

# MINUTES

## EASTERN SUMMIT COUNTY PLANNING COMMISSION

REGULAR MEETING  
THURSDAY, MARCH 3, 2016  
SUMMIT COUNTY COURTHOUSE  
60 NORTH MAIN  
COALVILLE, UTAH

### COMMISSIONERS PRESENT:

Chris Ure, *Chair*  
Douglas Clyde  
Tonja Hanson  
Ken Henrie

Rich Sonntag  
Sean Wharton  
Louise Willoughby

Commission Chair Chris Ure called the regular meeting of the Eastern Summit County

### STAFF PRESENT:

Peter Barnes – *Planning and Zoning Administrator*  
Sean Lewis – *County Planner*  
Ray Milliner – *Principal Planner*  
Patrick Putt – *Community Development Director*  
Planning Commission to order at 6:00 PM.

Helen Strachan – *County Attorney*  
Katy Staley – *Recording Secretary*

### REGULAR SESSION

#### 1. Pledge of Allegiance

#### 2. General public input

The general public input session for items not on the agenda was opened. There were no comments made and the public input session was closed.

#### 3. Election of Chair and Vice-Chair

*Commissioner Clyde made the motion to nominated Commissioner Hanson as Chair.  
Commissioner Wharton seconded the motion.*

- MOTION CARRIED (6-0)

***Commissioner Hanson nominated Commissioner Clyde as Vice-Chair.***

***Commissioner Henrie seconded the motion.***

- **MOTION CARRIED (7-0)**

The Chairmanship was turned over to Chair Hanson.

**4. Selection of a Commission Member to serve on the Eastern Summit County Agricultural Preservation and Open Space Advisory Committee (ESAP)**

Chair Hanson explained this is the advisory board to the County Council concerning open space and conservation easements. The Board helps to fund and support the applications that come forward. It is a committee of seven from Eastern Summit County. They try to meet monthly at the Wanship Fire Station. Chair Hanson asked if there is anyone who is interested in serving on this committee. Commissioner Ure volunteered. Chair Hanson said that Commissioner Ure will be appointed to represent this Commission.

**5. Public hearing and possible action regarding a Possible Plat Amendment to amend the boundaries of Lot 1 of the Jones Estates Subdivision; 3000 North West Henefer Road; Parcel JE-1 Kent Jones, applicant – *Sean Lewis, County Planner***

Planner Lewis said they have been having technical difficulties with the projector. They are unable to project the maps for the public's viewing. He added this is a simple project. The Jones Estate subdivision was platted in 2002 with five lots. There were four building lots. The majority of the land was the family farm.

Planner Lewis said the family has been involved in some estate planning and they want to clean up the plat. The application is to amend the plat. The desire is to vacate three portions of the subdivision.

1. The first portion of land would add several acres to Kent Jones' property, which is not part of the plat. A map in the Staff Report showed the location of the property.
2. The second portion of land would be used to store a water tank. The water tank would be located on property to the north. The water will be brought across the road.
3. The third portion of property being vacated is where the property line extends to the middle of the road. The applicant wants to relinquish ownership of the road and have it be given to UDOT. Planner Lewis said there would be no change to the road by this action. He added the ownership of the properties don't change hands. They are simply bringing the boundaries back to the fence line.

Planner Lewis said accompanying this application is an application for a lot line adjustment application, which is an administrative process. It is to amend the boundaries of the described lots. Staff has received no comments on the application.

Planner Lewis said the subdivision retains the density. The density calculation to create the five lots for the subdivision has not been affected by vacating this acreage. Commissioner Clyde asked if the acreage that is vacated would become part of the right of way. Planner Lewis answered in the affirmative. He said there is no remnant parcel or increased density. Everything is being added to something else.

Commissioner Henrie asked Planner Lewis to describe how the density was derived. Planner Lewis explained that in 2002, the highway corridor ran along the West Henefer Road. There was enough acreage to permit eight lots. Five were developed. With the vacation of the three portions of land, they still have enough property to maintain the five lots. Commissioner Ure recalled at that time, the five lots would have qualified as a minor subdivision. Planner Lewis said that Staff recommends approval based on the Findings of Fact and Conclusions of Law as found in the Staff Report.

