

**MINUTES OF THE WASATCH COUNTY
PLANNING COMMISSION
January 15, 2004**

This is only one item and not the full minutes.

#1

A REQUEST BY PACIFICORP, UTAH POWER, FOR A CONDITIONAL USE PERMIT TO MODIFY/CONSTRUCT A TRANSMISSION LINE IN THE JORDANELLE BASIN AND LOCATE A POWER SUB-STATION BELOW THE JORDANELLE DAM. THE PROPOSED LINE WOULD TRAVERSE THE CORRIDOR FROM HIGHWAY 248 TO HIGHWAY 40. THEN SOUTH ALONG HIGHWAY 40 ON THE EXISTING UTAH POWER DISTRIBUTION EASEMENT AND TERMINATE BELOW THE JORDANELLE DAM. THE LOCATION OF THE POWER SUB-STATION IS PROPOSED TO BE ON PART OF THE JSSD PROPERTY, IDENTIFIED FOR THE SEWER TREATMENT PLANT ALONG THE OLD HIGHWAY 40.

Staff:

Al Mickelsen, County Planning Director, addressed the Planning Commission and stated that the concerns that came out of the last meeting were about the State Code with regard to burying the transmission lines and the responsibility that the county may have for the cost. The County Attorney issued an opinion that Wasatch County could be liable. He indicated that the other issue was if it was in conformity with the General Plan and RSPA. On page 50 of the Jordanelle Land Use Plan it does say that all distribution lines, that would service future development, be installed underground. Al indicated that there is a difference between distribution and transmission lines. In the RSPA Section 71.4 it says that all utility lines shall be buried within the RSPA and this shall include optical cable as well as telephone or other communication lines.

Applicant:

Delynn Rodeback, from UP&L, indicated that it was determined that in approximately five (5) years the existing electric system in Wasatch County would become insufficient to handle future flow growth. He stated that after an extensive study it was determined that the Mayflower site was the best alternative for the sub-station. At the last Planning Commission meeting there were some comments regarding if a temporary fix could be done. A temporary fix for us, based on what is projected in the Jordanelle Basin, would not help Utah Power & Light. Delynn indicated that approving the Conditional Use permit tonight is critical to meeting the schedule for the added demand.

Public Comments:

Francis Smith stated that he was never asked to contact the Bureau of Reclamation about the possibility of an easement along the east side of the highway. He stated that he feels it is premature to approve the line at this point without knowing the actual route. Francis indicated that this project is going to hurt and devalue his property.

Commission Questions & Comments:

Commissioner Annie McMullen indicated that she talked to the former County Commissioners about the agreement to burying the lines. The Commissioners recalled that the agreement of burying the lines included the transmission lines as well as the distribution lines. Annie also stated that she was opposed to the Monolith towers that were proposed because of their height. She understood that they are now 51 to 56 feet out of the ground and feels strongly that they don't go beyond that height. Annie indicated that there is a development going in on the west side of the lake and the developer has indicated their intent to bury the lines at some point in time. She asked where the agreement was with regard to those developers and to the action on those lines.

Delynn Rodeback stated that the power company is willing to bury the power lines if the developers are committed to do that.

Scott Reese, representative of PacifiCorp, stated that there is one section of transmission buried in Park City and all the rest of the lines are overhead.

Public Comments:

Stan Castleton indicated that we are quite close to getting the agreement done possibly within a couple of weeks or possibly sooner. He stated that the agreement is not perfect but it does allow the developers to meet the requirements to get the lines underground. He indicated that they are very supportive of the project.

LeeRoy Farrell stated that Summit County had required the lines buried though Tuhaye, but Wasatch County did not.

Commissioner Robert Wren indicated that he was concerned about the alignment and was wondering if the lines could be carried down the east side.

Delynn Rodeback replied that it is a matter of cost. It would cost approximately one to two million dollars a mile.

Motion:

Commissioner John Price made a motion to accept the request by PacifiCorp and grant a Conditional Use permit to modify and construct transmission lines in the Jordanelle Basin as they have proposed to us

(In their letter of proposal dated January 9, 2004 to the Wasatch County Planning Commission which stated the following:

The proposal of the Utah Power

Section 16.23.06 provides the Standards and criteria" for the approval of a conditional use permit.

