

TOOELE COUNTY PLANNING COMMISSION MEETING MINUTES

FEBRUARY 3, 2010

PUBLIC MEETING:

1. Roll Call

Bill Bergener, Bill Hogan, Jill Thomas, Judy Jameson, Joy Clegg

Absent: Radell Donell, David Gibby

2. Approval of meeting minutes from January 6, 2010

Judy Jameson made a motion to Approve meeting minutes from January 6, 2010

Motion seconded by Bill Bergener

Passed For: 5; Against: 0; Abstain: 0; Absent: 2

3. Recess Public Meeting and Open Public Hearing

Bill Hogan made a motion to Recess Public Meeting and Open Public Hearing

Motion seconded by Joy Clegg

Passed For: 5; Against: 0; Abstain: 0; Absent: 2

4. Public Hearing

a REZ 2010-1 Rezone request from R-1-10 to R-1-8

Kent stated that the applicant is looking for a re-zone from R-1-10 to R-1-8. The lot is currently approximately 17,000 sq ft. The property was two lots originally and the previous owner changed it to one lot. The current owner is requesting it be divided into two lots again. This requires the zoning to be changed.

5. Recess Public Hearing and Open Public meeting

Joy Clegg made a motion to Recess Public Hearing and Open Public meeting

Motion seconded by Bill Hogan

Passed For: 5; Against: 0; Abstain: 0; Absent: 2

6. Public Meeting

a REZ 2010-1 Rezone request from R-1-10 to R-1-8

Bill Bergener made a recommendation to the Board of County Commissioner to approve the rezone request from R-1-10 to R-1-8.

Motion seconded by Bill Hogan

Passed For: 5; Against: 0; Abstain: 0; Absent: 2

7. Recess Public Meeting and open Public Hearing

Bill Hogan made a motion to Recess Public Meeting and open Public Hearing

Motion seconded by Joy Clegg

Passed For: 5; Against: 0; Abstain: 0; Absent: 2

8. Public Hearing

- a CUP-2010-1 Mona to Oquirrh High Power Transmission Line beginning at the Tooele County/Utah County line at Five 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

Kerry stated that this is a conditional use permit application for a high-powered transmission line. This proposal is for future needs in our valley along with the Salt Lake Valley. Transmission and flexibility will be greatly increased with this additional line and would integrate both long and short term planning. The planned in-service date is June of 2013. There will be a mix of 500 KV and 345 KV with the 500 KV coming up from Mona to the proposed Limber Sub-station. Then the 345 KV will be used from there into the connection with the Salt Lake station. Much of the transmission line is on BLM property and they will be the agency determining the route. Their decision is not due until sometime this summer after the final EIS is completed. The CUP application is for the impact on Tooele County. The transmission line is allowed in all zones so the detrimental impacts are what can be focused on for the CUP. 7-5, Determination 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.

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. The land use authority shall establish that the conditions imposed are not capricious, arbitrary or contrary to any precedent set by the planning commission on prior permits, which are similar in use and district, unless prior approvals were not in accordance with the provisions and standards of this Tooele County Land Use Ordinance.

The land use authority may require that a traffic study or EIS or EA may be

required to address one or more of these criteria. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards the conditional use may be denied.

Staff sent out and requested information from agencies, cities, local residents; etc and compiled a list of their concerns:

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

Camp Wapiti

Tooele High School's "T"

Health Risks associated with High Power Transmission Lines

Potential lose in property value

Final EIS not complete and Record of Decision from the BLM not issued

Further Economic Development within the County

Staff explained each of the concerns, possible mitigation, measures, and outstanding questions as outlined in the staff report.

Staff recommends the conditional use permit be tabled to allow staff to work with the applicant and other organizations to clarify impacts and to identify potential and appropriate mitigation measures. Staff would also recommend the Planning Commission add any additional impacts it is aware of or that are brought forward as part of the public hearing.

Jill asked for clarification regarding the final EIS discoveries. RMP may need to amend the CUP if it is approved and the final EIS raises additional problems.

RMP representative, Rod Fisher (director of community relations) stated that this CUP application is for phase 1 of a larger project. The packet sent to the planning commission members shows the additional phases for the future. Mr. Fisher believes that RMP has submitted their CUP application completely and as needed to have this item considered. RMP has the following principles and guidelines that they follow: safety, cost effectiveness, reliability, nondiscrimination, and being environmentally responsible. The project is proposed to meet the growing needs of RMP customers, including Tooele County. Tooele Valley had the fastest load growth from 2002 through 2008; more than double the State of Utah's 21% growth increase. Existing facilities are nearing capacity and inadequate to support future growth. The project serves Tooele County as well as the rest of the Wasatch Front and will be delivered in

three separate phases. The draft EIS examined 14 major alternatives from the Mona Annex substation to Limber substation and Limber substation to Oquirrh substation segments, which comprised more than 450 miles of alternative routes.