Commissioner Wharton noted this is an example of the County using density inside the Highway Corridor to let people build in the AG-40 behind it. The density was derived from the Highway Corridor, but someone of it was used in the AP-40. He said this was a common practice.

*The public hearing was opened. There were no comments made and the public hearing was closed.*

***A motion was made by Commissioner Sonntag to approve the plat amendment to the Jones' Subdivision. The motion was seconded by Commissioner Ure.***

#### **FINDINGS OF FACTS**

- 1. Eugene Jones Et al, is the listed fee title owner of Parcel JE-1.***
- 2. Parcel JE-1 is 42.52 acres in size.***
- 3. Parcel JE-1 is located at 300 South North West Henefer Road.***
- 4. Parcel JE-1 is located in the highway corridor (HC) and agricultural protection (AP) zoning districts.***
- 5. The Jones Estate Subdivision Plat was originally platted September 9, 2002.***
- 6. The Jones Estate Subdivision Plat has never been amended.***
- 7. The proposed amended plat would remove 4.25 acres from lot 1 in three separate areas. Area A (3.19 acres) would be added to parcel NS-1243-B; Area B (0.36 acres) would be added to parcel NS-1243; Area C (0.70) would be vacated to the Utah Department of Transportation.***

#### **CONCLUSIONS OF LAW**

- 1. There is good cause for the amendment as the proposed plat amendment would vacate portions of Lot 1 that would be transferred to owners of adjacent property which are not included in the Jones Estate Subdivision.***
- 2. No increases in density would occur as a result of this amendment.***

- **MOTION CARRIED (7-0)**

**4. Public hearing and possible action regarding Phase 3 of a Conditional Use Permit to allow for increased pole heights to increase power transmission capacity; Rocky Mountain Power Applicant – *Sean Lewis, County Planner***

Commissioner Sonntag said that for the record, he is recusing himself on this matter. He has property interest that this line crosses.

Planner Lewis said this will be more difficult to discuss without having a projector. Commissioner Wharton said he would like to know if they will be missing any pertinent information if they don't have the projector to help them. Planner Lewis said that everything that would be on the projector can be found in the Staff Report. He will do his best be very specific for the benefit of the audience. If needed, they will find another means to project the information.

Planner Lewis said when Rocky Mountain originally came before this body there was three phases to the project. Phase I was from the Croyden substation to Coalville. Phase II was from the Coalville substation to Brown's Canyon Road. Phase III begins where the line would turn west on Brown's Canyon Road. It crosses Promontory and into the Snyderville Basin Planning District.

Planner Lewis said as they know, Phase II was denied by this body. It is currently under the appeal process with the County Council. That hearing is scheduled for April. In the meantime, the applicant requested that this body review Phase III of the project.

Planner Lewis said Rocky Mountain Power asked that they amend the boundaries of Phase II. They want to move the boundary from Brown's Canyon Road to Judd Lane. The reason for this request is because there have been no contentions with the easements south of Judd Lane. The applicant believes that because the appeal is

focused on the West Hoytsville area, they could adjust the boundary of Phase III to Judd Lane without affecting the appeal taking place of Phase II.

Planner Lewis said regardless of the appeals' outcome, Judd Lane is far enough south that the Phase II line would come back into alignment north of Judd Lane and would continue in the corridor that has already been secured. Commissioner Ure asked where the Pace property is located. Is it south or before Judd Lane? He recalled there was opposition to the Rocky Mountain Power Line on the Pace property. He said he is uncomfortable with discussing from Judd Lane on. Planner Lewis said if the Commission doesn't feel comfortable with this discussion, Staff is ready to just focus on Brown's Canyon Road to Snyderville.

Staff has shared the same concerns. The reason that Staff is comfortable either way is because the person making the appeal is Rocky Mountain Power. They are basically saying they want to give up the appeal on that portion. In a sense, they are saying there is no disagreement with the area south of Judd Lane. Staff believes the Commission is on solid footing should they want to approve up to Judd Lane. If they are not comfortable with this, Staff understands.

Planner Lewis said as far as Phase III from Brown's Road to Promontory, those easements have all been secured. There are no issues like they had with Phase II. People have not expressed disagreement with the alignment. In Staff's opinion, this is very similar to the Phase I portion that was approved; the Findings and Condition are very similar.

