

**MINUTES OF THE
WASATCH COUNTY PLANNING COMMISSION
AUGUST 8, 2024**

PRESENT: Chair Chuck Zuercher, Doug Grandquis, Doug Hronek, David Thacker, Kimberly Cook.
EXCUSED: Commissioner Mark Hendricks, Commissioner Scott Brubaker.
STAFF: Doug Smith, Wasatch County Planner; Austin Corry, Assistant Wasatch County Planner; Jon Woodard, Assistant Wasatch County Attorney; Rick Tatton, Court Reporter *(via Zoom)*
PRAYER: Commissioner Doug Hronek
PLEDGE OF ALLEGIANCE: Led by Commissioner Kimberly Cook and repeated by everyone.

Chair Chuck Zuercher called the meeting to order at 6:00 p.m. on Thursday, August 8, 2024 and indicated that all the Wasatch County Planning Commissioners are present except Commissioner Mark Hendricks and Commissioner Scott Brubaker who are excused. The record should also show that the Wasatch County Planning Commission is meeting in the Wasatch County Council Chambers, located in the Wasatch County Administration Building, at 25 North Main, Heber City, Utah 84032. Chair Chuck Zuercher then called the first agenda item.

APPROVAL OF THE MINUTES FOR THE JULY 11, 2024 MEETING

Motion

Commissioner Doug Grandquis made a motion that we approve the Planning Commission minutes for July 11, 2024 as they are written.

Commissioner Kimberly Cook seconded the motion.

The motion carries with the following vote:

AYE: Chair Chuck Zuercher, Kimberly Cook, Doug Grandquis, Doug Hronek, David Thacker.

NAY: None.

Chair Chuck Zuercher then read the following:

“As indicated on the screen, a required public hearing will be held for certain agenda items prior to Planning Commission action. After each such item has been presented, time to comment will be provided for all those who wish to speak. Public hearings and citizen comments are a legitimate source of information for the County to consider in making legislative decisions.

For items that do not require a public hearing, public comment may still be taken following presentation of the item, however, please keep in mind the following if public comment is accepted during these items: When making land use decisions, the Planning Commission can only rely on substantial evidence on the record, which is that amount and quality of evidence relevant to proving or disproving a specific requirement of the applicable law.

During any public comment period, each speaker will generally be limited to three minutes. Additional time may be given to individuals specifically invited to speak by the Planning Commission.”

CONSENT AGENDA

Chair Chuck Zuercher indicated that we have one matter on the consent agenda this evening. All matters on the consent agenda are considered accepted unless somebody from the audience or Planning Commission members would like to hear the matter. All of these matters will be handled with one motion.

ITEM 1 **SHAUN CONWAY, REPRESENTING ANTONY FIORE, REQUESTS A CONDITIONAL USE PERMIT FOR A 10 FOOT RETAINING WALL CONSTRUCTED USING A BOARD FORM CONCRETE FINISH LOCATED AT 7415 EAST MOON DANCE CIRCLE IN THE JORDANELLE BASIN OVERLAY ZONE (JBOZ). **IF FORWARDED, THE RECOMMENDATION BY THE PLANNING COMMISSION ON THIS ITEM WILL BE CONSIDERED BY THE COUNTY COUNCIL AS THE LAND USE AUTHORITY, AT A PUBLIC HEARING ON AUGUST 21, 2024.* (DEV-9454; AUSTIN CORRY)**

Public Comment

Chair Chuck Zuercher then opened the matter for public comment and there was none, so the public comment period was closed.

Motion

Commissioner Doug Grandquis made a motion to recommend to the County Council approval of Item No. 1, the consent agenda, retaining wall conditional use permit, in light of the findings and subject to the conditions and being consistent with the staff analysis.

Commissioner Kimberly Cook seconded the motion.

The motion carries with the following vote:

AYE: Chair Chuck Zuercher, Doug Grandquis, Kimberly Cook, Doug Hronek, David Thacker.

