

CITY OF SOUTH JORDAN  
PLANNING COMMISSION MEETING  
COUNCIL CHAMBERS  
March 12, 2019

Present: Commissioner Mark Woolley, Commissioner Julie Holbrook, Commissioner Earl Jolley, Commissioner Sean Morrissey, Commissioner John Ellis, Commissioner Michael Haynes, City Planner Greg Schindler, Deputy City Engineer Jeremy Nielson, Staff Attorney Todd Sheeran, City Recorder Anna West

Absent: Commissioner Sean Morrissey

Others: See Attachment A

6:30 P.M.

**REGULAR MEETING**

**I. GENERAL BUSINESS**

A. Welcome and Roll Call

Chairman Mark Woolley welcomed everyone present. He said if you are intending to speak tonight, please fill out one of the blue public speaking cards. This will help us manage the Public Hearing if we have a lot of speakers. He noted that all Commissioners are present except Commissioner Morrissey and he is excused tonight.

B. Motion to Approve Agenda

Commissioner Holbrook said we need to move Item D. to go before Item C. so that the Rocky Mountain Power item is heard last.

**Commissioner Holbrook made a motion to move Item D.1. to go after Item B.1. on the Agenda and approve the March 12, 2019 Planning Commission Agenda. Commissioner Jolley seconded the motion. Vote was unanimous in favor. Commissioner Morrissey was absent.**

C. Approval of the Minutes from the Meeting held on February 26, 2019

**Commissioner Holbrook made a motion to approve the February 26, 2019 Planning Commission Meeting minutes with changes. Commissioner Ellis seconded the motion. Vote was unanimous in favor. Commissioner Morrissey was absent.**

**II. INFORMATIONAL ITEMS AND OTHER BUSINESS**

A. Staff Business

None

B. Comments from Planning Commission Members

None

### **III. CITIZEN COMMENT**

Chairman Woolley opened Citizen Comment.

**Joseph Shurn**, South Jordan; he said they have put no right turn lights on that new 106<sup>th</sup> South and River Front Parkway road and you are not allowed to turn right. Everybody runs that light and it is just not working. I don't see any reason to have that light there. It jams traffic and wastes energy and gasoline.

Chairman Woolley asked Jeremy Nielson to check into that. Jeremy said that was a UDOT decision but we will go ahead and look into the issue.

Chairman Woolley closed the Citizen Comment.

### **IV. SUMMARY ACTION**

None

### **V. ACTION**

None

### **VI. PUBLIC HEARINGS AND POTENTIAL \*\*ADMINISTRATIVE ACTION ITEMS**

\*\*Administrative Action = Less Discretion, Substantial Evidence (Objective Standard)

**A.1 Issue:** **Daybreak Oquirrh Plat Amended Subdivision Amendment**  
**Location:** 10521 South Lake Avenue  
**File No:** PLPLA201900074  
**Applicant:** Daybreak Communities

City Planner Greg Schindler reviewed the background information on this item from the Planning Staff Report. This meets all state and local requirements for subdivision amendment and staff is recommending approval.

Chairman Mark Woolley opened the Public Hearing. No comments. He closed the Public Hearing.

Commissioner Ellis asked if the plan is to leave the western lot as open space or are you planning to develop that into something else.

Gary Langston, Daybreak Communities, said the intent of this is to do two things. We are preparing to transfer the lake to the HOA. We have an agreement with Harmons to build a little Neighborhood Market at the north end. At some point in the near future you will see another amendment to the big parcel to the north, which will further subdivide and create all of the parcels for the future and commercial and residential. We are not modifying the open space by Lake Avenue.

#### **A.2 Potential Action Item – (See VI.A.1)**

**Commissioner Holbrook made a motion to approve Project No. PLPLA201900074 subject to all South Jordan City Requirements are met prior to recording the subdivision amendment. Commissioner Ellis seconded the motion. Roll Call Vote was 5-0 in favor. Commissioner Morrissey was absent.**

**B.1 Issue: 106 Exchange II Site Plan**  
**Location:** 489 West South Jordan Parkway  
**File No:** PLSPR201801175  
**Applicant:** Greg Goffin/Thrive Development

City Planner Greg Schindler reviewed the background information on this item from the Planning Staff Report. The ARC has reviewed this and recommended approval. This meets all Code and City requirements.

