Tooele County

Nature of Request and Project Location

INTRODUCTION AND PROJECT OVERVIEW

PacifiCorp (dba Rocky Mountain Power) hereby files this application seeking approval of a Conditional Use Permit for the Mona to Oquirrh Transmission Corridor Project (Project). This application also provides the basis for approval under the requirements of the Utah Land Development & Management Act and the Tooele County land use ordinances and provides an analysis of conformity with the Tooele County General Plan as required by Utah Code Ann. § 17-27a-406.

During the federal environmental review process, Rocky Mountain Power (the Applicant) has modified its proposed line routes to mitigate specific impacts to resources and land uses. The Applicant desires to obtain a conditional use permit application for the route within Tooele County, so that when the Bureau of Land Management (BLM) issues its Record of Decision (ROD) in Spring of 2010 the Project can begin without delay.

Major activities that will begin after the issuance of the ROD by the BLM are listed and described in this application. Rocky Mountain Power expressly requests that Tooele County Planning Commission deem those major activities as commencement of the Project, that Rocky Mountain Power is executing the Project diligently, and that pursuant to Chapter 7 Section 10, Substantial action required of the Tooele County Land Use Ordinance, the permit will be issued according to the timeframes and schedules listed in this application without need for renewal.

The following information supports Rocky Mountain Power's Application for a Conditional Use Permit pursuant to Chapter 7 Section 4(2) of the Tooele County Land Use Ordinance and addresses the following:

- Project Need
- Project Description and Location
- Land Use Ordinance Compliance
- Right-of-Way Acquisition and Construction process
- Health, Safety, and Welfare of Tooele County Residents
- Public Outreach Activities Associated with the Project

In addition to this material, detailed maps and illustrations (as referenced) are also provided to assist in the review of this application. The maps include Tooele County General Plan and the Zoning Map information along the proposed alignment.

The U.S. Department of Interior - BLM, in consultation with cooperating agencies, prepared an Environmental Impact Statement (EIS) for the Mona to Oquirrh Transmission Corridor Project and associated substations. The EIS analyzed the potential impacts of granting a right-of-way to Rocky Mountain Power for the purpose of constructing, operating, maintaining, and decommissioning single-circuit 500 kilovolt (kV) and double-circuit 345kV transmission lines and associated substations. The Draft EIS was released for public review and comment in May 2009. The Final EIS is anticipated to be completed in January 2010. A ROD is expected from the BLM in April of 2010.

PROJECT NEED

The proposed substation and single-circuit 500kV and double-circuit 345kV transmission lines in Tooele County are part of an overall transmission expansion program in Utah and will provide needed support within northern Utah for future imports of power from sources to the south (see Attachment 1 – Schematic Project Diagram). Due to capacity limitations on the existing lines, no increase in capacity after 2011 can be made available without the addition of new lines.

Demand for electrical power is increasing at an approximate rate of 200 to 250 megawatts (MW) each year due to rapid growth and increasing per capita energy demands. Rocky Mountain Power's need for the Project is based on its obligations as a publicly regulated electric utility to provide safe, reliable, adequate, and efficient electric transmission service to its retail customers and other users of the transmission system. In order to meet this need, Rocky Mountain Power is obligated, per the Federal Energy and Regulatory Commission (FERC) requirements (Orders 888 and 889), to expand or upgrade its transmission system pursuant to the Open Access Transmission Tariff to accommodate requests (internal and external) for transmission services.

The proposed transmission line from Mona to Tooele Valley and connections into West Jordan City and Salt Lake City (Attachment 2 – Project Study Area) will provide the needed capacity and reliability north of the existing Mona Substation. Through the course of meeting its business and regulatory obligations, Rocky Mountain Power has substantiated the need for the proposed Project based on the following factors:

- The current and projected electrical demands in northern Utah and the projected electrical shortfall based on commercial/industrial and population growth as well as per capita increases in energy demand
- Existing generation resources and the capacity of existing transmission infrastructure to meet these demands
- Projected generation and the capacity of the existing transmission system to accommodate the increased capacity for facilities planned or under construction
- System reliability and flexibility issues associated with the operation of the existing transmission system
- Allowance for economical power sales, transfers, and purchases
- Integration with short-term and long-range planning
- In-service date: June 2013

Commencement of the Project in Tooele County will begin immediately after the issuance of the ROD and physical construction and land work is anticipated to begin during the first quarter of 2011 in order to help serve the current electrical demand and to provide reliable electric supply to residents in the future. Rocky Mountain Power recognizes the importance of developing new and future facilities in a proactive and integrated manner with community long-range plans.

In addition to the Conditional Use Permit, Rocky Mountain Power will obtain all other required Tooele County permits, as identified in Attachment 3 – Table of Permits. Rocky Mountain Power will also obtain applicable permits and environmental approvals prior to the development of the Project as required by federal and state agencies, also identified in Attachment 3.

PROJECT DESCRIPTION AND LOCATION

The Project in Tooele County consists of a 500/345/138kV substation and approximately 86.5 miles of transmission line, out of the total 146-mile Project length, and approximately 152 associated 500kV single-circuit transmission structures and approximately 319 associated 345kV double-circuit transmission structures. Provided below is an overview of the Project in Tooele County:

- A future 500/345/138kV substation (Limber) in Tooele County, southwest of the Tooele Army Depot, along Mormon Trail Road
- A single-circuit 500kV transmission line that connects the existing Mona substation to the future Limber substation, which would require a 250-foot-wide right-of-way
- A double-circuit 345kV transmission line from the future Limber substation to the existing Oquirrh Substation, which would require a 150-foot-wide right-of-way
- A double-circuit 345kV transmission line from the future Limber substation to the existing Terminal substation, which would require a 150-foot-wide right-of-way
- Communication regeneration facilities associated with the transmission line and substations
- New access roads to all 500kV and 345kV transmission line structures where there is no existing access
- Temporary work areas associated with construction activities

Attachment 4 – Parcel Map depicts the transmission line route in Tooele County, starting at the Tooele County/Utah County border at Twelve Mile Pass in Rush Valley, then turns northwest to the Tooele Army Depot where the route splits. One route runs along the I-80 corridor into Salt Lake County and the other runs east into the Tooele Valley, south of Tooele City into the Oquirrh Mountains then onto Salt Lake County. The Project will transect approximately 232 Tooele County parcels for approximately 86.5 miles.