Bill Hogan asked why the east to west part of the route was not sent just straight over the Oquirrh Mountains instead of heading northeast through residential areas. Mr. Fisher stated that there were many problems with that route including the height of the mountains being 9500 feet.

Joy Clegg questioned why the originally proposed route to go up the west side of the valley is not the one chosen by RMP. She went on to say that the west route was approved by local cities and councils.

Brandon Smith, project manager, stated that reliability is the reason the proposed routes and approved by the County Commission, was in question. When two large lines are in the same area, there is a large risk that they could both go out together and there would be no back up for that system. There is an airport in the near vicinity and that causes concerns with air travel. He added that there are strict requirements for placement of a transmission line. He explained that wind, air travel, and earthquake possibility were issues that changed the west route to the current one proposed.

Mr. Fisher added that cost is also a great concern. The cost of placing both lines and the substation on that original tract would be much higher and that higher amount would trickle down to the consumer in higher bills.

Phil Cook, appraiser, works on complex assignments for companies that are or could be having conflicts or concerns. He works for LECG but is here at Rocky Mountain Power's request to talk about valuations of property. He went into great detail regarding how procedures are conducted to determine the amount the property owner should have paid to him.

Kent Jaffa, consultant for Rocky Mountain Power, stated that he is probably the most knowledgeable person regarding EMF health effects. He said that there is no scientific studies that show EMF has a definitive link to health issues. He added that pacemakers should not be interfered with outside of the right-of-way next to the power lines (75-100 feet from centerline). Interference is very uncommon: RMP's expert is unaware of any reports of actual pacemaker interference in over 25 years of experience.

Following Rocky Mountain Power's presentation the public hearing was opened to the public for comments.

Darin Smith, father of seven year old who wears a pacemaker, lives the closest to the southeast part of the line. His concern is for his daughter and for her health. If she goes under or near the power line, her life could be in danger. Mr. Smith's family hikes and enjoys the mountains near his home. The power line would greatly endanger his family and their freedoms.

Mayor Patrick Dunlavy is disappointed in RMP because of their presentation tonight. He knows that reliability is a major factor along with others and he appreciates that they bring in their experts to try to address citizen's concerns. Tooele City's objection to the southeast bench line has never changed or been adjusted. He wants to stress that he has never seen in his 43 years of public service, a community come together as this one has for this issue. He feels that the information given in other meetings is not the same that was presented tonight.

Scott Wardle, Chairman - Tooele City Council, feels that this issue should be tabled tonight. He added that we are still waiting for an EIS to be decided upon. He added that the proposal to put two lines right next to each other is fine up to the Limber station and yet, not okay to go beyond. He quoted from the Tooele County Land Use Ordinance and feels that this proposal violates the General Plan. He asked the planning commission to continue the public hearing for the public's right to speak.

Brad Pratt, Chairman of Tooele Concerned Citizens Group, held in his hand 4000 signatures from people throughout the County who are against this proposed line. He stated that the route chosen has the greatest impact of any presented. He is concerned about helicopters trying to get water to fight fires while trying to avoid the transmission lines. There are 309 homes that will be affected by this line. He feels that the line will be going over a canyon that has been a major part of this County for years. There are valuable watersheds that would also be involved in the proposed route. This could cause a negative impact upon the culinary water supply. He expressed concern over the students who go to light the "T" will be in a "partying" mood and injuries could occur. His group believes that there are no mitigations that can facilitate this route.

Robert Wylatts, citizen, handed out a list to the planning commission stating hazards that can also be a problem: garages may open, alarm systems could go off, internet services may be affected, baby monitor reception could be affected, and TV reception could be affected. He stated that his watch stopped while standing under a power line that is the same size as the one proposed. With earthquakes, towers will fall. Will they fall in a residential area? Sabotage is another concern.

Glen Terry, Grantsville Citizen Group, wanted to talk about what Tooele County is going to get and not get. They will get the largest substation throughout the State of Utah. There will be two 500KV lines brought through the County which will provide power for other areas - not Tooele. He added that the Draft EIS states that RMP is requesting a mile wide corridor for the placement of future lines. He feels that the proposed substation hooks up to only Salt Lake. The future will be for more lines to come into that substation.

Kaye Pratt, Tooele Concerned Citizens Group, has looked at many routes in meetings she has had with RMP. The latest filing with the Utah Facilities

Commission states that RMP has filed too early and the recommendation is that RMP work with the County and related parties to find the safest and best route. She values the rural life and this proposal would take over 200 acres of land. She doesn't feel that this route will come out in the EIS as a preferred route.

Roger Baker, Tooele City Attorney, has been dealing with CUP's for 16 years as the City Attorney. It is his opinion that there are two primary functions that a planning commission addresses. First to listen and look at applications presented. The second is to look at any mitigations that can be made to help the application have little or no impact to the surrounding areas.