Chairman Mark Woolley opened the Public Hearing. No speakers. He closed the Public Hearing.

**B.2 Potential Action Item – (See VI.B.1)**

**Commissioner Jolley made a motion to approve the 106 Exchange II Site Plan, file number PLSPR201801175, with the following requirement(s):**

- 1. The necessary waterline easement(s) shall be recorded prior to any construction.**
- 2. The Applicant shall provide ‘will serve’ letters and/or other final approvals from utility entities prior to construction.**

**Commissioner Ellis seconded the motion. Roll Call Vote was 5-0 in favor. Commissioner Morrissey was absent.**

This Item D.1. was moved to follow B.1. at the beginning of the meeting.

**D.1 Issue: Ashcroft Acres Subdivision**  
**Preliminary Subdivision**  
**Location:** 10700 South 1055 West  
**File No:** SUB-2016.01  
**Applicant:** Charles Judd, J Lamar Holdings, Inc.

City Planner Schindler reviewed the background information on this item from the Planning Staff Report. This application is located just off of 1055 West which was declared a Historic Road a few years ago. Because of that, there will not be any further widening of the road or improvements. Some lots are large enough to have farm animals and they are properly zoned; however, there has been a note placed on the plat that states no large animals will be allowed on any lot in the subdivision. They will put up masonry walls on the north side and along the entire south side. This meets all of our requirements for code and staff is recommending approval.

Commissioner Jolley asked if the wall will go in front of parcel A on the north side.

City Planner Schindler said no, because there is no one living there so it is not required.

Commissioner Jolley said if that becomes a buildable lot in the future will it be required. City Planner Schindler said yes. They would have to amend the plat at that time.

Chairman Mark Woolley opened the Public Hearing.

**Don Reese**, my property adjoins the property on our south end and their north end. I have a major concern I would like to address. The water that runs down that ditch is surface water and it is now supposed to be covered and it is not. It needs to be covered completely before they put yards in there because the yards will push down against that and against the retaining wall. My recommendation would be to make sure that the pipe that is there now is removed and a new pipe be put in adequately because the water from that ditch now runs over partly on my property and is causing a problem there for me. I need to see that that is addressed before I can look favorably towards this.

Chairman Wooley asked Jeremy Nielson of Engineering is he was aware of that irrigation water. Mr. Nielson said no I am not aware of it but I will make sure that the staff engineer is aware of it.

Mr. Reese said that water is privately owned so we can't block it off and there is no accessibility to my property or accessibility to the Judd property. If they put a subdivision in there, and the lots are pushed down as they level the lots out, my concern is that it will either be covered or if not covered adequately, it will stop the flow of the water. My other concern is the traffic on 1055 West. We have addressed this several different times. I have the backing of all of the citizens on the street and can give a proclamation to state that we are not in favor of having additional traffic on that little private road.

City Planner Schindler said I would like to make a correction, they do plan to build a wall all the way across the detention basin.

Chairman Woolley closed the Public Hearing.

**Michael Judd**, I am Charles Judd, the applicant's oldest son; he is in Guatemala on a humanitarian trip right now.

Commissioner Jolley asked Mr. Judd to address the concerns regarding the open ditch. He asked is it a surface draining ditch or a ditch that carries water that is owned by other individuals.

Mr. Judd said yes; that is my understanding. My understanding squares with Mr. Rees's statements that it is water that is used by people primarily to the east across 1055. We are more than happy to follow whatever instructions the City gives. We want it to be safe and we do not want to interfere with private rights of others.

Commissioner Jolley asked are you aware of an easement that exists there for this pipe or ditch to exist there. Mr. Judd said no. Like Don said, we believe those rights belong to people who were there before and have had those rights a long time. Often we hear about those kinds of things just by word of mouth.

Commissioner Jolley said if there is legal water that is owned that crosses his property, there should be an easement; is that correct? Jeremy Nielson said there probably should be. A lot of times those old irrigation lines and ditches, there is not. There is a prescribed right to the water users. We need to accommodate that and make sure that the water continues to go through the way it normally goes through.