NAY: None.

REGULAR AGENDA

ITEM 2 **ANDREW BADGER, REPRESENTATIVE FOR ROCKY MOUNTAIN POWER, IS REQUESTING A CONDITIONAL USE PERMIT FOR AN UPGRADE TO A SECTION OF POWER LINE IN WASATCH COUNTY. THE POWER LINE UPGRADE IS LOCATED IN SECTIONS 6, 7, 8 AND 21 IN TOWNSHIP 2 SOUTH RANGE 4 AND 5 EAST IN THE JORDANELLE BASIN OVERLAY ZONE (JBOZ). (DEV-9306 DOUG SMITH)**

Staff

Doug Smith, the Wasatch County Planner, presented a Power Point presentation and then addressed the Wasatch County Planning Commission and indicated that Rocky Mountain Power (RMP) is seeking to upgrade the support poles for an existing power line located along the County line west and south of the Iroquois development. The Iroquois development is at the intersection of the Jordanelle Parkway and Highway 248. The existing line is proposed to be upgraded to be fire resistant. Most of the existing wood poles will remain in place but will be fire wrapped. Distribution lines will be removed from all poles and placed underground. One pole is proposed to be replaced with an increased height of 9 feet. This is part of a larger upgrade that includes Summit County and Hideout Town.

The County code allows for administrative conditional use approvals if the line is not greater than 36 kV and less than 49 feet in height. This does not apply in this situation because the line is a 46 kV and poles are greater than 49 feet in height.

Doug Smith then went through the key issues to be considered.

- The one pole that is replaced is pole 87 which will increase by a height of 9 feet to a total height of 56.5 feet.

- Poles 88-95 are in the County but no work is planned in this section.
- 15 poles (29-43) remain the same but are fire wrapped.
- Distribution lines are removed and are facilitated underground.
- 12 poles are at 74.5 feet (existing), 2 poles are at 79 feet (existing), one pole is at 82 feet (existing) and one pole at 56.5 feet (new).
- The existing transmission line has a voltage of 46kV. This project will not result in increased voltage capacity and the line will continue to operate at 46kV.
- A Conditional Use Permit is required in the JBOZ/M zone for the replacement of existing electric transmission lines over 49 feet from finished grade and/or over 38kV.
- Any part of the construction process that results in vegetation removal will be required to be reseeded.
- The existing conductor (wire) will remain in place except for one segment between poles 43 through 77 which will be replaced with a non-specular conductor, meaning that the outer layer of the conductor has been treated to reduce light reflectance.

Doug Smith indicated that this proposal has been reviewed by the various members of the Development Review Committee (DRC) for compliance with their respective guidelines, policies, standards, and codes. A report of this review has been attached to the exhibits in the staff report. The committee has accepted the item for Planning Commission to render a decision.

Doug then went through the proposed findings:

1. The proposal replaces one pole and upgrades 14 poles with fire wrap.
2. The pole that is being replaced increases in height by 9 feet for a total height of 56.5 feet.
3. The replaced pole is wood.
4. The transmission line will continue to operate with a voltage of 46kV.
5. The upgraded line runs through areas prone to wildfire in an urban interface area.
6. The line has been designed to fit in with the surroundings as much as possible by using earth toned colors, non-specular wire for any replaced wire and removing the distribution portion off the lines.
7. No new easements are needed for the installation of the line.
8. Access from existing roads will be used for construction.
9. The staff analysis indicates the proposal complies with Section 16.23.07 of the current Wasatch County Code related to Conditional Uses.
10. Notice has been sent to neighboring property owners within 500 feet of the property.
11. The location of the transmission line will not be altered with this project.
12. The applicant has provided a Reclamation Plan with their proposal.
13. The proposal furthers the health, safety and welfare of the residents of the County by updating an outdated power line to current best industry standards.
14. The Development Review Committee has reviewed the project and accepted the item for the Planning Commission to render a decision.