Commissioner Clyde said that Rocky Mountain Power is essentially coming back with an amended conditional use permit with boundaries that have been altered. They have signed and approved easements for the area they want to include. Planner Lewis clarified this was submitted as one conditional use application, but was broken into

phases. The different phases do not constitute a separate application. There is only one application from Croyden into Silver Creek.

Commissioner Henrie said it would be proper to make an official modification between the phases. Phase III would now be identified from Judd Lane to Silver Creek. Planner Lewis responded that is what Rocky Mountain Power is asking them to do at this meeting. Commissioner Henrie said this is confusing. If they approve part of Phase II, does that give any legally credence to the rest of the Phase II project?

Commissioner Clyde said the Findings of Fact made with the Phase II denial had something to do with the easement being in dispute on certain areas. That was the primary reason for the denial. He asked Planner Lewis to further explain the phasing of the CUP application. Planner Lewis said there is one CUP application for the entire line. It has development phases, which are allowed for by the Code. Each phase requires a separate action. He said the different phases were done at Staff's recommendation.

Planner Lewis said when Staff discussed this possible change with Rocky Mountain Power they discussed how the changes in West Hoytsville would tie into this corridor. When this was discussed, Judd Lane was the most obvious geographic reference point. Staff wanted to have a reference point that would be easy for the public to understand. Any change in the Hoytsville corridor would come back to the original point, north of Judd Lane. From Judd Lane south, there has never been any disagreement about the alignment, other than the Paces, but the Paces have signed the agreement.

Commissioner Wharton said there will substantial impact to the Pace's agricultural fields. He had hoped that the alignment would come in after the Pace's and free of the farm fields of the unwanted poles, even though they signed their agreement. He understands that because of the signed agreement, Rocky Mountain Power has the right

to go through their property. Commissioner Henrie said other than Judd Lane, he doesn't think they have had discussed this area.

Commissioner Wharton questioned standard number 7 on page 5. It said the revised alignment would move the transmission lines away from existing homes. He said the revised alignment is something new to this application. Planner Lewis said there is some revised alignment in Promontory. Chad Ambrose, of Rocky Mountain Power, said when they are ready, he will go over this.

Chair Hanson said the first question is if the Commission is comfortable adjusting Phase III from Judd Lane on. Commissioner Wharton said he would like to proceed with the original proposal of Brown's Lane to Promontory. It would keep it clean.

Commissioner Ure said he feels the same way. The appeal process is going to the County Council in April. That may be the fastest way for Rocky Mountain Power to move forward. He said he has no problem with the Brown's Canyon down, but because the other land is part of the appeal process, he would feel more comfortable if it wasn't included in Phase III. Chair Hanson asked if they should listen to the presentation before making a decision.

Mr. Ambrose said he would like to start at the high level overview of the purpose of the project. Rocky Mountain Power has three sections of line for Summit County. There is a section coming out of Provo, one out of Evanston, and one from Salt Lake City. This is done because they don't have enough capacity on the transmission system to be able to take the customer's entire load during the winter time. This is when the load is the highest. The essence of this project is to allow them to have a looped transmission system. Currently, if a section goes down it remains down until it is repaired. The essence of this job is to acquire enough capacity to be able to loop the system and prevent this situation. In the summer time, if they lose a section of line, the other two can pick it up, but in the wintertime, they don't have that luxury.

Mr. Ambrose said on Valentine's Day there was an outage in Snyderville Basin. That outage was caused from a faulty transmission line. An emergency repair had to take place. It caused 8,000 customers to be out of power. If this line would have been completed, that would not have occurred. Rocky Mountain Power is seeking this for a defined purpose. It is to meet the obligation they have for their customers.

Mr. Ambrose said that Mountain Lands Association of Governments projects the population for Summit County will be 71,000 in 2040. That will require more power. The zone changes in Eastern Summit County could further exasperate the problem.

Mr. Ambrose said they are requesting to have Judd Lane to Snyderville be Phase III of the project. He said this is a pole for pole replacement. There will be several types of structures to Phase III. There will be some steel structures that will be painted wood-colored. They will be increased in height in order to provide the adequate clearance that they need.

Mr. Ambrose pointed to a picture that the Commissioners had in their packets. He said that from Judd Land to Brown's Canyon the structures will look like the picture in their packet. The map in their packet was referred to. The area from Judd Lane to Brown's Canyon was pointed out. Judd Lane is south of the area being appealed.