Don Reese said that water comes from Beckstead Estates. In the late 40's early 50's, put in a drainage system that drains surface water into that ditch that runs from the back of Beckstead Estates all the way down and across 1055 West. That is surface water that is pumped out so that water doesn't go into the basements of the homes. That land was, originally where Beckstead Estates now sits, was quite swampy so they put in a tile irrigation system underground and it is still in effect today. That is where most of the water comes from. It is owned by Cal Robbins. He is currently in Philadelphia on a mission.

Chairman Woolley asked Jeremy Nielson what he can tell us about 1055 West and what can be done. He also asked what the City's long term plans are for traffic concerns on 1055 West.

Deputy City Engineer Nielson said traffic really hasn't been a concern on 1055 West. The plan is to keep the road at the 25' width.

City Planner Schindler said most of the developable parcels are on the east side of the road and they may have opportunity to not use 1055 West as access. We have had multiple concepts that staff has come up with over the years showing connections to some of the roads that are down in the River Park Development that stub into those properties and at some point to connect them up to South Jordan Parkway. I can't say that nothing will ever be added to 1055 West but there is a private portion of the lane further south that ties in. We try to direct everything to the other direction.

Commissioner Ellis said as I understand, the water currently flows down the back property line of these lots 1, 2, & 3 and spills into the property to the north and it belongs to the property to the east. What provisions can we employ to ensure that the water doesn't get pushed onto the property to the north?

Chairman Woolley said we can discuss this with staff again and have them give us a recommendation that we can include in our motion or we can include in our motion to direct staff to address that issue specifically.

Deputy City Engineer Nielson said I am fine with either of those options. We as staff can look into that and make sure that it is engineered adequately.

#### **D.2 Potential Action Item – (See VI.D.1)**

**Commissioner Ellis made a motion to approve the Ashcroft Acres preliminary subdivision plat, File No. SUB-2016.01, with the condition that the City ensures proper design for passage of the water through that property. Commissioner Jolley seconded the motion. Roll Call Vote was 5-0 in favor. Commissioner Morrissey was absent.**

Chairman Woolley said before we begin this next Public Hearing, we have a lot of people in the audience and we appreciate you being here. If you would like to speak on this item, please fill out one of the blue speaker cards. We will first have our staff report, then we will have comments from other members of our city staff and legal team. We have invited a representative from Rocky Mountain Power to do a 20-minute presentation, and then there is a large group of citizens who have requested to speak for the majority of you and have designated 12 speakers to this. We have allotted 1 hour for that group to speak and then we will open for other speakers.

**C.1 Issue: Rocky Mountain Power Line Upgrade  
Conditional Use Permit**  
**Location:** Redwood to Draper  
**File No:** PLCUP201800742  
**Applicant:** Lisa Romney

City Planner Greg Schindler reviewed the background information on this item from the Planning Staff Report. Rocky Mountain Power (RMP) filed a Conditional Use Permit (CUP) application proposing to upgrade an existing power line (transmission line) from 46 kV to 138 kV and to upgrade 29 pole structures in the process (generally referred to as "proposed work" or "proposal"). The location of the proposal will run from the South Jordan substation located at 10735 South Redwood Road to the Draper

substation located at approximately 500 West 12300 South. The proposal will follow the same path as the existing lines, generally through and adjacent to the rear, side and sometimes front property lines of lots and parcels. RMP submitted all the recorded easements that show that it has rights to perform the proposed work at the proposed location. This transmission line has already been upgraded from 46 kV to 138 kV north and south of the area designated on the current CUP application.

From the Planning Staff Report:

**Findings:**

- *Easements.* After thorough review, staff agrees that the Planning Commission may not determine the validity of the recorded easements. However, as with any person or entity proposing to do work in the City, the City needs assurances that the person or entity has legal authority to do that work. This case is no different. Even though RMP submitted all the recorded easement documents with an associated location map, the residents have raised concerns that the easements are not sufficient for RMP to perform its proposed work. To resolve this concern, the residents requested that the Ombudsman resolve the easement dispute. Because there is a pending dispute with a body that has statutory authority to address and opine on such disputes (recognizing that the Ombudsman decision is not binding), the pending easement dispute does not give the City assurance that RMP has the proper easements to do its proposed work. Accordingly, if the Planning Commission approves the CUP, staff recommends that the Planning Commission attach the following condition to mitigate the anticipated detrimental effect:

*Before RMP commences its proposed work, this conditional use permit is conditioned on:*

1. *The Ombudsman finding that the easements are legally sufficient to do the proposed work; or*
2. *RMP acquiring easements that are legally sufficient to do the proposed work. “Acquiring” may include, among other things, RMP’s statutory right of condemnation or through negotiated agreements with the property owners.*

- *EMFs.* Even though both parties have submitted some form of documentation that states their position on the EMF issue, neither party has submitted expert testimony validates their statements. The evidence submitted seems to conflict or is inconclusive. Additionally, there is no federal or state agency that regulates EMFs. Based on the lack of regulation, it is unlikely that EMF may be a detrimental effect that could be upheld in court.
- *Safety and Design.* Staff recommends the Planning Commission weigh the evidence presented.
- *Property Values.* Staff recommends that if a devaluation of property is shown to be a valid anticipated detrimental effect, staff proposes the following condition be attached to mitigate that detrimental effect:

*Before RMP commences its proposed work, this permit is conditioned on RMP completing appropriate property value analysis and mitigation.*

- *Other Issues - Alternative Routes and Non-Compliance with RMP’s Guidelines.* The alternative route issue is not an issue that the Planning Commission can consider because it is a legislative issue.

**Conclusion:**

Based on the application materials and the findings listed above, if substantial evidence is presented at the hearing, the proposal may have at least two reasonably anticipated detrimental effects: (1) sufficient easement scope; and (2) decreased property values. Notwithstanding, any condition imposed must be the least restrictive method to mitigate the detrimental effect.

**Recommendation:**

Staff recommends that the Planning Commission take comments at the public hearing and approve (with the conditions stated herein and other necessary conditions) the Conditional Use Permit Application File No. PLCUP201800742 for the installation of an upgraded 138 kV power line and associated replacement power line support structures between the South Jordan power substation located at 10735 South Redwood Road and the Draper power substation located at approximately 500 West 12300 South, unless during the hearing, facts are presented that contradict these findings or new facts are presented, either of which would warrant further investigation by staff.

City Planner Schindler said Rocky Mountain Power has provided evidence that they have engineers that are hired to make sure of the safety in the design of their structures, the design of the lines, and that they meet all of the requirements that are required by the National Electric Safety Code which regulates Rocky Mountain Power. The City itself does not have regulation on these structures; they are regulated by another source. Rocky Mountain Power has provided statements from their independent engineers that they have hired to make sure that everything is designed correctly for safety. Everything we received from both RMP and the citizen groups has been posted on our city web for everyone to review. Our Staff Attorney, Todd Sheeran would like to review the changes to the conditions.

Staff Attorney Todd Sheeran said, after talking with Brent Bateman at the Ombudsman office and the RMP attorneys, I just wanted to clarify the conditions that we have put in the staff report and explain why we are changing them a bit. Even though the evidence has not been submitted to you yet, we anticipate more evidence coming today. I am not necessarily saying this is the language we will stick with, but evidence that has been submitted this is the language that we proposed. It is important to know the process in requirement of the public utilities. As it is written in the staff report, the city does not allow things to be done on other people's properties without permission from the property owner. This is their right to that property. The city is also looking for those assurances in this case, but because RMP is a public utility, they have statutory rights through condemnation to obtain easements, which is similar to a builder's option to purchase. They can obtain the easements if needed and they have that process under state statute. There is the question if the current easement allows for the proposed work that RMP is asking us to approve. It is not a question for the Planning Commission, but rather for a court to determine what does the easement mean, and what is the scope of the easement. The Planning Commission is not trained to answer that question, a judge is. We have a condition that if it is determined that RMP does not have sufficient easement, then they obtain the necessary easement(s) to perform the proposed work. The second part of the detrimental effect that we identified as property values, which is also wrapped up in this same process. If RMP were to use their statutory right, there would be a determination of property value in the court system. We believe that there are two detrimental effects but one condition would satisfy both.

Chairman Mark Woolley opened the Public Hearing.