Doug Smith then went through the proposed conditions:

1. The applicant shall follow all mitigation procedures explained in the submitted Reclamation Plan.
2. Non-specular conductor wire shall be used for all the new lines to reduce light reflectance.
3. All issues raised by the DRC, as noted in the DRC report dated 8 July 2024 shall be resolved to the satisfaction of the applicable review department ~~prior to Building Permit approval.~~

Doug Smith then went through the DRC Comments:

PLANNING comments:

- It appears that the first pole in Wasatch County is pole 30 and the last is pole 43. The map provided showing the Hideout boundary is not accurate.
- The spread sheet showing existing heights and proposed heights shows that pole structures 30-43 keep the existing wood structures but are fire wrapped. Is this the case? If so, I don't know that this would need to go through the conditional use process.
- The new submittal states that all the poles in Wasatch County remain the same other than pole 87 which increases 9 feet in height. Poles 87-95 are in Wasatch County. Do any of the other poles increase in height?

- Structure 87 is replaced and increases in height by 9 feet.

ENGINEERING comments:

- Portions of the project are in Hideout and Summit County. Coordinate with respective municipalities for approval within the municipality's jurisdiction.
- As a condition, a SWPPP with associated erosion control BMP details should be submitted for issuance of permit.

PUBLIC WORKS comments:

- It would be really great to keep pole #30 as far from the edge of Richardson Flat Rd as possible. Please consider this. We will eventually be widening that road with the amount of traffic that is using that route to and from Park City.

ENVIRONMENTAL QUALITY comments:

- - Provide SWPPP maps or documentation of site specific best management practices (BMPs) and/or construction details for sediment and erosion control devices that will be installed to prevent the discharge of sediment off-site during project construction.
- Condition of Approval: Final SWPPP, including SWPPP map(s) and installation details for best management practices (BMPs), to be provided before construction permits are issued. Wasatch County Code 16.40.01 outlines storm drainage and erosion control planning submittal requirements. Additional guidance is provided in "Wasatch County - A Guide for Erosion and Sediment Control" (1996).

Applicant

Andrew Badger, representative for Rocky Mountain Power, addressed the Wasatch County Planning Commission and indicated that he would like to thank Doug Smith and Wasatch County because they have been great to work with on this project. Andrew Badger also indicated that Doug Smith, the Planner, did a great job explaining the matter to you and he doesn't have anything further to add. What is being done is just a part of the wildfire mitigation.

Public Comment

Chair Chuck Zuercher then opened the hearing up for public comment and there was none, so the public comment period was closed and then he asked for a motion.

Jon Woodard, Assistant Wasatch County Attorney, addressed the Wasatch County Planning Commission and asked that in your motion could you modify that last condition to remove prior to building permit approval since there isn't a building permit, but besides that it looks good to me. We are leaving in Condition 3, but removing the "prior to building permit approval".

Motion

Commissioner David Thacker made a motion to approve consistent with the findings and subject to the conditions presented in the staff report as amended with the added stipulation that condition No. 3 be required even though a building permit is not required for the poles, so remove the "prior to building permit approval" portion of Condition #3.

Commissioner Kimberly Cook seconded the motion.

The motion carries with the following vote:

AYE: Chair Chuck Zuercher, David Thacker, Doug Hronek, Doug Grandquis, Kimberly Cook.

NAY: None.

ADJOURNMENT

Motion

Commissioner Kimberly Cook made a motion to adjourn.

Commissioner David Thacker seconded the motion.

The motion carries with the following vote:

AYE: Chair Chuck Zuercher, David Thacker, Doug Grandquis, Kimberly Cook, Doug Hronek.

NAY: None.

Meeting adjourned at 6:30 p.m.

A handwritten signature in blue ink, reading "Charles R. Zuercher". The signature is fluid and cursive, with the first name "Charles" and last name "Zuercher" clearly legible. The middle initial "R." is smaller and less distinct. The signature is written over a horizontal line.

Chuck Zuercher/Chairman