Mr. Ambrose said from Browns Canyon to Snyderville, the poles will be double circuited. Each side of the power pole will have a different amount of power it can carry. The reason for that is that one line carries power to Oakley.

Mr. Ambrose said as they know, there is an area that is being contested among a few landowners in West Hoytsville. Summit County's Attorney is in negotiation with the property owners who are not willing to sign. A resolution is being worked on. They are confident the reroute will be resolved long before the route has reached Judd Lane.

This isolated area has no bearing from Judd Lane on. They have the easements signed with everyone from Judd Lane on to Snyderville.

He listed the reasons why Rocky Mountain Power believes the Phase III approval should be given:

1. They have a fixed easement signed by every property owner from Judd Lane on.
2. Rocky Mountain power applied for the entire length of the line. It was Staff's recommendation that the line be broken down into phases.
3. The line follows the exact existing line except for Promontory.

Mr. Ambrose explained that several years ago, the Promontory developer approached Rocky Mountain Power to relocate the line. The developer said they would provide the fixed width easement they needed and would pay the incremental costs.

Mr. Ambrose said this line has existed for 100 years. The use of the line has been and will be the same. There are no safety clearance concerns with this line from Judd Lane on. Any issues with agricultural operations have been resolved or addressed individually. Easements have been signed. The lines are compatible with the zones. The impacts on the environment have been considered. The application complies with Summit County's General Plan and does not violate County, State, or Federal laws.

Mr. Ambrose read a section of a letter that was addressed to the Community Development Director dated September 15, 2015. It is from Mountain Regional Water and is signed by Doug Evans. Some of the points made in this letter were:

- Mountain Regional Water is perhaps one of the most dependent on this upgrade.
- Currently they serve well over 15,000 homes with vital drinking water. They have pumps all over the Basin totaling about 9 megawatts of delivery.
- They have spent nearly ½ million dollars preparing for this upgrade.

- The health, safety, and economy of Summit County depends on the successful conclusion of this project.

Mr. Ambrose said he has a letter of support from Holcim Cement, which is a significant employer of Summit County. They are benefitting from the Croyden substation recently put in as part of this project. Until the project is completed, the full benefit is not there.

Another letter of support comes from Park City Mountain Resort; another major employer. This letter was addressed to the CEO of Rocky Mountain Power. This letter says that all of Summit County will benefit from the project. The upgraded line is critical for Park City's Mountain Resort operations. Mr. Ambrose summed up by saying there are a lot of people who are depending upon the completion of this transmission line. The issues boil down to Rocky Mountain Power being able to provide effective reliable service. Chair Hanson disclosed that she is employed by Park City Mountain Resort. She stated that in no way will this affect her decision. Commissioner Wharton said that he is partially employed by Park City Mountain Resort. He can judge this objectively.

Commissioner Wharton said he doesn't understand where the previous alignment was located in Promontory. A map was distributed to the Commission that helped to depict the location of the previous and the new line. Commissioner Wharton commented that is a substantial realignment.

Planner Lewis said if there are any concerns about the appeal, the Attorney's office recommends keeping it as is. Attorney Strachan said it may make sense to keep the original Phase III parameters if there is a question of if this is one application or three. Commissioner Ure said the denial they issued went to Brown's Canyon. Attorney Strachan said she understands the Commission's concern; however, this is a way to continue with the application process which was submitted in November 2014.

Attorney Strachan said Rocky Mountain's request was to move this application along within the parameters of the State Code. With that in mind, they wanted to make sure they are processing as much of this application as possible. She understands the Commission's concern with allowing a second bite of the apple that has already been ruled on and is under appeal.

Commissioner Wharton said the realignment of the Promontory line is a change to Phase III. Planner Lewis replied that the realignment was on the November 2014 application. Commissioner Henrie said his gut feeling is that they should keep it as originally planned. Keep Phase II as has been designated. Commissioner Willoughby said she feels the same. Chair Hanson said she agrees as well. Commissioner Clyde said he could be persuaded either way. It was decided to proceed with the original designated areas.

*The public hearing was opened.* Chair Hanson reminded the public they are talking about Brown's Canyon through Promontory.