The proposed Limber substation and transmission structures are described in detail below.

500kV and 345kV Transmission Structures

The proposed Project within the boundaries of Tooele County will include approximately 152 associated 500kV transmission structures and 319 associated 345kV double-circuit transmission structures. The following attachments show a cross section of the proposed transmission corridor right-of-way. The attachments are as follows:

- Attachment 5 – 345kV Double-Circuit ROW Cross Section (Proposed Structure Type),
- Attachment 6 – 345kV Double-Circuit ROW Cross Section (Alternative Structure Type), and
- Attachment 7 – 500kV Single-Circuit ROW Cross Section.

The 500kV transmission structures will initially be energized at 345kV, but built to 500kV standards, eliminating the need to re-conductor the line in the future. The conversion from 345kV to 500kV would require only some substation modifications.

Limber Substation

The Limber substation (Attachment 8 – Typical 500/345/138kV Substation Layout) footprint will require approximately 155 acres. Total property requirements are approximately 370 acres. Limber substation is located approximately 2 miles southwest of the Tooele Army Depot, on the west side of the Mormon Trail Road. Limber substation, and is graphically shown on Attachment 2 – Project Study Area, Attachment 4 – Parcel Map (Panel 7), Attachment 9 – Zoning Map (Panel 7), and Attachment 16 – General Plan Map (Panel 7).

Construction of the substation site would require the following:

- Cut-and-fill grading
- Placement and compaction of structural fill to serve as a foundation for equipment
- Subsurface grounding grids
- Grading to maintain drainage patterns
- Oil spill containment facilities
- Gravel-surfaced yard
- Gravel-base parking areas approximately 100 by 100 feet
- Gravel-based roads a minimum of 20 feet wide, based on site specific conditions

- Fencing and gate
- Re-vegetation with native plants, where practicable

The maximum height of structures in the substation would be approximately 170 feet. The substation yards would be open air and would include transformers, circuit breakers, disconnect switches, lightning/surge arresters, reactors, capacitors, bus (conductor) structures, and a microwave antenna. The substation yards would be surrounded by an 8-foot high chain-link fence topped with barbed-wire.

LAND USE ORDINANCE COMPLIANCE

Land Use Summary

According to the Tooele County Land Use Map (updates to applicable Sections occurred from 2003 through 2007), the proposed Limber substation and transmission structures will cross property currently zoned as:

- A-20 (Agricultural – 20)
- A-40 (Agricultural – 40)
- C-H (Commercial Highway)
- M-D (Manufacturing Distribution)
- M-G (Manufacturing General)
- MG-EX (Mining, Quarry, Sand and Gravel Excavation)
- MU-40 (Multi-Use - 40)
- RR-1 (Rural Residential – 1)
- RR-5 (Rural Residential – 5)

Attachment 9 – Zoning Map depicts the zones crossed by the proposed transmission line route in Tooele County.

The purpose of each zone and the mileages crossed in Tooele County are provided below:

- A-20: Route crosses 17 parcels for a distance of 4.9 miles.

- A-40: Route crosses 2 parcels for a distance of 0.14 miles.

  The purposes of the Agricultural (Chapter 15, Section 2-1) zoning districts are to promote and preserve in appropriate areas conditions favorable to agricultural uses and to maintain greenbelt open spaces. These districts are intended to include activities normally and necessarily related to the conduct of agriculture and to protect the district from the intrusion of uses adverse to the continuance of agricultural activity.

  Table 15-5-3.6(f,g)[1], Utilities and Utility Services, of the Tooele County Land Use Ordinance, states that substations or transmission lines of 50kV or greater capacity in the A-20 and A-40 zones are a permitted conditional use if approved by the Planning Commission.

  The maximum building height in the A-20 and A-40 land use districts is 35 feet. However, in Chapter 4, Section 4-11 (4,5) Exception to height limitations, transmission lines with a nominal voltage rating of 50kV or greater and substations are listed as exceptions to height limits in all zones provided a conditional use permit is granted.

[1] Tooele County Text Amendment #09-04300002 does not match the sequence for all applicable zones in the Tooele County Land Use Ordinance. The intent of this application seeks to conditionally allow substations and transmission lines of 50kV or greater capacity. If the lettering within the zone tables should not correspond to this application, the intent of the application does not change.

- C-H: Route crosses 1 parcel for a distance of 0.03 miles.

  The purpose of the C-H (Chapter 17, Section 1-3) zoning district is to provide areas in appropriate locations adjacent to highways or major streets where activities dependent upon or catering to thoroughfare traffic and the traveling public may be established, maintained, and protected. The regulations of this district are designed to encourage harmony between traffic needs and centers for retail commercial, entertainment, automotive facilities, and other appropriate highway-related activities.
  Table 17-5-3.10(e,f)[1], Utilities and Utility Services, of the Tooele County Land Use Ordinance, states that substations or transmission lines of 50kV or greater capacity in the C-H zone are a permitted conditional use if approved by the Planning Commission.

  The maximum building height in the C-H land use district is 75 feet. However, in Chapter 4, Section 4-11 (4,5) Exception to height limitations, transmission lines with a nominal voltage rating of 50kV or greater and substations are listed as exceptions to height limits in all zones provided a conditional use permit is granted.

- M-D: Route crosses 2 parcels for a distance of 0.06 miles.

  The purpose of the M-D (Chapter 17, Section 2-1) zoning district is to provide areas in appropriate locations where light manufacturing, industrial processes, and warehousing not producing objectionable effects may be established, maintained, and protected. The regulations of this district are designed to protect environmental quality of the district and adjacent areas.

  Table 17-5-3.10(e,f)[1], Utility and Utility Services, of the Tooele County Land Use Ordinance, states that substations or transmission lines of 50kV or greater capacity in the M-D zone are a permitted conditional use if approved by the Planning Commission.

  The maximum building height in the M-D land use district is 35 feet. However, in Chapter 4, Section 4-11 (4,5) Exception to height limitations, transmission lines with a nominal voltage rating of 50kV or greater and substations are listed as exceptions to height limits in all zones provided a conditional use permit is granted.

- M-G: Route crosses 27 parcels for a distance of 8.7 miles.