Chris Belton, citizen, stated he is concerned about the presentation RMP gave. He added that the presenter stuttered over canyon names and areas that the lines would be covering. He feels this shows a lack of interest or concern for the area and its residents. The maps shown on the RMP presentation were dark and hard to read so Mr. Belton wants a map brought to the table that really shows where this line is going. He has a great concern with RMP's medical professional and his argument regarding EMF effects. Mr. Belton, a doctor, said that the medical professional's presentation was confusing for even him. He doesn't believe that the presentation given was correct. He also addressed concerns over RMP's comment about wind being a factor in the reliability of this transmission lines. He feels the proposed route has more of a possibility of wind than others RMP has considered. This County has high winds.

Jim Weber, physician for 15 years, is the radiation safety officer for the hospital. He has concern over the medical information given by RMP's professional. The National Environmental Health Sciences have concluded that there is a definite link between childhood leukemia and other carcinogens that could cause cancer. He feels that this link is enough to be a great concern for local citizens. He also quoted an additional source that states there is a strong scientific evidence that EMF's cause cancer. The research concluded that the EMF's cause significant changes in body functions and other problems to humans. He doesn't want his children or neighbor's children to even have a chance of leukemia. He isn't opposed to increased power. We need it; just not where RMP is proposing to put it. He feels the CUP should be denied; not tabled.

Benjamin Kiser, citizen, is a voice for a youth or the City. He has addressed this issue with a lot of his friends and the youth of this County do not want this proposed line in their future. The youth will be the ones who will have to face what has been presented tonight. He added that Tooele County is the "dumping ground of the west" already.

Maxine Grimm, citizen, stated she was born in Tooele and her home is one that will be greatly affected by this transmission line. She added that she has a large family line that has been a part of Tooele for years and years. She sees peacefulness, greenery, and tranquility in this valley and she wants to keep that for her grandchildren. She is hopeful that man is smart enough to find another way to accomodate the need for additional power.

Shane Bergen, citizen, feels that buyers set the price of property; not appraisers. He bought a property that has a 45 KV line that goes across it and he got it for "dirt cheap." He feels that whenever he was under the line, he or his family could feel the charge through the line. He sold that property for less than he could have because he wanted to get away from the power line. He bought a home in the southeast bench and has hiked and enjoyed the Oquirrh Mountains next to his home. The proposed line would take away that freedom.

Ken Broadston, retired air traffic controller, told a story of the winds that will come out of the canyons and what his family experienced. He added that the winds on the southeast bench and up the canyons can rival anything. He added that earthquakes are also a concern on the east side where a fault runs along the range.

Keith Bird, citizen, expressed concern over the power lines that are 30 feet away from his house. His daughter were jumping on the trampoline and the power line caused a fire in their backyard. There was winds strong enough a few years back that dropped eight power poles including the one behind his home. The poles even fell onto some homes.

Pete Grimm, Maxine's son, stated that the line would cut across the middle of properties. He feels that the land they will be going through could provide a great value to the County if it stays, as is, without the line. The properties will stay green and undisturbed. He added that the power poles rust and become unsightly to view. He believes power poles and lines should be as far as possible from homes.

Mike Garrard, citizen and business owner, expressed concern over the winds that are dealt with along the southeast and east bench. He has seen it blow many things down. He feels that this proposed route is wrong and should be looked at smartly. Noise is another problem that should be looked at.

Alise Earler, representing SITLA, deals with power lines on their properties throughout the State but will focus on a specific property along the Mormon Trail Road. The line for that area will be 500 KV and so would be a large structure. SITLA's long term plan is to develop this property into a residential area. The immediate challenge they face with this proposal is to get RMP to move the power line to the eastern edge of their property instead of through the center of it.

9. Recess Public Hearing and open Public Meeting

Judy Jameson made a motion Recess Public Hearing and open Public Meeting
Motion seconded by Joy Clegg

Passed For: 5; Against: 0; Abstain: 0; Absent: 2

10. Public Meeting

a CUP 2010-1 Mona to Oquirrh High Power Transmission Line

Bill Hogan stated that it was really good to have all the public here and the planning commission has a large stack of things to go through. With all of the things said, he feels that not all the questions have been answered.

Joy Clegg disagrees with Bill Hogan's comment. She feels that if RMP doesn't know the answers by now, then they never will. She feels that all things can be mitigated if the western route is the one chosen and you can't mitigate the medical concerns. She went on to say that she doesn't believe that RMP can mitigate, to her satisfaction, any of the concerns addressed here.

Jill Thomas stated that she agrees with Bill Hogan. She wants to read the EIS when it comes out. She also asked that Nicole Cline, County Economic Development Director address the economic concerns.

Bill Hogan made a motion to table this item until March 3rd.