Jerry Pace said he has not been contacted by the Power Company as to what they are doing. There is a lot of "ifs" in this proposal. He said if the poles were out of his field he could put in a circular pivot. They are too bull-headed to move the poles.

Mr. Pace said one year ago five people from the Power Company met with him because of a recommendation made by the Planning Commission. The representatives said they would like to do everything they can to help him with the poles. The Power Company's engineer said this wouldn't be a big problem. The terrain isn't as steep, and the ground is owned by the same property owner.

Mr. Pace said now they have sent out some new people. These people have come up with a new proposal. The proposal says that one of the four poles could be eliminated, but in order to do that, they would have to put in a double structure. That means he would then have six poles instead of four. Mr. Pace said he was told that Rocky Mountain Power doesn't relocate lines, but they did in Promontory. If they can relocate the lines in Promontory, why can't they elsewhere? To go around him would not be a substantial cost.

Mr. Pace said the Power Company is horrible to do with. He would rather deal with another company. He said if they get one inch off their access, he will be after them. This line is going through the middle of the best farm ground that he has and decreases the value of his property. This is true whether he puts in a pivot or builds houses. They have handcuffed his ability to do anything with his property.

Clay Vernon said he is representing Vernon Storage, which is east of Rafter B. He is concerned about the pole just south of I-80. He has talked with the Power Company several times and was told this will be a metal pole. Around six to eight months ago, he was told they would provide a letter stating such. He has yet to receive a letter or an email.

Mr. Vernon said he doesn't want to have guy wires in the area. A metal pole does not need guy wires. He would like to confirm that this pole will be made of steel pole and will be without guy wires. Guy wires would block the access of the storage unit doors.

Gary Pace said he is speaking in behalf of several family members. He described how the line could easily be aligned to miss their family's fields. He understands that they signed the easement. He said the family is willing to give the easement to Rocky Mountain Power if they will put it in section 5. If they continue on a straight line from there, the line would be out of the Wanship area.

Mr. Pace said they are willing to give a mile in Section 5 and a ½ mile in Section 8. He hopes they will consider this. If the line goes up the hill, why can't it stay on the hill? Mr. Pace read from a letter that was from Rocky Mountain Power. It stated they have talked with two members of the high-pressurized pipeline board. This letter says that they have spoken with Glen Brown and Gary Pace. Mr. Pace said they have not spoken with them, but they would be glad to meet with Rocky Mountain Power.

Commissioner Clyde noted that the public has only addressed the concerns in the Phase II area. He questioned if they should be taking these comments because it isn't about the matter at hand. Attorney Strachan said it was noticed for the expanded area. The public is within their right to bring these issues up.

Larry Vernon said he lives on the West Hoytsville Road in Wanship. He asked for clarification of the area they are discussing. Chair Hanson explained the Commission made the decision to stick with the area originally designated as Phase III. This is from Brown's Canyon through Promontory to Snyderville.

Mr. Vernon said he went to a meeting held in Henefer about five to six years ago. He talked with the people from Rocky Mountain Power. He suggested they run the power line up the rail trail. This would go right where they want it to go. They told him they would get back with him, but they never did. Wanship is getting a lot of poles and they are going to be taller poles, but most of the power will be going somewhere else.

Most of the power from these lines will be going to Park City. Most of the Park City residents will not see the power poles. There should be some sort of mitigation for the people that it is affecting more than for the people it is affecting less. In exchange for the big poles, they should remove some of the smaller poles. He said the Planning Commission is the entity that can make that a requirement.

Virginia Winegar said looking at the map she is unable to tell if the poles are on her property. She doesn't approve of taking private property and said the lines in Brown's Canyon are not being moved. If she doesn't have poles now, she probably doesn't have to worry.

Craig Sargent thanked the Planning Commission for leaving the Phase II and Phase III as the way it was originally designed. He would like to make a couple of corrections in the Staff Report. The Staff Report states there are five who have not signed the easement. That number should be seven. It is important for this to be known. The Commission will be relying on the numbers. Planner Lewis commented that this document was created by Rocky Mountain Power. It was not produced by Staff.

Mr. Sargent said just tonight he learned that this is under one application, broken into three parts. If one part of the application is denied, wouldn't that stop the movement on the rest of the line until that is taken care of? .