  The purpose of the M-G (Chapter 17, Section 2-2) zoning district is to provide areas in appropriate locations where heavy industrial processes necessary to the economy may be conducted. The regulations of this district are designed to protect environmental quality of the district and adjacent areas.

  Table 17-5-3.10(e,f)[1], Utility and Utility Services, of the Tooele County Land Use Ordinance, states that substations or transmission lines of 50kV or greater capacity in the M-G zone are a permitted conditional use if approved by the Planning Commission.

  There is no maximum building height in the M-G land use district. Additionally, in Chapter 4, Section 4-11 (4,5) Exception to height limitations, transmission lines with a nominal voltage rating of 50kV or greater and substations are listed as exceptions to height limits in all zones provided a conditional use permit is granted.

- MG-EX: Route crosses 7 parcels for a distance of 1.5 miles.

  The MG-EX (Chapter 27, Section 1) is a zoning district which allows and protects the mining, quarry, sand, and gravel excavation industry while protecting the environment. This zone is to assure that the operations of such sites do not impact adjoining uses and are not encroached upon by surrounding non-compatible land uses.

Chapter 27 regulates the location, operations, and reclamation of mining, quarries, and gravel pits to provide safe conditions and protection of the environment in Tooele County. These regulations are to protect the owner, employees, and the public at large.

Use Table 27-8.3 (a,b)[1], Utilities and Utility Services, of the Tooele County Land Use Ordinance, states that substations or transmission lines of 50kV or greater capacity in the MG-EX zone are a permitted conditional use if approved by the Planning Commission.
There is no maximum building height in the MG-EX land use district. Additionally, in Chapter 4, Section 4-11 (4,5) Exception to height limitations, transmission lines with a nominal voltage rating of 50kV or greater and substations are listed as exceptions to height limits in all zones provided a conditional use permit is granted.

- MU-40 is the zone that will accommodate the Limber Substation and the route will cross 157 parcels for a distance of 64.8 miles.

  The purpose of the MU-40 (Chapter 15, Section 1-1) zoning district is to establish areas in mountain, hillside, canyon, mountain valley, desert, and other open and generally undeveloped lands where human habitation would be limited in order to protect land and open space resources; to reduce unreasonable requirements for public utility and service expenditures through uneconomic and unwise dispersal and scattering of population; to encourage use of land, where appropriate, for forestry, grazing, agriculture, mining, wildlife habitat, and recreation; to avoid excessive damage to watersheds, water pollution, soil erosion, danger from brush fires, damage to grazing, livestock raising, and to wildlife values; and to promote the health, safety, convenience, order, prosperity, and general welfare of the inhabitants of the county.

  Table 15-5-3.6(f,g)[1], Utility and Utility Services, of the Tooele County Land Use Ordinance, states that substations or transmission lines of 50kV or greater capacity in the MU-40 zone are a permitted conditional use if approved by the Planning Commission.

  The maximum building height in the MU-40 land use district is 35 feet. However, in Chapter 4, Section 4-11 (4,5) Exception to height limitations, transmission lines with a nominal voltage rating of 50kV or greater and substations are listed as exceptions to height limits in all zones provided a conditional use permit is granted.

- RR-5: Route crosses 8 parcels for a distance of 1.6 miles.

- RR-1: Route crosses 2 parcels for a distance of 0.08 miles.

  The purposes of RR (Chapter 15, Section 3-1) zoning districts are to promote and preserve in appropriate areas conditions favorable to large-lot family life, the keeping of limited numbers of animals and fowl, and reduced requirements for public services. These districts are intended to be primarily residential in character and protected from encroachment by commercial and industrial uses.

  Table 15-5-3.6(f,g)[1], Utility and Utility Services, of the Tooele County Land Use Ordinance, states that substations or transmission lines of 50kV or greater capacity in the RR-5 and RR-1 zones are a permitted conditional use if approved by the Planning Commission.

  The maximum building height in the RR-1 and RR-5 land use districts is 35 feet. However, in Chapter 4, Section 4-11 (4,5) Exception to height limitations, transmission lines with a nominal voltage rating of 50kV or greater and substations are listed as exceptions to height limits in all zones provided a conditional use permit is granted.

The proposed transmission line will transect 232 parcels in total. Of the 232 total parcels, 200 are privately-owned while the BLM administers 8 parcels, Tooele County owns 4 parcels, Tooele City owns 4 parcels, and Utah State Trust Lands administers 16 parcels. The total acreage of the parcels and land containing the proposed transmission right-of-way is approximately 2,020 acres. Table 1 provides an acreage summary of properties crossed.

Table 1

Tooele County Land Ownership Crossed by Proposed Project

	Privately-Owned	BLM	Utah State Trust Lands	Tooele County	Tooele City	Totals
Parcels	200	8	16	4	4	232
Acres of Right-of-Way	1,148	551	319	1	1	2,020

Chapter 2 – Definitions

The Tooele County Land Use Ordinance (Chapter 2, Section 2) defines the proposed use as “Essential services,” which are services provided by public or private utilities, including underground, surface, or overhead gas, electrical, steam, water, sanitary sewer, storm-water drainage, and communication systems and accessories such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings used or intended to be used for human habitation.

Chapter 8 – Nuisances

Tooele County Land use Ordinance (Chapter 8, Section 2) states that no land or building in any district shall be used or occupied in any manner so as to create dangerous, injurious, or objectionable "electrical disturbances." “Building” is defined in Chapter 2 of the land use ordinance as any structure used or intended to be used for the sheltering of any use or occupancy, or enclosure of persons, animals, or property. The proposed transmission structures are non-habitable structures and are not buildings as defined by Tooele County.

Chapter 13 – Construction Subject to Geologic, Flood, or Other Natural Hazard

The potential for seismic activity, liquefaction, landslides, or flooding varies along the proposed Project route. The Project has the greatest potential for seismic activity, liquefaction, landslides, or floods north of Limber Substation to I-80 and into Salt Lake County. In accordance with the National Electric Safety Code, Rocky Mountain Power would design and construct the transmission structures and Limber Substation to withstand geologic hazards by taking earthquake activity, fault locations, soil liquefaction, landslides, and floodplains into consideration. Therefore, geologic hazards along the proposed route are expected to have a minimal impact on the Project. Provided below are detailed descriptions of the potential for geologic hazards for the Project.

The Project crosses fifteen faults, which means there is a potential for seismic activity along the proposed route.

