

**MINUTES
OF THE SPECIAL MEETING OF THE
TOOELE COUNTY BOARD OF COMMISSIONERS
HELD MARCH 30, 2010**

Chairman Johnson called the meeting to order at 3:00 p.m. The time, place and agenda of the meeting had been provided to the Tooele Transcript Bulletin and to each member of the governing body by delivering copies of the notice and agenda at least two days before to each of them.

1. **ROLL CALL.** The clerk called the roll which showed Commissioners Colleen Johnson, Chairman; Jerry Hurst and Bruce Clegg present. Also present were Doug Hogan, Attorney, and Marilyn Gillette, Clerk.

2. **ROCKY MOUNTAIN POWER'S APPEAL OF DENIAL OF CONDITIONAL USE PERMIT #2010-1.** Commissioner Johnson stated that this is not a public hearing, but an appeal of the Tooele County Planning Commission's denial of conditional use permit application #2010-1 for Rocky Mountain Power. Margaret Oler, External Communications Manager for Rocky Mountain Power, stated that the reason they were there was to ask that the County Commission overturn the denial by the Planning Commission for the Mona to Oquirrh Transmission Line. The reasons for the need for this transmission line have been outlined in the Memorandum of Support for the Appeal, as well as the Conditional Use Permit. She asked if the Commission had any questions for her. They did not.

Commissioner Hurst read a statement that came from the entire County Commission. "Tooele County Planning Commission did not err. They studied and thought out their decision. Each member had important things to say, which will be included as a part of these minutes. They did a thorough and great job explaining why they denied the Conditional Use Permit. All of those statements are on record. Two citizen groups from Tooele and Grantsville stepped up and did a good job exposing the critical problems associated with Rocky Mountain Power's proposed routes. They not only pointed out the problems with the proposed route's, but they also proposed solutions. They, as well as the county, brain stormed in trying to come up with routes that would least impact our municipalities and individual citizens. Countless hours were spent by dedicated people to arrive at suitable routes. Early on, we declared opposition to the south east bench route. We felt confident that it had been removed from the table. We were shocked when Rocky Mountain Power applied for a Conditional Use Permit on that particular route. Yes, minor alterations were implemented, but it was still on the south east bench.

The list of objections include: 1) The Electro Magnetic Field, possible health problems such as childhood leukemia and pace maker interruption, although RMP says they are entirely safe; 2) The Watershed - the route would cut across the hillside, access roads would have to be build and there are water sheds across that mountain. Contamination of ground waster and surface water with the erosion problems where cuts are made and contamination with herbicides 4) Aesthetics - this is some of the most pristine, beautiful part of the county; 5) Fire Danger - during construction and after the route is built and accessibility on those steep mountainsides, lightning strike potential and accessibility by fire departments to fight fires; 6) Property Value Decrease - that would be expected for properties in and around the area where the lines would go; 7) Importance of Tooele High School "T" on the mountain side - the visual interference and the safety of the high school students who go up and light and maintain the "T"; 8) Power lines going adjacent to the Settlement Canyon Reservoir. Last year there was a fire in Settlement Canyon and helicopters were dipping water out of the reservoir to fight the fire. Power lines would

endanger the helicopters; 9) Access Roads - erosion and the visual impact and the use by the public which may or may not be welcome; 10) Earthquake potential and the damage that could cause, high winds in that area that could cause downed lines and downed towers; 11) Livestock grazing on the hill sides - putting those towers in could cause problems with fences, gates, loss of vegetation. It would create a need for cattle guards in those areas; 12) Wildlife concerns - loss of habitat and migration route interruption going from their winter ranges to their summer ranges; 13) Superfund Site - lines would cut across the capped tailings from the International Smelter; 14) Environmental Impact Study (EIS) is not complete and as to this date there is no record of a decision on that EIS.

The Commission does recognize that more power is needed in Tooele County, they have had some businesses that probably didn't come to Tooele County because of the lack of power. On the western corridor by US Magnesium, there are some companies that have indicated their desire to locate out there, however, the power corridor going to ATI and US Magnesium is at the maximum. We need the power and are not opposed to the lines, just to this particular route. It is our responsibility to look out for the health, welfare and safety of our citizenry." He then moved to affirm the decision of the Planning and Zoning Commission to deny the route proposed by RMP along the south east section of Tooele County.

Commissioner Clegg stated that in working with RMP, they have heard a lot of "not in my backyard." He feels that RMP is trying to put this southeast route in our front yard, which he felt was the least desirable route possible. He seconded the motion. All concurred.

3. **ADJOURN.** Commissioner Hurst moved to adjourn the meeting at 3:25 p.m. Commissioner Clegg seconded the motion. The meeting adjourned.