Milt Sargent has property in West Hoytsville, just south of Creamery Lane. He has not signed the agreement. Over the past few years, he has become very frustrated with communication, their follow-through, and their desire to come to a conclusion on the value of the additional easement of the property which he owns.

Mr. Sargent said he has taken off work many times to meet with people on site. He has had two appraisals on his land. One year ago in February he contacted Rocky Mountain Power. He was told that someone would get back with him to discuss the value of the ground and the additional easement. One year later, Rocky Mountain Power said that they believed the second appraisal was done by a friend.

Mr. Sargent said the appraisal was done by a licensed appraiser. The property was valued at what real estate is going for. He said he understands that the power is

coming, but he wants to be compensated fairly for the additional ground they are going to take.

Carsten Mortensen said years ago, Mr. Ambrose came and talked to him at Utelite. At that time, Mr. Ambrose was reasonable to work with. The power line through the Utelite property was realigned. Utelite had to pay for moving the poles and the realignment.

Mr. Mortensen said when the power goes out at his business it costs him about \$1,000 an hour plus damages and restart up time. He said there used to be a loop that came to his plant so that he could get power from either Oakley or from Coalville. Whenever the power went out, it switched to the other line and he was back up in minutes. That is not presently the case. When the power goes out, he is out of power.

Mr. Mortensen said he needs to have power and he needs to know it is dependable. They are trying to create a line so that the entire County is looped. He hopes both parties can work together.

*The public hearing on Phase III was closed.*

#### **COMMISSION COMMENTS AND QUESTIONS**

It was noted that with the exception of Ms. Winegar, all of the public discussion tonight was about Phase II. Commissioner Clyde said that Craig Sargent brings up an interesting question. If there is one conditional use permit being processed in phases, is it not reliant on approval of the other parts? If the Commission disapproves a part of it, does the remainder go through? To him, that is a legitimate question.

Commissioner Clyde said the Commission's discretion with a conditional use permit is limited to mitigation requirements. Phase II was denied, but is under appeal. Attorney Strachan said the question might be if Rocky Mountain Power can be approved for an upgraded line in Phase III similar to Phase I and yet still have an appeal on Phase II before the County Council.

Commissioner Clyde said if all three parts are dependent, perhaps they have to be considered as a whole. He said the National Environmental Policy act and other various land management codes that are run by the Federal Government say that if a portion of a project is dependent upon one another, they don't get to piecemeal it. The Summit County CUP process says it can be.

Planner Lewis said when Phase I was approved, it was from the County line to a specific pole located in Coalville. Phase II was denied from a specific pole to a specific pole. He said there is an appellant hearing taking place next month. A decision may possibly be decided at that meeting on way or another.

Attorney Strachan said phasing the project was an effort to move the application along. The Commission has a duty to process an application to completion. Phase I was approved rather easily. It allowed Rocky Mountain Power to get started on the upgrades. She doesn't know how the dynamics will be affected with the upgrade on Phase I and possibly on Phase III being approved, but not on Phase II.

Chair Hanson asked if they can table this until the outcome of the appeal is known. Attorney Strachan said that is within their rights. Commissioner Henrie said Phase I and Phase III would be useless unless Phase II is approved. Planner Lewis said Phase I because goes from one substation to another it is useful, but there is no alternative substation between Phases II and III.

Commissioner Clyde said what he would like to hear from the applicant that if Phase II does not get approved, do the improvements of Phase III provide benefit in and of itself. Mr. Ambrose said if Phase II is not approved they won't be able to energize the entire line to 138 kb. The full benefit would not be provided because they can't get the full loop until the three phases are completed.

Mr. Ambrose said it is important to note that this was broken up into three phases at the recommendation of Staff. He understands why the Commission is hesitant; however, it is important that the Commission understand that Rocky Mountain Power followed the counsel of the Planning Staff. To be denied from Phase II to the end of the line, would be contrary to the counsel they received from Staff. Chair Hanson said that in theory, if they had chosen to process it in one phase, the entire line might have been denied instead of just Phase II.

Planner Lewis said that Staff looks at this much like a subdivision. In that situation, a developer will begin with Phase I of a three phase plan. There may be some modifications in one of the phases that don't occur in some of the others. That is the same idea as what they are dealing with here. If Rocky Mountain Power wants to build a portion of the line, it is their prerogative.