The Project is estimated to have a high potential for liquefaction or landslide activity south of the Great Salt Lake along I-80 and into Salt Lake County. Areas susceptible to moderate and high liquefaction are found along the Great Salt Lake in Tooele County.

The Project crosses three general areas of 100-year or 500-year floodplains within Tooele County. The first area is a 100-year floodplain along the southern portion of the Great Salt Lake, running adjacent to I-80. The second area is comprised of 100-year and 500-year floodplains running northwest from the Oquirrh Mountains starting south of Tooele City. The third area is 100-year floodplain that runs east from the Stansbury Mountains through the Town of Rush Valley to the intermittent Rush Lake.

The Project is proposing to place 42 transmission structures in the 100-year floodplain south of the Great Salt Lake and 3 transmission structures in floodplains east of the Town of Rush Valley. The Project does not locate any transmission structures in the 100-year or 500-year floodplain from the Oquirrh Mountains starting south of Tooele City.

By spanning or avoiding as much as possible the placement of a tower in a designated 100-year, 500-year floodplain or major wash, effects on erosion, deposition, and modified flow patterns can be reduced. Impacts on 100-year and 500-year floodplains are anticipated to be low.

Attachment 10 – Natural Hazards Map depicts the natural hazard areas crossed by the proposed transmission line route in Tooele County.

Determinations for Conditional Use Approval

Chapter 7-5 of the Tooele County Land Use Ordinance states that the planning commission shall review a conditional use request with the following general standards and criteria:

(1) The planning commission, or upon authorization, the zoning administrator, shall approve a conditional use permit if reasonable conditions can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards in which a conditional use permit is required by the use regulations of that zoning district or elsewhere in these ordinances.

Response: Table 15-5-3.6 (f,g) of the Tooele County Land use Ordinance states that substations or transmission lines of 50kV or greater capacity in the A-20, A-40, MU-40, RR-1, and RR-5 zones are a permitted conditional use if approved by the Planning Commission.

Table 17-5-3.10(e,f) of the Tooele County Land use Ordinance states in the C-H, M-D, and M-G zones substations or transmission lines of 50kV or greater capacity are a permitted conditional use if approved by the Planning Commission.

Table 27-8.1 of the Tooele County Land use Ordinance states substations or transmission lines of 50kV or greater capacity in the MG-EX zone are a permitted conditional use if approved by the Planning Commission.

The maximum building height in the A-20, A-40, MU-40, RR-1, and RR-5 zoning districts is 35 feet, while the maximum building height in the C-H zone is 75 feet and the M-G and MG-EX zones do not have a maximum building height. However, in Chapter 4, Section 4-11 (4,5) Exception to height limitations, transmission lines with a nominal voltage rating of 50kV or greater and substations are listed as exceptions to height limits in all zones provided a conditional use permit is granted.

Chapter 2, Section 2 of the Tooele County Land use Ordinance defines the proposed use as an "Essential service," which are services provided by public or private utilities and accessories such as poles, towers, and wires.

Additionally, the proposed Project was analyzed under the NEPA process and was subject to all applicable environmental standards and guidelines. The Project adheres to mitigation measures known as Best Management Practices (BMPs). BMPs are those that apply to the Project as a whole and typically address specific environmental policies and regulatory requirements.

(2) In authorizing any conditional use the planning commission or zoning administrator shall impose such requirements and conditions as are necessary for protection of adjacent properties and the public welfare. The land use authority may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized.

Response:

Land Use Ordinance

The land uses adjacent to the proposed transmission line are agriculture and agricultural-related uses, grazing uses, and vacant land. The proposed transmission corridor will be located in areas generally used for livestock grazing and will not directly impact existing residential neighborhoods.

As stated in (1), Tables 15-5-3.6 (f,g), 17-5-3.10 (e,f), and 27-8.1 state that transmission lines of 50kV or greater capacity and substations in the A-20, A-40, MU-40, RR-1, RR-5, C-H, M-D, M-G, and MG-EX zones are a permitted conditional use if approved by the Planning Commission.

In Chapter 4, Section 4-11 (4,5) Exception to height limitations, transmission lines with a nominal voltage rating of 50kV or greater and substations are listed as exceptions to height limits in all zones provided a conditional use permit is granted.

General Plan

The Tooele County General Plan states in Chapter 3, Public Facilities and Utilities under Energy and Communication Facilities policies, that the County should encourage the use of common corridors for the location of energy/transmission facilities, which the Project does to the extent possible. The proposed Project parallels an existing 138kV transmission line south of I-80, a 138kV in Pass Canyon, as well as following portions of the proposed West-wide Energy Corridor and the UNEV pipeline alignment in Rush Valley.

The overall intent of the General Plan is to provide a higher quality of life for the residents of Tooele County, and the proposed Project is consistent with this purpose as it will ensure that the further power needs of Tooele County are met. The Project does not conflict with specific goals and objectives of any of the elements of the Tooele County General Plan.

Access Roads

The Project will require access roads be constructed to provide access for construction and maintenance once the transmission line is in service. These roads will not be for use by the public.

Temporary Work Areas During Construction

Staging areas will be established during construction of the proposed transmission line. These areas would serve as field offices; reporting locations for workers; parking space for vehicles and equipment; and sites for material storage, fabrication assembly, and stations for equipment maintenance. The staging areas would be located on private property to the maximum extent possible. No construction yards would be located within the right-of-way.

Extent of the Proposed Project and Relationship to Meeting the Conditions for Approval

The Project in its entirety is a 146-mile long transmission line Project that crosses several counties and cities over the length of the Project. The nature of linear projects is that they are built in phases or sequentially. It is not uncommon for a project to substantially begin, but due to a specific construction activity, not actually be completed within a construction window normally associated with a single-site project. The proposed Project is scheduled to begin construction during the first quarter of 2011 with an anticipated completion date set for June 2013. Construction activity would occur along the entire Project beginning with right-of-way clearing, access road construction, and site grading followed by foundation construction. Constructing transmission structures is next in the sequence and finally conductors are strung on the structures. The activities may occur over more than one construction season. The concern of the Applicant is that the term of the conditional use permit would expire prior to the in-service date (completion) of the Project. The Applicant will comply with all conditions of approval and will show substantial progress in completing the Project within the identified Project window.