Motion seconded by Bill Bergener

Passed For: ~~3~~₃; Against: ~~0~~₂; Abstain: 0; Absent: 2

11. Public Concerns

Jill stated that Commissioner Hurst has requested that the planning commission consider changing their meeting date or time.

12. Adjournment

Judy Jameson made a motion to Adjourn.

Motion seconded by Bill Hogan

Passed For: 5; Against: 0; Abstain: 0; Absent: 2

APPROVED:



Tooele County Planning Commission Chairperson

TOOELE COUNTY PLANNING COMMISSION
47 SOUTH MAIN STREET, TOOELE, UTAH 84074
(435) 843-3160

PUBLIC MEETING

March 3, 2010

Chairperson Jill Thomas called the Tooele County Planning Commission Meeting to order at 7:00 p.m.

Roll Call / Members in attendance:

Jill Thomas	Bill Bergener	Bill Hogan	Joy Clegg
David Gibby			

Staff: Kerry Beutler Vern Loveless Cindy Coombs Kent Page

1. Approval of meeting minutes from February 3, 2010

Bill Hogan made a motion to approve the meeting minutes from February 3, 2010 with changes, to the last item voted upon. He stated that the vote was 3 to 1 not five in favor. Motion seconded by Joy Clegg. All concurred.

Recess Public Meeting and Open Public Hearing

Bill Hogan made a motion to recess the public meeting and open the public hearing. Motion seconded by David Gibby. All concurred.

2. CUP-2010-1 Mona to Oquirrh High Power Transmission Line beginning at the Tooele County/Utah County line at Five 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

Kerry stated that the issue before the planning commission was the application for a transmission line from Mona to the Oquirrh Mountain High Power Transmission Line. He showed the map of the route proposed by Rocky Mountain Power (RMP) in their CUP application. There will be a large substation built in a future phase of this project located on the west side of the Tooele Valley. He went on to clarify the routes that have been shown and proposed by Rocky Mountain Power to alleviate any questions of where this line is proposed to be placed. The immediate need for power is in the Oquirrh Mountain Power Station in the Salt Lake Valley.

Nicole Cline stated that there is a definite need for a transmission line within the Tooele Valley. She added that this area is the best place for it to be built. Facts from the Work

Force News stated that the Tooele County job loss in the last year was small considering the rest of the States. Tooele County has brought in many new services within the area and a new possible project will provide 1,500 jobs with 4000 square feet under roof. It is a manufacturing plant and the new proposed power line would be an enticement for the company to locate here. This company will demand 100 megawatts by itself that is a 50% increase from what all of Tooele County currently needs. She added that there is also a proposal for a data center that will be employing 100 people. This type of center will pay well. She feels that the citizens of Tooele County would benefit greatly from the additional power availability.

Kerry explained that at the end of the last meeting a list was generated showing concerns that citizens and the planning commission felt should be addressed. These concerns were given to Rocky Mountain Power and they have responded with their proposed mitigations. Kerry presented Rocky Mountain Power's proposed mitigations to the list of concerns.

Final EIS/Record of Decision/Plan of Development

Conditions:

1. Rocky Mountain Power will provide eight copies of the Plan of Development (POD) to the Tooele County Planning Commission through the County Engineer's Office within 30 days of completion of the documents.
2. After review of the materials, the Planning Commission will initiate an amendment of the Conditional Use Permit to incorporate appropriate aspects of the POD into the permit.
3. The Tooele County Planning Commission will notify Rocky Mountain Power before hearing the amendment at a Public Hearing.

Wildlife Impacts

Condition:

1. Construction, operation, maintenance and decommissioning of the transmission line will incorporate and comply with Selective Mitigation Measures identified in the Environmental Impact Statement.
RMP will need to mitigate any such issues.

Bill Hogan stated that he believes a condition of the CUP be that the County will hire an inspector, paid by RMP, to ensure that the conditions are being met and kept within the requirements set.

Disruption of livestock grazing in the area

Conditions:

1. Construction activities will be scheduled with individual landowners and conducted in a manner as to not interfere with landowner or land-management agent's livestock grazing activities without approval from the landowner.
2. Fences, gates, and walls will be replaced, repaired, or restored to their original condition as required by the landowner or the land-management agency in the event that they are

removed, damaged, or destroyed by the constructing, operating, maintaining and decommissioning of the transmission line. Temporary gates or enclosures will be installed only with the permission or at the request of the landowner or the land-management agency and will be removed/restored following construction.

3. Cattle guards or gates will be installed where new permanent access roads cut through fences, at the request of the property owner or land management agency.

Disturbance of International Smelter's capped tailings

Conditions:

1. Rocky Mountain Power will work with the EPA, Utah Division of Wildlife Resources, property owners and other necessary agencies to identify a safe construction plan for working within the International Smelter Superfund site.
2. Rocky Mountain Power will submit to the County written certification from the controlling agency that construction was done in accordance with guidelines established as part of the construction plan.