PacifiCorp's application complies with each of the relevant standards by:

1. Application complies with requirements of Chapter 16 of Wasatch County Development Code.
2. PacifiCorp understands that it is not required to maintain a business license for the proposed use.
3. The power lines and substation are compatible with surroundings while incorporating all reasonable mitigation measures to reduce the visual impact of the power lines by:
 - a. Keeping pole height to an absolute minimum
 - b. Using wood poles or metal poles that weather to a similar appearance wooden poles, to blend in with the landscape generally
 - c. Using non-specular wire (the power lines are sandblasted so as to not shine in the sun) to ensure the power lines do not detract from the viewscape to the extent possible.
4. Mitigate the visual or safety impacts caused by the proposed by including the design features described above. Working with each of the landowners to best define an alignment route that corresponds with the future development. Agreed with developers of each of the properties to enter into an agreement that will allow the developer to bury the transmission line when development occurs. Because of the operational costs and difficulties associated with outages, buried transmission lines are not standard with PacifiCorp's system. However, PacifiCorp has agreed to a deviation of its standard in this case because of the type of development that has been proposed and the developers' willingness to pay the additional costs of converting the line.
5. The use is consistent with the Wasatch County General Plan and would fulfill the key elements to the success of Jordanelle Basin Land Use Plan.
6. Design the facilities to accommodate future load growth demands, but in such event, will mitigate such expansion through appropriate conditions as required by the County.
7. Adequately address all issues of lighting, parking, the location and nature of the proposed use, the character of the surrounding development, the traffic capacities of adjacent and collector streets, the environmental factors such as drainage, erosion, soil stability, wildlife impacts, dust, odor, noise, and vibrations by agreeing to the conditions recommended by County staff.
8. The use will not place an unreasonable financial burden or significant impacts on the County or surrounding properties, without adequate mitigation of those impacts.
9. The use of a 'low EMF' design which should not adversely affect the health, safety, or welfare of the residents and visitors of Wasatch County. Pole configurations have been designed to use a smaller than standard spacing between transmission phases, reducing the electromagnetic field, which field is the issue of study regarding health concerns. PacifiCorp is not aware of any issues raised by the County in this regard but will address these issues upon request.)

and go along with the six findings listed in the staff report which are:

1. The use will be compatible with the surrounding structures in use, location, scale, mass, design, and circulation and the visual or safety impacts caused by the proposed use can be adequately mitigated with conditions.
2. The use is consistent with the general plan.
3. The use will not adversely affect the health, safety, or welfare of the residents and visitors of Wasatch County.
4. The use will not place an unreasonable financial burden on the county or place significant impacts on the county or surrounding properties, without adequate mitigation of those impacts.
5. All issues of lighting, parking, the location and nature of the proposed use, the character of the surrounding development, the traffic capacities of adjacent and collector streets.
6. The environmental factors such as drainage erosion, soil stability, wildlife impacts, dust, odor, noise and vibrations have been adequately mitigated through conditions and also to keep the height as low as possible and as close to 50 feet as possible and still look into the state right-of-way to run that line within 150 feet of that road and also the sub-station to be included in this motion.

The motion was seconded by Commissioner Ernie Giles.

Discussion on the Motion:

Al Mickelsen questioned if the motion includes the conditions as listed in the staff report which are:

1. Finalize the power lines relocation/underground agreements with the Jordanelle Basin Property owners that may be affected by this proposal.
2. Provide landscaping and fencing plan for the substation for review and approval by the Planning Staff prior to construction.
3. Submit a letter from Stillwater development showing agreement with the power line alignment on their property.
4. Any land division for the substation must follow the Wasatch County process.

John Price stated that both the findings and conditions were part of the motion.

Al also stated that most of the discussion has been about only one part of the proposal which is the transmission lines. This request also is pertaining to the sub-station and wants to make sure that both are included

John Price stated that he would include both the transmission lines and the sub-station in his motion.

Ernie Giles seconded that amendment to the motion.

George Holmes called for a vote on the motion as amended.

The motion carries with the following vote:

AYE: Doyle Wilson, John Price, George Holmes, Annie McMullen, Robert Wren, Ernie Giles

NAY: None.