Plan of Development

The Draft Plan of Development (POD) prepared for the BLM contains several measures to address concerns pertaining to the environment including traffic and transportation management; reclamation, revegetation and weed management; storm water pollution protection and management; spill prevention, containment, and countermeasures; cultural resource and paleontological monitoring and mitigation; and plant and wildlife species conservation measures.

The Draft POD is Rocky Mountain Power's commitment to the BLM and other federal and state agencies to minimize adverse environmental impacts of the Project during the construction and operation phases. Therefore, both standard mitigation measures (or Best Management Practices) and site-specific selective mitigation measures identified in the Draft POD will be implemented as necessary over the entire 146-mile length of the proposed Project. The Draft POD is currently being reviewed by the BLM and once the POD is finalized in March 2010, it will be available for Tooele County review.

The following is a list of the POD's management plans. For more information see Attachment 11.

- Traffic and Transportation Management Plan
  - Includes Rocky Mountain Power's Road Construction Standards – Full copy located in Attachment 12.
- Reclamation, Revegetation, and Weed Management Plan – Full copy located in Attachment 13
- Stormwater Pollution Prevention Plan
- Spill Prevention, Containment, and Countermeasures Plan
- Cultural Resources Plan
- Plant and Wildlife Conservation Measures

Construction Standards

Rocky Mountain Power is committed to providing safe, reliable, adequate, and efficient service to its customers and builds its facilities to meet or exceed the National Electric Safety Code and other national and regional standards as applicable. The structures selected for this Project are of sufficient height so as to prevent injury or harm to those residing or working within the vicinity. In addition, conductor sag (the distance between the ground and the midpoint of the transmission conductor) between structures will be a minimum of 30 feet, which exceeds National Electric Safety Code Regulations.

Additionally, Rocky Mountain Power follows national codes, industry standards and BMPs, and specific to the Project. Rocky Mountain Power will ensure that the intent of the Tooele County General Plan and zoning ordinance are met. The transmission structures will be designed using industry standards, generally acceptable to ensure compatibility with surrounding uses. The design will be a distinctly recognizable utility structure that is necessary to support the growth and development of the community.

A notification list of properties adjacent to the proposed Project is included in Attachment 14 – Notification List. In addition, a property owners list providing the properties the proposed Project will cross is included in Attachment 15 – Property Owners List. Attachments 14 and 15 provide a list of adjacent properties and a list of properties the project will cross; however, an expanded more comprehensive list were used for community outreach, potential owner notification, and newsletter distribution.

Tooele County General Plan

According to the Tooele Valley Regional Plan Land Use Map within the Tooele County General Plan (2006), the proposed transmission line will traverse lands designated as:

- Agriculture
- Grazing
- Regional Retail
- Residential-Medium
- Residential- Higher
- Town Center
- Visual Open Space
- Slopes 30%

According to the Rush Valley Regional Plan Land Use Map within the Tooele County General Plan, the proposed transmission structures will traverse property designated as:

- Agricultural
- Industrial
- Multi-Use

Attachment 16 – General Plan Map depicts the Land Use Designations crossed by the proposed transmission line route in Tooele County.

Descriptions of each General Plan designation and the approximate mileages crossed by the project are discussed below.

- The Project will cross approximately 3 miles of lands designated as Agricultural, which are defined as an area where crop lands are accepted, but the land still appears as open space. Agricultural lands allow development at a density of 1 unit per 40 acres.

- The Project will cross approximately 22 miles of lands designated as Grazing, which is an area where ranching can occur but land still appears as open space.

- The Project will cross approximately 1 mile of the land designated as Industrial.

- The Project will cross approximately 26 miles of lands designated as Multi-Use, which allows a broad spectrum of uses, as long as it is 1 use per 40 acres.

- The Project will cross approximately 3.5 miles of lands designated as Regional Retail, which is located at the intersection of major transportation corridors, and is typically exemplified by large-scale shopping outlets.

- The Project will cross approximately 1 mile of lands designated as Medium Residential, which allows between 1 and 5 units per acre.

- The Project will cross approximately 2 miles of lands designated as Higher Residential, which allows between 6 and 12 units per acre.

- The Project will cross approximately 1.5 miles of lands designated as The Town Center, which is located at the 'heart' of a community and is generally mixed use.

- The Project will cross approximately 20.5 miles of lands designated as Visual Open Space and are categorized as lands that provide an identity, such as foothills and vistas that need protection from encroaching development.

- The Project will cross approximately 6 miles of lands designated as Slopes 30% and are categorized as lands where the slopes are at least 30%.

The Tooele County General Plan states in Chapter 3, Public Facilities and Utilities under Energy and Communication Facilities policies, that the County should encourage the use of common corridors for the location of energy/transmission facilities.

The proposed Project follows existing transmission lines in northern Tooele County, where possible. Specifically, the proposed Project parallels an existing 138kV transmission line south of I-80, and in the Oquirrh Mountains it parallels an existing 138kV line in Pass Canyon.

The southern half of the proposed transmission line in Tooele County will follow portions of the proposed West-wide Energy Corridor (WWEC) and the UNEV pipeline alignment. The WWEC identifies corridors for the preferred location of future oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities that are located on federal land and incorporates the designated corridors into the relevant BLM land use and resource management plans. In regards to the proposed Project, the WWEC identifies a corridor that starts adjacent to the Deseret Chemical Depot and runs south to just west of OHV Road and Wrangler Road.

The proposed UNEV pipeline runs from just west of OHV Road and Wrangler Road to south of Rush Valley Town. The UNEV pipeline project is a 400-mile, 12-inch buried, common carrier products pipeline that will originate near the refineries in North Salt Lake City and ship product to a distribution terminal in Iron County, Utah, and a terminal in North Las Vegas.

In addition, Chapter 20, Mid-Valley Recreation and Technology Park Area General Plan under Vision for the Future Area Plan Goals and Policies, states transmission lines should not be located within view of the Deseret Peak Park and Miller Motor Sports Park unless they are sited and designed so as to be virtually invisible to the naked eye from the subject properties; are designed to appear as a natural feature of the environment and do not block views or disrupt scenic vistas; or are so well architecturally-integrated into an existing building as to effectively be unnoticeable. The proposed Project will be in the “seldom seen” distance zone (approximately 5 miles away) and would not be readily visible from Deseret Peak Park or Miller Motor Sports Park due to distance and intervening screening provided by vegetation, landforms, and buildings.