Kerry added that the proposed line will not be going through the capped International Smelter's Superfund site and showed a map of the tailings area and where the line is proposed to go.

Increased Fire Threats

Condition:

1. All activities during the constructing, operating, maintaining and decommissioning of the transmission line will comply with identified Wildland Fire Mitigation Measures

Settlement Canyon Reservoir

Kerry read a letter from the Tooele County Fire Warden that stated the proposed route of the line would not only create a hazard for aerial firefighting it would also limit a very critical dip site. Without this dip site, the area would be at a much greater risk for wildfire as the resources would not be able to provide the current level of protection.

Conditions:

1. Resolve firefighting hazards with the Tooele County Fire Warden regarding alignment of the transmission line along Settlement Canyon Reservoir to reasonably reduce any hazards for firefighting purposes prior to construction.
 2. Comply with all FAA requirements to ensure the safety of aircraft in the area.
- RMP looked into this and spoke with some helicopter pilots who said they would have no problems with flying into the Settlement Reservoir and collecting water with the wires nearby.

Preservation of view-sheds

Conditions:

1. Construction, operation, maintenance and decommissioning of the transmission line will incorporate and comply with Selective Mitigation Measures identified in the Environmental Impact Statement.

2. Rocky Mountain Power will conduct and submit to the County Engineer's Office a photo survey of the corridor, prior to constructing, operating, maintaining and decommissioning the transmission line within Tooele County. The survey will be conducted when native plant species have reached their maximum growth for that growing season. The survey will also detail specific plant materials and species.
3. Reclamation and revegetation be done within the first growing season following completion of construction.
4. Self-weathering tower structures are used.
5. Locate a major construction yard with-in unincorporated Tooele County to be used as the point of sale for materials used within the county.

Contamination of watersheds and springs

Conditions:

1. Construction, operation, maintenance and decommissioning of the transmission line incorporate and comply with Selective Mitigation Measures identified in the Environmental Impact Statement.
2. Rocky Mountain Power will follow established state and county guidelines for working within water source protection areas.
3. Any damage to water sources or their protection zones attributed to the construction, operation, maintenance and decommissioning of the transmission line will be remediated at Rocky Mountain Power's expense.

Reclamation

Conditions:

1. Construction, operation, maintenance and decommissioning of the transmission line incorporate and comply with Selective Mitigation Measures identified in the Environmental Impact Statement.
2. Two sets of construction drawings be submitted to the County Engineer's Office for review, comment and approval prior to any construction activities on or within a county road.

Tooele High School's "T"

Conditions:

1. The transmission line be sited so that overall height of tower structures and lines will be below the elevation of the "T" so as to not visually impair the "T".
2. Tower structures within the vicinity of the "T" will be of a monopole design to prevent climbing or trespassing on the structure.
3. Rocky Mountain Power will maintain appropriate signs on the structures that warn of dangers.
4. Rocky Mountain Power will work with the School District to offer safety seminars or information to the student body prior to the student body's activities at the "T".

Health Risks associated with transmission line

Comments:

1. Tooele County Health Department
2. John R. Contreras, PhD, MSPH, Epidemiologist, Utah Department of Health
3. National Institute of Environmental Health Sciences
4. World Health Organization

"The general scientific consensus is that, thus far, the evidence available is weak and is not sufficient to establish a *definitive* cause-effect relationship."

Jeff Coombs, Tooele County Health Dept Deputy Director, received the paper regarding the possible impact of transmission lines contaminating water sources. He spoke with Kim Johnson, Utah State Department of Environmental Quality and she stated that she was not aware of any transmission lines causing contamination. She added that there are, however, possible problems with service roads providing contamination. If the service roads are to be used for service exclusively, then the chances are slim of contamination, but if the roads become publicly used, then the chances increase.

Potential loss in property value

The development or upgrade of electric transmission line facilities has received a great deal of public scrutiny regarding the impacts of the facilities on private property values. As such, a number of studies have been conducted to determine the impact of transmission lines on property values. The results of the studies are mixed. In general, the impacts are difficult to measure, vary among individual properties, and are influenced by a number of interplaying factors, including the following:

- Proximity of residential properties to towers and lines
- Type and size of high-voltage transmission line (HVTL) structures
- Appearance of easement landscaping
- Surrounding topography (Pitts and Jackson 2007)

Although there is evidence that HVTL have affected property values in some cases, the effects are generally smaller than anticipated. Impacts on property values may also be associated with visual impacts and EMF.