Commissioner Clyde said he doesn't see any evidence that the impacts of Phase III cannot be mitigated as required in a CUP. Planner Lewis said the main factor for denial in Phase II was the easements. Phase III is not faced with that challenge. Attorney Strachan said what they are approving is the pole, not the power. That is why it is regulated in the Development Code. It is considered a structure. That is the reason why Staff didn't have any problems phasing it the way it was.

Commissioner Clyde said with the exception of one comment, what they have heard is arguments about Phase II, but what is before the Commission at this meeting is Phase

III. Staff has not identified any significant impacts that Rocky Mountain Power has not mitigated. He thinks that it is incumbent on them to pass Phase III.

Commissioner Henrie noted that some of the poles are right on the property lines. Do they have to meet the traditional setbacks for a structure? Planner Lewis said the poles have to be located within their easement.

Commissioner Clyde said the Commission needs to view this within the strict confines of a conditional use permit. Phase III is not wanting for mitigation. Under the original boundaries, he thinks they have a duty to approve it.

Planner Lewis said if a motion were to be made, he recommend the Commission amend condition of approval 1 to say that Phase III includes the portion of the line from Brown's Canyon Road then west to the Eastern Summit County Planning District boundary. That would result in the Judd Lane portion being removed from Phase III. Ms. Winegar asked if that means there won't be any poles added to her property. Commissioner Wharton said if there aren't any poles now, there won't be in the future.

***Commissioner Ure made a motion to amend Condition of Approval #1. The language that says "from Judd Lane near Wanship extending south" will be removed. It will read "Approval is only for Phase III on the proposed upgrades from Brown's Canyon Road then west to the Eastern Summit County Planning District boundaries near Quinn's Junction." Commissioner Wharton seconded the motion.***

- **MOTION CARRIED (6-0)**

***Commissioner Ure made a motion to approve Phase III of the Rocky Mountain Power conditional use permit with the Findings of Facts, Conclusions of Law, and Conditions of Approval as amended. Commissioner Wharton seconded the motion.***

***FINDINGS OF FACT:***

- 1. Rocky Mountain Power has an existing 46 kV power line that runs from Coalville to Silver Creek Junction, portions of which have been in the same location since 1916.***
- 2. Rocky Mountain Power applied for a Conditional Use Permit to upgrade the existing 46 kV transmission line to a 138 kV transmission line. The upgrade would be a pole-for-pole replacement of the existing 46 kV transmission line.***
- 3. Rocky Mountain Power holds easements with each affected property to install a power transmission line through the established corridor. All easements are recorded in the Summit County Recorder's office.***
- 4. Summit County considers the granting of easements as evidence of landowner approval for the particular use.***
- 5. The proposed upgrade shall include installation/replacement of approximately 300 poles.***
- 6. The proposed poles will either be wood poles, or "core-10" steel poles.***
- 7. Upgraded poles will range in height from 70' - 120' tall.***
- 8. Poles are designed to comply with all standards required by: Federal Energy Regulatory Commission (FERC), North American Reliability Council (NERC), Western Electricity Coordinating Council (WECC), as well as provisions of the National Electrical Safety Code (NESC)***
- 9. The transmission line corridor crosses the Highway Corridor, Agricultural Protection, Agriculture Grazing 100, and Industrial zoning districts in Eastern Summit County.***
- 10. "Utility towers and associated transmission and distribution lines greater than 45 feet in height" are listed as a Conditional Use in the Highway Corridor, Agricultural Protection, and Agriculture Grazing 100 zoning districts of Eastern Summit County.***
- 11. "Utility towers and associated transmission and distribution lines greater than 45 feet in height" are listed as a Low Impact Use in the Industrial zoning district of Eastern Summit County.***

***12. A Public hearing regarding Phase 3 was held by the Eastern Summit County Planning Commission on March 3, 2016.***

***CONCLUSIONS OF LAW***

- 1. The use of this corridor as a power transmission line is appropriate as the location has been agreed upon by affected landowners who have signed easements granting Rocky Mountain Power authority to build and maintain a transmission line within the easement area.***
- 2. The proposed transmission line is in compliance with the standards as found in Chapter 2 of the Eastern Summit County Development Code.***
- 3. The transmission line has been located in specific positions to reduce visual and economic impacts of residents who live near or have active agriculture operations near the transmission line.***
- 4. The increased power capacity and improved power reliability resulting from the upgrades will benefit all residents of Summit County.***
- 5. The Phase 3 alignment is relatively isolated in relation to existing homes. There are no disputed areas within the corridor that adversely affect existing agricultural operations.***