**Lisa Romney**, RMP Regional Business Manager (Applicant); she brought a presentation to review (see Attachment B). She thanked Commissioners and City Staff as well as all of the residents who have invested a considerable amount of time on the project. She thanked everyone for being respectful and professional interactions that have led to this hearing. She said on August 6, 2018, RMP submitted an application for a Conditional Use Permit to upgrade an existing 46 kV line that has been in operation since the late 1950's and will be converting it to a 138 kV transmission line. She introduced supporting RMP staff that are to respond to technical or legal questions that may come up this evening. Ben Clegg – Project Manager, Brett Reich – VP & Litigation Counsel. I organized my presentation to follow your staff report. More than 100 years ago, Salt Lake City became the 5<sup>th</sup> city in the world to have central station electric street lighting. Since that time, thanks to the electricity and the power we rely on, we have our smart phones, kitchen appliances, air conditioners, computers, the manufacturing businesses in our communities, data centers, electric vehicles and

services as vital as health care. Our modern economy and communities have been built on the grid and on Rocky Mountain Powers ability to keep pace with this demand.

She refers now to her presentation (Attachment B):

- Background – Purpose and Need (P.2)
  - If something goes down, we can't transfer that amount of load to neighboring circuits. Any amount of outage has tremendous impact on the businesses that operate in our communities. This upgrade is absolutely necessary to meet the growth needs.
- Background – Project Facts (P.3)
  - We will rebuild 1 mile of existing 46 kV to 138 kV. We will rebuild 2 miles of existing 46 kV to single circuit 138 kV to the Draper substation. Portions have already converted to 138 kV during other major projects and developments in the city. Goal is to have construction complete by April 2020 at an investment of 11.8 million dollars
- Background – Project Details (P.4)
  - 20 rebuilt poles proposed. 16 wood and will remain wood and 4 steel to remain steel.
  - Average height 70'. Smallest 45' and largest 103'.
  - Future size of insulators is 60"
- Background – Project Details – Before and After (P.5)
  - Before – image looking South in South Jordan from 10760 South near 1600 West
  - After – image looking north in South Jordan from 10760 South near 1600 West.
- Double Circuit 46 kV and 138 kV compared to single circuit 46 kV (P.6)
- Background Maps (P.7 – P.8)
  - 10760 South 1500 West shows poles that need to be changes indicated by red dot
- Background – Community Outreach (P.9)
  - Personally knocked doors, hand delivered project flyer & invitation to open house to homes with poles in yard or wires overhead.
  - Mailed info & invitation to open house to property owners within 325'
  - Presentation to City Council August 7, 2018; City Council Work Session August 7, 2018.
  - Meetings and tours with political leadership at the State and local levels
  - Met onsite with landowners and worked with property-owners to discuss pole placement and design. Offer expertise and tree vouchers to property owners with easements.
  - This hearing is actually the only public outreach requirement of RMP for this permit.
  - We have done our best to reply to all inquiries and our intention is always to provide a service to the public and be an excellent Community partner.
- Community Concerns (P.10)
- Easements (P.11)
  - RMP purchased and recorded the majority of easements to operate, maintain, and replace a transmission line in the 1950s. Two types of easements – Centerline and Fixed-width.
  - No action by this commission alters the condition of the existing transmission line easements.
  - There is a legal process and pathway for property owners to resolve easement disputes outside of South Jordan City.
  - RMP has provided easement documentation showing easements are sufficient for this application
  - The easement granted by Wendy & Thomas Edsmond in July 19, 1958, granted a perpetual easement and right-of-way for the erection and continued maintenance, repair, alteration and replacement of the electric transmission, distribution and telephone circuits. RMP has already purchased these rights. If a court were to determine that these

easements were not sufficient, and no resolution could be reached with property owners, RMP would exercise our statutory rights to acquire sufficient easements.