Final EIS not complete and Record of Decision by the BLM not issued

Conditions:

1. Rocky Mountain Power will provide eight copies of Final EIS and Record of Decision documents to the Tooele County Planning Commission through the County Engineer's Office within 30 days of completion of the documents.
2. The Planning Commission or Rocky Mountain Power shall initiate amendment of the Conditional Use Permit if they determine the permit previously issued is not consistent with the findings of the Final EIS or Record of Decision.
3. The Tooele County Planning Commission will notify Rocky Mountain Power, affected entities and property owners who might be affected by the amendment before hearing the amendment at a Public Hearing.
4. Rocky Mountain Power will be responsible for all cost related to hearing and processing

the amendment request.

Noise levels

The transmission line will be required to comply with all county ordinances including the noise ordinance, Title 6, Chapter 21 of the Tooele County Code. Noise levels are taken at the property boundary and in this instance at the right-of-way line. Noise levels appear to be within acceptable limits of the County Code.

Power system reliability and down power lines

Please refer to provided materials. Design measures are taken throughout the system to account for safety hazards and increased reliability. In separate documents, Rocky Mountain Power has provided further explanations on reliability, the need for separation of lines and reasons for the construction the Oquirrh segment prior to the Terminal segment.

Rod Fisher, Rocky Mountain Power, stated that the planning commission has before them a specific route proposed and they are hoping a decision will be made tonight. RMP is in agreement to the 22 conditions that staff recommends and will include the additional one given by Bill Hogan. He added that they are committed to follow all laws. Currently they are in discussion with the BLM regarding compliance with construction requirements.

Bill Hogan recommended that the SITLA concerns be addressed first.

Elise Erler, representing SITLA, explained that the proposed power lines crisscross many properties owned by them. They do not have a problem with all the proposed properties being crossed except for one. She feels that this particular area of land is being considered for future development and the line would cause a major problem with this. SITLA would like the line to be moved further east to preserve long-term values on their property.

Gary Walker, landowner in the Benches at South Rim subdivision, is opposed to the proposal by SITLA to move the line further east. He feels this would cause a problem with their land. He also added that there are about 20 -25 people who feel the same way as asked them to stand.

Scott Wardle, Chairman of Tooele City Council and representing Tooele City, stated that this project will not bring any power to Tooele County. He added that moving the substation further north would benefit the proposed businesses looking to come to our valley. He went on to say that, the power this line will make available will never be used in Tooele County. His final item was that the EIS is not complete and Tooele City is greatly concerned about their watersheds. He suggested that a separate EIS be done on private land and that the commission deny the CUP until the EIS is completed. He feels that even tabling this issue until the EIS is complete would be in the County's best

interest.

Roger Baker, Tooele City Attorney, addressed the drinking water source protection for Tooele City. He explained that Tooele City did not adopt the 2-mile protection zone that the planning commission has read about. He went on to say that Tooele City has adopted one, two and 3-year protection zones. The proposed route by RMP currently will affect their 3-year protection zone and if RMP were to go further north or south with their line, they might even go into their 1 to 2 year protection zone. He added that the object of a CUP is to mitigate possible problems. An additional item he wanted addressed is that the Carr Fork Superfund Site is very restrictive. It would not even allow a water line proposed by Tooele City to be put through it. All that property is in a conservation easement established by the State. Tooele City feels that no mitigations can be made that will eliminate the adverse impact of the proposed power line. He believes that the site line pictures given by RMP do not show the real look of these lines. He stated that a view shed is what a community is and what makes up that community. He conveyed that the City will not let that view shed be destroyed.

Mike Trujillo, Student Body President of Tooele High School, wants a great consideration be given regarding the "T." The tradition of lighting and visiting this site has been in effect since 1916 and they would like it to be continued. Construction would cause a problem with accessing it.

Jim Weber, local doctor, contacted David Carpenter and read a letter that Dr. Carpenter wrote regarding the issue of EMF's. This letter stated that children are at a greater risk of leukemia, possible brain tumors, etc if subjected to large doses of magnetic fields. Through Dr. Carpenter's statements, he believes that although no single mechanism has shown any evidence of cancer, this does not mean this should not be considered. He feels there is a great public health concern that cannot be mitigated. Nothing has been scientifically proven that EMF's cause cancer but he believes that increased exposure to EMF's will cause injury or illness to children.

Bill Bergener stated that he contacted the Utah Cancer Institute and they have nothing that will substantiate anything Dr. Jim Weber or Dr. David Carpenter have said.

Jill asked if there is a specific amount of feet or miles that could mitigate the risk.

Dr. John Contrares stated that studies have shown that a quarter mile can diminish the exposures to EMF's. Joy Clegg asked if it is true that EMF's are considered a Class 2B carcinogen. John explained that there is possibly a connection and just as great a chance that there may not be any connection between childhood leukemia. He added that there is not enough evidence to conclude that EMF's can cause cancer. Joy feels that if there is a possibility, then it needs to be mitigated. John said there is no plausible evidence that EMF's cause cancer.

