifestyle. I don't think it can be  
20 mitigated.

21 CHAIR GAPPMAYER: Okay.

22 COMMISSIONER JACOBSMEYER: Are you ready for  
23 a motion?

24 CHAIR GAPPMAYER: If we include the findings.

25 COMMISSIONER JACOBSMEYER: I am banking it on

1 the findings.

2 CHAIR GAPPMAYER: Are you ready to present a  
3 motion?

4 COMMISSIONER JACOBSMEYER: Sure.

5 CHAIR GAPPMAYER: Go ahead.

6 COMMISSIONER JACOBSMEYER: Mr. Chairman I  
7 would like to make a motion based upon the findings and  
8 conditions of the Planning Staff that we deny this  
9 request for a conditional use permit and I don't know  
10 if we have to forward that to the counsel.

11 COMMISSIONER LIZ LEWIS: Does not.

12 COMMISSIONER JACOBSMEYER: Based upon the  
13 information furnished here and the owners in the  
14 neighborhood who are vehemently opposed against it. I  
15 think that this should be something that we postpone or  
16 deny.

17 CHAIR GAPPMAYER: I think that you ought to  
18 make the choice there if you are making the motion.

19 COMMISSIONER JACOBSMEYER: Okay, deny, forget  
20 the postponement and if you are going to come back with  
21 the same snake oil we don't need it.

22 CHAIR GAPPMAYER: We also need to include in  
23 your motion that we can't see a way that this can be  
24 mitigated.

25 COMMISSIONER JACOBSMEYER: I thought that I



1 said that. But there appears to be no chance to  
2 mitigate the objections.

3 CHAIR GAPPMAYER: Okay, good. We have heard  
4 the motion. Is there a second.

5 COMMISSIONER LEWIS: I will second.

6 CHAIR GAPPMAYER: Okay, it has been moved and  
7 seconded. Is there any discussion before we vote? All  
8 of those in favor say Aye?

9 COMMISSIONER JACOBSMEYER: By saying Aye we  
10 are going for the denial right?

11 CHAIR GAPPMAYER: We are in favor of your  
12 motion. Which was denial.

13 COMMISSIONER JACOBSMEYER: Okay, good.

14 COMMISSIONER LEW GILES: Aye.

15 COMMISSIONER LIZ LEWIS: Aye.

16 COMMISSIONER GERALD HAYWARD: Aye.

17 CHAIR GAPPMAYER: Aye.

18 CHAIR GAPPMAYER: The motion passes  
19 unanimously. Thank you.

20 (WHEREUPON, the HEARING was concluded.)  
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C E R T I F I C A T E

STATE OF UTAH            )  
COUNTY OF WASATCH    )

THIS IS TO CERTIFY that the Public Hearing was taken by Richard C. Tatton, in Stenotype, and thereafter caused by me, Richard C. Tatton, to be transcribed into typewriting, and that a full, true and correct transcription to the best of my ability of said Public Hearing was done.

I FURTHER CERTIFY that I am not of kin or otherwise associated with any of the parties to said cause of action, and that I am not interested in the event thereof.

WITNESS my hand and official seal at Midway, Utah December 3, 2015.

Richard C. Tatton

RICHARD C. TATTON, CSR, RPR

My Commission Expires:

June 15, 2017