Response: The proposed use will meet the general standards for the A-20, A-40, C-H, M-D, M-G, MG-EX, MU-40, RR-1 and RR-5 Land use Designations as well as the Agriculture, Industrial, Grazing, Multi-Use, Regional Retail, Residential-Medium, Residential- Higher, Town Center, and Visual Open Space General Plan designations that are applicable to this request for approval.

RIGHT-OF-WAY ACQUISITION AND CONSTRUCTION PROCESS

Right-of-Way

New permanent and temporary land rights are required for the transmission line facilities, such as the transmission line right-of-way, access roads, and temporary work sites (e.g., right-of-way grant, easements, license agreement, and fee simple). The Limber substation will require 370-acres to construct, while a 250-foot wide transmission right-of-way will be needed for a distance of approximately 36 miles and a 150-foot wide transmission right-of-way will be needed for a distance of approximately 50 miles within Tooele County (additional right-of-way may be needed and will be determined during the final engineering of the proposed line). The right-of-way width must be sufficient to accommodate "conductor blowout" due to wind (which is the swinging of the conductor midway between tower structures) and maintenance clearances at the tower sites.

Rocky Mountain Power filed a preliminary right-of-way grant with the BLM in January 2007 for a lease duration of 50 years. A right-of-way grant on federal lands for a width of 250 feet for the 500kV transmission line and 150 feet for the 345kV line has been requested.

Rights-of-way for transmission line facilities on non-federal land (state and private) would be obtained in perpetual easements or fee purchases. Every effort would be made to purchase all of the land rights on private land through reasonable negotiations with the present owners. In the event that an agreement with the landowners cannot be reached, Rocky Mountain Power may obtain land rights by eminent domain.

Additional right-of-way may be required in areas where the proposed transmission line would turn at a sharp angle. Access roads may be located outside of the transmission line right-of-way in areas of difficult terrain. Temporary staging areas or roads used during construction may also be needed. All necessary permits will be obtained by the Rocky Mountain Power contractor.

Rocky Mountain Power through its right-of-way contractor, Universal Field Services, commissioned a report of comparable sales and area analysis (performed by Jonathan Cook, MAI, and Troy Lunt, MAI) for Rocky Mountain Power's preferred line route. The appraisers conducted an area analysis examining land use and zoning, regional demographic information, and data of recent sales in the immediate area. Additionally, the properties crossed by the transmission route were visually inspected from public roadways. The appraisers assigned a range of values to each property based on its characteristics compared to recently sold properties. Although not a formal appraisal of property, the Utah State Property Rights Ombudsman, Brent Bateman, is very supportive of this process as being both valid with respect to valuation and transparent with the landowners. Should negotiations end in eminent domain proceedings, the appraisers will make an appointment to meet with the landowner and inspect the property. This inspection will then be written up in a formal appraisal and the information will be given to the landowner, court, and Ombudsman's Office if involved. During negotiations, should a landowner indicate the valuation does not properly account for their property's attributes; the appraisers will inspect the property with the owner and amend the valuation as appropriate.

Construction

Major activities that will begin after the issuance of the ROD by the BLM are listed and described below. Rocky Mountain Power expressly requests that Tooele County Planning Commission consider necessary activities listed below as evidence that Rocky Mountain Power is executing the Project diligently, and that pursuant to Chapter 7, Section 7-10, Substantial action required of the Tooele County Land Use Ordinance, the permit will be issued according to the timeframes and schedules listed in this application.

This application will draw out the unique nature of Rocky Mountain Power's proposed Project and how it differs from other Conditional Use Permit applications. The Tooele County segment of the proposed Project is a part of a linear project involving multiple jurisdictions. The major construction activities

identified are listed sequentially in this application; however, they may not be performed sequentially for all segments of the Project. Commencement of the Project will begin immediately after the issuance of the ROD and physical construction and land work is anticipated to begin during the first quarter of 2011 and Project completion is anticipated for June of 2013.

Major construction activities are as follows:

- Surveying the centerline - The engineering survey would involve verifying and staking the centerline of the transmission line route, tower center hubs, right-of-way boundaries, access roads (where needed), spur roads to tower sites, and temporary work areas.
- Geotechnical investigations - The purpose of the geotechnical investigation is to collect information regarding subsurface stability, which would be used in the final design of each transmission tower structure and foundation.
- Engineering Design – Design of the Project will begin with developing the final centerline and structure locations for the transmission line followed by access roads, staging areas, and conductor pulling sites. The design will incorporate the data obtained from the survey and geotechnical work and field verifications of existing utilities and obstructions.
- Construction of access roads - Roads enable access to the right-of-way and tower sites for both construction and long-term maintenance of the transmission line.
- Tower/site clearing - Clearing of natural vegetation would be required for construction purposes (access, spur roads, and tower sites), land surveying activities, clearances for electrical safety, long-term maintenance, and reliability of the transmission line.
- Equipment staging - Staging of equipment would be located at pulling and tensioning sites or work areas previously described to receive temporary disturbance.
- Foundation installation - Excavations for foundations would be made with power equipment. Where the soil permits, a vehicle-mounted power auger or backhoe would be used.
- Tower assembly and erection - Steel members would be preassembled at the tower sites or the construction yards into subsections of convenient size and weight. The assembled subsections would be hoisted into place by a large crane and then fastened together to form a complete tower
- Conductor installation - Conductors, insulators, hardware, and stringing sheaves would be delivered to each tower site for installation.
- Ground rod installation - As a part of standard construction practices, prior to wire installation, tower footing resistance along the route would be measured.
- Cleaning up and reclaiming affected land areas - Construction sites, material storage yards, and access roads would be kept orderly. Refuse and trash would be removed from the sites and disposed of in an approved facility. The right-of-way would be reclaimed to its original condition as practicable, through methods described in the Reclamation Plan.

The Project will incorporate a Reclamation, Revegetation, and Weed Management Plan. This plan addresses measures to be undertaken to assure reclamation and revegetation and prevent accidental introduction or transport of noxious weeds along the right-of-way during and after construction and after ground-disturbing activities. The Reclamation, Revegetation, and Weed Management Plan will include site-specific restoration measures, species to be replanted, and monitoring. It combines Rocky Mountain Power's BMPs with site-specific mitigation developed in consultation with the BLM and other state agencies. A copy of the Draft Reclamation, Revegetation, and Weed Management Plan is included in Attachment 13.