Brad Pratt, local citizen, stated that he owns a medical management company where they bill services for physicians. They facilitate the coding required for the illnesses assessed by their physicians. This coding is also known as the ICD-9-CM and will determine areas where an illness is more prominent. He added that the RMP website gives you sites to go to regarding EMF's. These sites are for low dosage EMF's and do not address the high voltage that will be going through Tooele County. He spoke with BLM regarding monitoring on the proposed transmission line routes. He was told that there is no monitoring that will be done by BLM. He went on to quote a Board of County Commissioners meeting from back in July where all three commissioners voted against the currently proposed route. He spoke about consensus routes and indicated that other routes should be considered.

Dr. William Bailey, scientist specializing in applying state-of-the-art assessment methods to environmental and occupational health issues. He stated his perspective regarding research on this topic. Studies have been done that do not show any real evidence of EMF's causing cancer. He addressed the Class 2B classification is broken down into four areas and so unless studies show a way the proposed carcinogen leans, it is impossible to put a specific label on a particular item. The four categories are possible carcinogen, probable carcinogen, possibility not a carcinogen, or not a carcinogen. At the proposed route for the line, the closest is 960 feet, which will not cause any exposures to homes nearby. There will be no magnetic fields at the 960-foot allowance.

Jill questioned the 4 milligauss required to cause cancer in children. Mr. Bailey explained how an exposure is determined where the child's environment is looked at and there might be a great number of milligauss that have caused exposure for short terms. Some of these things could be microwave and cell phone usage. These items produce amounts that exceed the 4 milligauss spoken of in the studies they received in their packets.

Bill Bergener stated that he has spent the last month reading studies on the internet, and visiting power plants throughout the state. He has not found any cancer associated with EMF's.

Chris Belton, local homeowner and surgeon, feels that the bottom line is that a lot of research done on EMF's could come up with many different studies. He added that willfully putting transmission lines within our area is wrong. He feels this route would hurt "all the people." Property values will be lowered and why would we bring a Class 2B carcinogen into the County? He wants the CUP to be denied on any of the reasons previously suggested.

Darrell Painter, landowner south of Tooele, spoke of the east bench having telephone poles and power poles all along it. He added that his family owns much of the land where these exist. He feels that we need this power line like "Custer needs another Indian."

Shane Bergen, local landowner, is impassioned about the facts. He has lived under power lines and felt that his life could be compromised if he did not move. He hikes and skies right where the power lines are proposed to go. He does not believe this is a fight against good or bad. It is about better or best. Power is needed, but it should be built in the best possible place for all involved.

Dr. Darin Smith, local physician, stated that he has a 7-year-old named Vivian who wears a pacemaker and will be living close to the proposed routes. In his daughter's pacemaker handbook, it highly recommends that she not be in any proximity to transmission lines, power plants, etc. He feels that this is not to be ignored. He warned everyone that this will be personal. His daughter's life is at stake. He is asking that the placement of these power lines be reconsidered.

Randy Christensen, local homeowner, stated this is a personal issue for him also. He stated that there is seeping ground water where these proposed lines will be placed. With the required herbicides that will be used, there will be seepage into the water supply. He feels that this whole thing is being jammed down the throats of the Tooele County citizens.

Dennis Tracy has not been to any of the meetings until now. He has not spoken to anyone regarding this issue. He moved from Tooele in 1970 to serve our country and has been exposed to radiation and electromagnetic forces. He stated that Russia has a four times lower exposure to EMF's than we have in the US. He believes that you can find any position you want to take regarding EMF's on the internet. The electricity generated from these lines are not promised to Tooele County. They are for the benefit of Salt Lake County.

Glen Terry, Grantsville resident, stated that he has worked with Brad and Kaye Pratt along with the County Commissioners regarding this issue. He explained that the EIS and the CUP do not match. This causes concern especially with the fact that no power will be given to Tooele County. He feels that putting the substation at the north end of the valley will provide more benefits to the area.

Terri Garrard, local resident, stated that there are probably more people than just Darin Smith's daughter who could be exposed to a power surge that could take their life. She added that she went up to the Settlement Reservoir when the helicopters were dipping water for a fire. She questioned them about the requirements for this. She was told that they have to evaluate the winds and temperature among other things. This causes a concern for her regarding how close the lines will be to the water. Her last concern is that the fire department handling fires will be coming from Stansbury Park, not Tooele City. There will be a lag time involved because of this.

Allen Fredrickson, resident of Stansbury Park, enjoys where he lives. He saw a map that

shows one of these lines going right next to the Benson Grist Mill. He was informed that this was incorrect.

Maxine Grimm, resident, told the story of her lineage adding that they have all been born and raised in Tooele. She suggested that she has heard many ways to hide the wires. She doesn't believe they are true. She believes that man is clever and smart enough to figure out a new way to carry power.