**IN THE MATTER OF: CUP 2010-1
APPLICATION FOR: Conditional Use
Permit for the Mona to Oquirrh High Power
Transmission Line beginning at the Tooele
County/Utah County line at Twelve Mile Pass
through Rush Valley northwest to the Tooele
Army Depot and then east along South
Mountain to SR 36 then northeast to Tooele
City limits and then east, south of Tooele City
limits, across Middle Canyon into the
Oquirrh Mountains then to the Tooele
County/Salt Lake County line**

FINDING OF FACT

TOOELE COUNTY PLANNING COMMISSION

Facts

Rocky Mountain Power made application for a Conditional Use Permit (CUP) on December 10, 2009 to site a single-circuit 500kv line beginning at Twelve Mile pass in Tooele County to the proposed Limber Substation in the vicinity of South Mountain. The application also included proposals for two double-circuit 345kv lines to run from the proposed Limber Substation east to the Oquirrh Substation in West Jordan, Utah and north to the I-80 corridor, then east to the Terminal Substation in Salt Lake City, Utah;

Parcels within the proposed corridor are zoned A-20, A-40, C-H, M-D, M-G, MG-EX, MU-40, RR-1, and RR-5;

On December 21, 2009 the Tooele County Engineer's Office notified Rocky Mountain Power that the December 10, 2009 application was incomplete, citing additional information that was required, specifically, a detailed site plan of the proposed substation;

On December 28, 2009 Rocky Mountain Power removed the proposed Limber Substation and the Limber to Terminal double-circuit 345kv line from consideration of the CUP application, citing that they were not seeking permits for those facilities at this time;

With the removal of the proposed Limber Substation and the Limber to Terminal Substation from the permit the Tooele County Engineer's Office accepted the application as complete and place the item on the Tooele County Planning Commission's agenda for their regularly scheduled meeting on February 3, 2010;

On February 2, 2010 The Tooele County Board of Commissioners adopted amendments to the Tooele County Land Use Ordinance that established transmission lines of 50kv or greater as a conditional use in all zone districts;

The Tooele County Planning Commission considered the conditional use permit application at a public hearing on February 3, 2010 where they tabled the item citing unanswered questions concerning anticipated detrimental effects of the proposed use. Specifically, identifying the following:

- Wildlife
- Disruption of livestock grazing
- Disturbance of International Smelter's capped tailings
- Increased Wildland Fire dangers
- Settlement Canyon Reservoir
- Preservation of View-Sheds
- Contamination of watersheds and springs (use of herbicides)

- Reclamation of temporary and permanent access roads/Increase Erosion/Removal of Vegetation
- Tooele High School's "T" (visual and safety)
- Health Risks associated with High Power Transmission Lines
- Potential loss in property value
- Final EIS not complete and Record of Decision from the BLM not issued
- Noise levels
- Interference with electrical devices
- SITLA land realignment concerns
- Power system reliability including identified natural hazards (wind, earthquake, etc)
- Hazards from down power lines and/or towers

On February 23, 2010 Rocky Mountain Power submitted a summary and detailed discussion on impacts identified at the Planning Commission's February 3, 2010 meeting; and

The Tooele County Planning Commission held a Public Hearing on March 3, 2010 to consider Rocky Mountain Power's submittal and determine if anticipated detrimental effects of the proposed use could be reasonably mitigated and conditions could be placed necessary for the protection of adjacent properties and the public welfare.

Applicable Law

1. Title 54, Public Utilities, of the Utah Code;
2. Tooele County Land Use Ordinance, Chapter 7, Conditional Uses;
3. Tooele County Land Use Ordinance, Chapters 15-17A and 27, Utilities and utility services;

Decision and Recommendation

On **March 3, 2010**, the Tooele County Planning Commission **DENIED** the above described conditional use permit application based upon their findings of insufficient mitigation and failure to meet the burden of proof of showing mitigation in the following areas: wildlife, disturbance of international smelter site, Settlement Canyon Reservoir use, view sheds including road scars, potential contamination of water sheds and springs, Tooele High School's T for safety and visual look, health risks regarding high power lines, loss in property value, the EIS is not complete, the completion date is uncertain, the record of decision from BLM is not available, and the Plan of Development is non-existent. The Planning Commission further found the following:

1. The draft EIS concludes that overall the line as proposed would result in moderate-to-high long-term impacts on visual resources in the Oquirrh Mountains, the establishment of a new utility corridor for approximately 60 percent of the transmission line route, and the crossing of residential and recreation areas. It further concludes that significant long-term impacts are anticipated in areas of high scenic quality;
2. The east bench, south of Tooele City, is a critical view-shed for the entire Tooele Valley and has been acquired at great expense. The line will be in the immediate foreground and immediate view of the most pristine and heavily recreationally used areas in the County;
3. Butterfield Canyon route shown in the Draft EIS ranks as number one, but has been opposed by Kennecott;
4. Rocky Mountain Powers communications with the Bureau of Land Management indicate that additional transmission capacity is required to service the south part of the Salt Lake Valley and surrounding communities, including the Tooele Valley. They further stated that the largest area of concern is the impact of Kennecott Land development, specifically the Daybreak development. As Kennecott Land development is creating much of the need they should be tasked with assisting to provide transmission corridor on land under their control away from existing residential development;

5. The construction of new access roads would increase OHV use and traffic in areas where access was previously limited or non-existent and represent a permanent impact visually;
6. The Draft EIS indicates that there are long-term significant impacts associated with crossing the Carr Fork Wildlife Management Area and the International Smelting and Refining superfund site. A final determination from the EPA regarding construction with the superfund site has not been rendered;
7. The possibility of a Class 2B carcinogen represents an impact to residential development in close proximity and overall health, safety and welfare of the community. Additional health risks remain in question;
8. Air quality impacts have not been addressed by the conditional use permit;
9. No evidence of resolution of impacts to Tooele City's springs, watershed, and source protection zones;
10. The presence of high winds and geologic faults along the Oquirrh Mountains represent an ongoing threat to construction, operation and maintenance of the line and public safety;
11. Impact to the Settlement Canyon Reservoir for aerial firefighting remains unresolved and unmitigated; and
12. Information within the draft EIS is in error and should be corrected with the Final EIS.