HEALTH, SAFETY, AND WELFARE OF TOOELE COUNTY RESIDENTS

The proposed transmission line supports the general goal of providing for the public health, safety, general welfare, and convenience of the citizens of Tooele County and the State of Utah by providing for increased demands for electrical power. In meeting this increased demand for power, Rocky Mountain Power is committed to supplying customers this power in a safe, reliable, adequate, and efficient, and environmentally responsible way.

The Mona to Oquirrh Transmission Corridor Project DEIS addresses, in detail, the potential impacts of the Project to the public's health, safety, and welfare. Provided below is a summary discussion of the potential impacts from the Project to the health, safety, and welfare of the general public. The following are excerpts of topics relevant to the application for Conditional Use Approval from the DEIS.

- **Air Quality**. If the Project were to be implemented, impacts on air quality would be short-term (during construction) and localized to the general area of activity.

  During construction, sources of air emissions would include particulate matter emissions (fugitive dust) from construction operations, and tailpipe emissions (nitrogen oxides [NO_x], carbon monoxide [CO], sulfur oxides [SO_2], and hydrocarbons [including volatile organic compounds, VOCs]) from vehicles and gasoline or diesel-powered construction equipment. Attempts will be made to insure emissions from construction activities would be confined to the daytime hours and would occur only during active construction periods. The city will be notified and a request made if daytime hours need to be expanded. Also, emissions would be transient as construction progresses, so emissions would not occur in one area for a long duration.

  Sources of PM_{10} and $PM_{2.5}$ particulate matter would include grading and earth moving associated with developing access roads and work pad and substation areas; digging, drilling, and possible blasting where required to prepare for the tower foundations; and vehicular traffic.

  Activities associated with transmission line and road construction that would occur in Tooele County would be required to have a fugitive dust control plan in accordance with UAC R307-309. Dust generating activities outside those areas are required to meet general dust control requirements as specified in UAC R307-205.

  The primary emission sources associated with the operational and maintenance phase of the transmission line include windblown dust from ground disturbance, road dust, and vehicle emissions during periodic maintenance or emergency repair activity. Mitigation measures would be used to limit particulate emissions during both the construction and operational phases. Following construction, disturbed areas would be reclaimed with native vegetation or seed mix prescribed by the land-management agency. After the implementation of mitigation measures, impacts on air quality would be minimal due to the short duration and limited extent of the impacts.

- **Hazardous Materials**. Petroleum products such as gasoline, diesel fuel, crankcase oil, lubricants, and cleaning solvents would be present on-site during construction. These products would be contained within fuel trucks or in approved containers. When not in use, such materials would be stored properly to prevent drainage or accidents. Hazardous materials would not be drained onto the ground or into streams or drainage areas. Totally enclosed containment would be provided for all trash. All construction waste, including trash, litter, garbage, other solid waste, petroleum products, and other potentially hazardous materials would be removed and transported to a disposal facility authorized to accept such materials.

  The construction or maintenance supervisor would ensure that all applicable federal, state, and local laws are obeyed. These would include, but not be limited to, the Resource Conservation and Recovery Act; Comprehensive, Environmental Response, Compensation, and Liability Act; Toxic

Substance Control Act; Department of Transportation regulations; Clean Air Act; Clean Water Act; and emergency planning and the community's right-to-know.

With this protocol and other Best Management Practices (BMPs) in place, Rocky Mountain Power does not anticipate leaks from equipment.

- **Electric and Magnetic Fields (EMF)**. The proposed transmission line would produce electric and magnetic fields, as do all sources of electricity. Electric and magnetic fields at intensity levels that would be produced at the edge of the right-of-way also can be found in the ordinary environment. EMF exposure would be well below exposure limits. The levels of EMF at the edge of the right-of-way and beyond would be below limits for human exposure recommended by both the International Commission for Nonionizing Radiation Protection (ICNIRP) and the International Committee for Electromagnetic Safety (ICES).

  Several public health and scientific organizations have reviewed the research on EMF and health, and considered the strengths and limitations of the epidemiologic and laboratory studies. These reviewers have concluded that the overall body of research does not indicate any disease or adverse health effect caused by EMF exposure at levels below the guideline limits.

  Additionally, the Tooele County Health Department held a public meeting titled The Health Effects of Electric, Magnetic Fields on August 27, 2009. John Contreras, an epidemiologist with the Utah Department of Health presented a review of the potential health effects of EMF fields. Mr. Contreras concludes that power lines have not been proven to cause adverse health problems.

- **Audible Noise and Interference**

  - *Construction Noise*. The Project area is almost entirely rural open space and remote, with background noise typical of such settings. Substations are located in rural unpopulated areas with the majority of the transmission lines traversing vacant/unpopulated land. However, construction noise would be temporary and possibly considered only as a nuisance.

  - *Transmission Line and Substation Noise*. Audible noise levels were calculated across the right-of-way in both foul and fair weather conditions for the transmission lines supported on 500kV and 345kV transmission structures. The audible noise levels at the edges of both the 500kV and 345kV transmission structures right-of-ways are less than 55 dBA, the annual average level outdoor target value published by the EPA.

  - *Radio Noise Interference.* The fair-weather radio-interference levels at a reference location (100-foot lateral distance from the outside conductor of the proposed lines) are less than 67 dBμV/m. In general, radio noise is not a concern for transmission lines, and Rocky Mountain Power would work with landowners to mitigate radio interference associated with its facilities if they should arise.

  - *Television Noise.* Television noise is not a concern for transmission lines. Rocky Mountain Power, however, would work with landowners to identify sources of television interference and to mitigate television interference caused by its facilities.

- **Wildland Fire.** All federal, state, and county laws, ordinances, rules, and regulations which pertain to prevention, pre-suppression, and suppression of fires will be strictly adhered to. All personnel will be advised of their responsibilities under the applicable fire laws and regulations. It will be the responsibility of the contractor to notify the BLM when a fire, started by its employees or operations during construction, occurs within or adjacent to the construction area. For more detailed information see Attachment 17 – Wildland Fire Mitigation Measures.