Kaye Pratt feels that she has new information to present. There is a green way to provide power that is being tested in California. This could be an idea for the future of our valley. She is a cancer survivor and feels studies regarding cancer are subjective. She feels that if there is a possibility of cancer, we should err on the side of caution. She doesn't want power lines and the new green box could be the way Rocky Mountain Power should go to for the future.

Andrea Cahoon, local realtor, has put some numbers together regarding property values. She showed that there has been a great loss over the last few years. She feels that the County is planning to "wash their hands" of this power line issue thus leaving it to the locals to handle.

Recess Public Hearing and Open Public Meeting

Joy made a motion to recess the public hearing and open the public meeting. Motion seconded by Bill Hogan. All concurred.

3. **CUP-2010-1 Mona to Oquirrh High Power Transmission Line beginning at the Tooele County/Utah County line at Five 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**

Kerry reminded the planning commission of the time frame the County is under by State statute.

Bill Hogan stated that it is evident we need power. He feels that this power line is coming through Tooele because they didn't think there were enough people to fight it. He thinks that RMP could have finished this if they hadn't decided on the currently proposed route. He feels it makes sense to go into industrial areas; not residential and view sheds areas. He read a letter from RMP to BLM that says the power is needed for the new growth on the west area of Salt Lake. He feels that our choices to what is viewed will be altered if the lines are placed as planned. In the draft EIS, the Butterfield route was ranked as the number one. Kennecott preferred a route through Pass Canyon to preserve areas that they might propose to develop. He went on to quote that the line

would be within the immediate foreground and immediate view. High impacts are expected to occur within the areas that RMP has chosen to place their route. He doesn't believe any of these can be mitigated. His final quote from the draft EIS states that the damage is irreversible and irretrievable. He thinks there is a lot of things that can be mitigated but these items are ones that can't be. He feels that there are other places this line can go. He added that this route needs more time.

Joy stated that this area is the most pristine and the most heavily used area of the County.

David Gibby said that he works in industry and understands the need for change and growth. He feels that this issue is premature. Offsets are not mitigation. He believes that the view sheds are a very important part of this valley. He wants to see the final EIS before this issue is considered again. There isn't enough information in the CUP to address the Carr Fork Superfund site. It is a pristine place. Mitigation is supposed to provide the lowest impact of exposure to the people. The fire mitigation regarding the reservoir has not been addressed sufficiently. There are no air impacts considered within the CUP application.

Joy stated that procedurally CUP's require findings and facts. The health concern is a great problem for her. She feels that the possibility of a Class 2B carcinogen is enough to make everyone think twice about this. She expressed concern over people who have pacemakers and the limits this will place upon their lives. She stated that the planning commission's job is to protect the citizens of this County and protection requires action. She added that Tooele City wrote a letter saying over the last few years about 2000 acres have been put into open space to preserve the mountains for view shed, safety, and wildlife homes. The City has been purchasing this land to preserve as is without growth or development. She added that two springs located in the canyons are located just a short distance from the lines and serve as the main water source for the Tooele Valley. She feels that no mitigation has shown how this water source will be protected. She added that the depiction of the access roads haven't been shown, as they truly will be. There will be elimination of hillsides by cuts and fills that will appear below. With all the presentations, there has been no mitigations suggested regarding the one, two or 3-year drinking water source protection plan, in place, by Tooele City. She mentioned all the homes, nursing homes, churches, camps, etc that will be affected by these lines. She went on to say that the commission needs to err on the side of caution regarding the possibility of EMF exposure. She questioned how the EPA would allow digging and moving of dirt within a superfund site. No evidence has been produced to protect this.

Bill Bergener wanted to clarify that the 60-day decision requirement is true. Kerry verified that. He then asked Kerry if the commission denies this CUP, would RMP have the possibility of it happening anyway. Kerry and Scott Broadhead, County deputy attorney said that the facilities commission could make a decision that may or may not go the way that the County wants. Bill stated that this concerns him.

Jill showed some pictures of where RMP is planning to place potential high voltage transmission lines that will eventually become part of a major mission to provide power to the western United States. She also showed the 2012 projection of RMP to provide power to the area. She feels that the current 345kv line will become a 500kv line eventually. She agrees that power is needed just not in this way. She agrees with Joy to err on the side of caution regarding health risks. She explained about the Pony Express Amendment that BLM uses to make decisions regarding the Oquirrh Mountain management area.

Joy made a motion to deny the CUP application by Rocky Mountain Power 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. Motion seconded by Bill Hogan.

By verbal roll call:

Bill Bergener – yes, David – yes, Joy – yes, Bill Hogan – yes, Jill - yes

Motion passed.

Public Concerns

No public concerns expressed.

ADJOURNMENT:

Bill Hogan made a motion to adjourn the meeting. Motion seconded by Joy. All concurred. The Tooele County Planning Commission meeting adjourned at 11:26 p.m.

APPROVAL:

Chairperson, Tooele County Planning Commission

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.



Chair, Tooele County Planning Commission