***CONDITIONS OF APPROVAL:***

- 1. Approval is only for Phase III on the proposed upgrades from Brown's Canyon Road then west to the Eastern Summit County Planning District boundaries near Quinn's Junction."***
- 2. Construction activities will be scheduled with individual landowners and conducted in a manner as to not interfere with landowner or land management agent's agricultural or livestock grazing activities without approval from the landowner.***
- 3. At the expense of Rocky Mountain Power, fences, gates, and walls or the like 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.*

- 4. Rocky Mountain Power shall comply with all FAA requirements to ensure the safety of aircraft in proximity of the line.*
- 5. Rocky Mountain Power shall complete any reclamation and/or re-vegetation within the first growing season following completion of construction.*
- 6. Rocky Mountain Power will follow established state and county guidelines for working within water source protection areas.*
- 7. 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.*
- 8. Rocky Mountain Power will maintain appropriate signs on the poles that warn of dangers.*

- **MOTION CARRIED (6-0)**

A ten minute break was declared. At this point, Commissioner Willoughby left the meeting.

## **5. Approval of Minutes**

January 7, 2016:

*Commissioner Clyde moved to approve the minutes as amended. The motion was seconded by Commissioner Wharton.*

- **MOTION CARRIED (6-0)**

January 21, 2016:

*Commissioner Clyde moved to approve the minutes as amended. The motion was seconded by Commissioner Ure.*

- **MOTION CARRIED (6-0)**

## **WORK SESSION**

### **1. Planning Commission Retreat**

Director Putt said he would like to discuss what the Commission would like to have on the agenda for the retreat. What will the next steps be? Should they begin working on the topics of the Master Plan Development, the Village Overlay Zone, and the residential zones? This could be done at the retreat or another time could be scheduled.

Commissioner Ure said his desire is to set some goals for the coming year and create a timeline to get these done. He would also like to see the retreat help the Commission come together. Commissioner Henrie said he hopes if they voice a difference of opinion that hard feelings are not created. Commissioner Ure said he hopes the retreat will help to make sure there aren't any hard feelings. They should take the time to go somewhere and enjoy a meal together.

Chair Hanson agreed with Commissioner Ure. She said this will give them time to think about what the goals should be for the upcoming year and what the next steps should be. Director Putt suggested they have the retreat on an "off" Thursday night.

Director Putt said Staff is going to start informing the Commission at each meeting of what the upcoming agendas look like. He said the next scheduled meeting is March 17<sup>th</sup>. There are three public hearings for plat amendments. They could possibly reopen the discussion on the zones and policies that were tabled. Commissioner Clyde said they may want to not go into a review of the General Plan until they get some feedback from the County Council on the zoning map and Development Code. Director Putt said

he has heard that the Council is scheduling a joint work session on Wednesday, March 16<sup>th</sup>. The topic will be the map.

The date of the retreat was discussed. It was decided to meet March 24<sup>th</sup> at 6:00 p.m. The location could be either Blue Sky Ranch or Hi-Ute Ranch. Commissioner Henrie said he would like the evening to be social with some Commission discussion.

Director Putt said he will meet with the County Manager, Tom Fisher, and the Chair of the Council, Roger Armstrong, to help frame the first meeting so that it will be as productive as possible. He thinks they will want to start this discussion at a high level. Some possible questions the Council may pose are to describe the problem. What needed to be fixed? How did the Commission go about trying to fix that problem? What is the impact if they don't fix this problem?

Director Putt said about one week ago, several of the Council Members and Staff went through a community consensus training. The training suggested this is where a discussion should begin. He doesn't think the Council will want to dive into the map or Chapters 3 and 4 at the March 16<sup>th</sup> meeting. He thinks they truly want to understand the reasoning behind the changes. He added they could identify the March 17<sup>th</sup> meeting as a recap of the joint meeting with the County Council.

**ADJOURN**

***At 8:10 p.m., Commissioner Wharton made a motion to adjourn. The motion was seconded by Commissioner Ure.***

**MOTION CARRIED (6-0)**



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**Approval Signature**