PUBLIC OUTREACH ACTIVITIES ASSOCIATED WITH THE PROJECT

Community outreach and public involvement have been essential components of this Project. Rocky Mountain Power has interacted directly with communities in a variety of ways in order to provide information on the Project and solicit comments. These methods include:

- conducting community leader briefings with each county/municipality involved in the Project
- conducting four meetings with a Community Working Group (CWG)
- distributing four Project newsletters
- conducting three landowner public open house meetings
- coordinating with BLM on three public open house meetings
- conducting three conflict resolution conferences
- establishing a phone information line and email address for the Project
- posting Project information on the Rocky Mountain Power company website

The following is an overview of (1) community leader briefings and Community Working Group meetings, (2) the Project newsletters that were distributed, (3) the landowner public open houses, (4) BLM public open houses, and (5) conflict resolution conferences that were held.

Community Leader Briefings

Rocky Mountain Power conducted community leader briefings, early in the planning process, in order to provide County officials and staff with information on the proposed Project and receive input and feedback.

There have been three Tooele County community leader briefing meetings:

- The first briefing meeting occurred on August 7, 2007. The Project purpose and need was reviewed along with Project description information and a timeline of the BLM's EIS process. Attendees included Dan Rydalch, Nicole Cline, Jerry Hurst, Colleen Johnson, and Bruce Clegg.

- The second meeting occurred on December 12, 2007. The purpose was to gather information regarding land use and general plan data within the study area. The attendee was Nicole Cline.

- The third briefing meeting was held on August 25, 2008. The purpose of the meeting was to give an update on the Project status, discuss the alternative routes and substation sites, and obtain feedback on the Project. Attendees included Nicole Cline, Jerry Hurst, Colleen Johnson, and Bruce Clegg.

Additionally, Rocky Mountain Power held four meetings with a Community Working Group (CWG), which included a representative from Tooele County designated by the County Commissioners, Nicole Cline, Economic Development Director for Tooele County.

- The first working group meeting was held on November 9, 2007. The purpose of the meeting was to introduce the Project to the CWG members and obtain input on potential issues related to the Project.

- The second working group meeting was held on February 15, 2008. The purpose of the meeting was to: (1) review the results of the agency and public scoping, (2) review the preliminary alternative routes and substation sites, (3) review the resource inventory data and results, (4) discuss the approach to impact assessment and mitigation planning, and (5) discuss the screening of alternatives and the alternative comparison process.

- The third working group meeting was held on July 11, 2008. The purpose of the meeting was to: (1) review the approach to impact assessment and mitigation planning, (2) review the draft impact

assessment and mitigation planning results, (3) review the screening of alternatives and alternative comparison approach, and (4) review the draft local area comparison results (Level 1 screening).

- The fourth working group meeting was held on May 28, 2009. The purpose of the meeting was to (1) review Rocky Mountain Power's proposed route and BLM's preferred route, (2) review public involvement opportunities, and (3) review the Project schedule.

Rocky Mountain Power also met with community leaders in the Counties of Juab, Salt Lake, and Utah; the Cities of Eureka, Grantsville, Mona, Salt Lake, Tooele, South Jordan City, West Jordan City, and West Valley; and the Towns of Goshen and Cedar Fort to discuss the Project.

Project Newsletters

Thus far, four Project newsletters have been distributed to residents and landowners near the existing transmission corridor. Newsletters #1 and #3 were distributed based on the BLM mailing lists. Newsletter #2 and #4 was distributed to all property owners within 1 mile of the proposed and alternative routes. The mailing list was generated using information from the Tooele County parcel database.

The first newsletter, distributed in October 2007, provided information on:

- overall Project description
- purpose and need
- NEPA overview and public comments for environmental analysis
- Project timeline
- Project mailing list and newsletter
- public involvement opportunities including announcement of three public scoping meetings in November and telephone and email contacts for comments and inquiries

The second newsletter, distributed in January 2009, provided information on:

- overall Project description
- Project update
- Project timeline
- receiving the DEIS

The third newsletter, distributed in June 2009, provided information on:

- overall Project description
- Project update
- submitting information on DEIS
- public involvement opportunities including announcement of three BLM public open house meetings in June and telephone and email contacts for comments and inquiries
- Project timeline

The fourth newsletter, distributed by Rocky Mountain Power in May 2009, provided information on:

- overall Project description
- Project development/update
- submitting information on DEIS
- public involvement opportunities including announcement of three Rocky Mountain Power landowner open house meetings in June and telephone and email contacts for comments and inquiries
- Project timeline

Copies of the four newsletters are included in Attachment 18 – Newsletters of the application materials.

Landowner Public Open Houses

Rocky Mountain Power held three landowner public open house meetings to present the Project and solicit comments. The meetings were held in Tooele at the Tooele Junior High School on June 9, 2009, in West Jordan City at Sunset Ridge Middle School on June 10, 2009, and in Nephi at the Juab High School on June 11, 2009. The Tooele Open House had approximately 165 people attend, while the Magna Open House attracted 10 people and the Nephi Open House attracted about 5 people.

A letter was sent to all property owners within 1 mile of the proposed route informing them of the landowner open house meetings. A copy of the letter is included in Attachment 19 – Landowner Letter.

BLM Public Open Houses

Three BLM public open house meetings were held in order to present the results of the Draft EIS and solicit comments. The meetings were held in Tooele at the Tooele County Courthouse on June 23, 2009, in Magna at Cyprus High School on June 24, 2009, and in Nephi at the Juab County Fairgrounds on June 25, 2009. The Tooele Open House had approximately 48 people attend, while the Magna and Nephi Open Houses attracted about 10 people for each open house.

Conflict Resolution Conferences

Rocky Mountain Power hosted a series of three conflict resolution meetings in August and September 2009 in an attempt to find some type of compromise solution on the Limber to Oquirrh line route either by consensus or majority based on the comments received by both Rocky Mountain Power and Bureau of Land Management. Rocky Mountain Power was ultimately unsuccessful at finding any solutions meeting the Rocky Mountain Power's siting criteria that garnered any more public support than the originally proposed routes analyzed in the DEIS.

CONCLUSION

Based on the foregoing, Rocky Mountain Power respectfully requests the Tooele County Planning Commission approve a conditional use permit for the Project described in this application, make a finding pursuant to Utah Code Ann. § 17-27a-406 that the Project conforms to the County General Use Plan, and approve a term for the issuance of the conditional use permit consistent with the Project schedule as specified herein.