- Electromagnetic Fields (EMF) (P.12)
  - The scientific community has not linked electromagnetic fields from high voltage power lines to any impact on health
  - Because of that, no safety or health organization recognizes EMF from high voltage power lines as an issue.
  - There are no federal requirements to mitigate EMF
  - There are no State of Utah requirements to mitigate EMF
  - There are no electric codes or guidelines to mitigate EMF
- Safety and Design (P.13)
  - Our line has been in place since the 1950s. Then development came in and families bought homes with an existing transmission line and transmission line easement. Even though the power line was located here first, our design has taken into consideration all clearances required so that we have minimal to no impact on property owners.
  - Our design has taken into consideration all clearances, horizontal, vertical, transitional
  - This upgrade will bring the entire line between South Jordan Sub and the Draper Substation to current standards. The upgrade will be better overall.
- Property Values & Lending (P.14)
  - Some residents raised to the City Council a reduction in property values as a potential impact.
  - RMP did research on this and found the study that showed the impact to be nominal.
  - Because of the study, we contacted Troy Lund who had done the work directly, to understand his research. Troy gave his expert opinion from both his research and his work as an appraiser. In a letter submitted to the Commission on Jan. 2<sup>nd</sup> he provided a clarification letter today (Attachment C) His professional opinion is that because the line exists, it is unlikely to create any change in property values.
  - Regarding lending, although it has been stated that the line upgrade will make it difficult to receive loans, we have found no proof of that. The line predates the homes and the home loans. No requirement makes it impossible to receive these types of loans.
- Utah State Property Ombudsman (P.15)
  - To date we know that residents submitted a request to the Ombudsman
  - RMP has responded in writing with willingness to mediate
  - Residents had a meeting with the Ombudsman but no further mediation action at this time.
- Alternatives vs. Alternative Routes (P.16)
  - Neighbors have been concerned that RMP mentioned alternatives at the Open House but we have not provided those alternative routes. These are two different things.
  - In our long range plan we considered several alternatives to upgrading the existing 46 kV lines such as upgrading other substations; those were determined to be too far apart and too far away from the necessary capacity.
  - This was determined to be the best solution to the capacity constraints and is the most cost effective option.
  - An Alternative Route study must be requested by an interested entity and paid for by the requesting entity. No official request for a study was made so none were done.
  - We could not identify any alternative route that would not impact the residents and businesses with a new corridor. Building a new kV line would double the impact of transmission corridors on the community of South Jordan.
- Community Planning (P.17)
  - Salt Lake County Electrical Plan Local Planning Handbook developed in Sept. 2010

- This is a guideline to minimize when possible, the impact of power infrastructure in the communities we serve.
- Residents are aware of this Plan and claim RMP has not given it consideration.
- We are following the High Priority from this Plan to upgrade existing facilities before building new facilities.
- This line was identified in the Plan as an existing facility that would change
- Future Plans (P.18)
  - It is not in our long range plan to upgrade the operation of this corridor above 138 kV
  - The State has additional siting guidelines for 230 kV and above
- Summary (P.19)
  - Hope that I have made the need clear
  - This project brings vital transmission and distribution capacity and reliability to the Salt Lake Valley
  - RMP as the applicant believes the application and project meet all standards for a Conditional Use Permit
  - RMP requests the Planning Commission approve this application for a Conditional Use Permit to upgrade the existing 46 kV line to 138 kV

Ms. Romney said, in summary, having gone through all of this information, I hope that I have made the need clear. Information like 92% utilization and 105% utilization may not mean a lot to you, but it truly means a lot to businesses. It may mean that we would have to delay power deliveries to new businesses in the immediate future until new infrastructure can be sited, built and put into operation. Extended time lines to deliver service could mean that South Jordan and neighboring communities lose economic development opportunities. We ask that the Planning Commission approve our application for a Conditional Use Permit to upgrade the existing 46 kV lines to 138 kV.

Chairman Woolley said we will now continue with the Public Hearing. I have a list of 12 designated speakers so we will go in the order on the list (Attachment D).

**Dave Kowallis, SJC** – I represent a large group of residents who are here tonight to voice their opposition to this project. I would say we have well over 100 residents present. He handed out a printed presentation by the residents that they will follow (Attachment E). He said we are appreciative of the positive interactions we have had with the City and the Planning Commission on this topic. Tonight we will present substantial new evidence that has not previously been presented or considered. This evidence has a direct bearing on your decision on this CUP request and we believe it provides more than sufficient cause to only conditionally approve the permit at worst and more appropriately, to be denied outright. We acknowledge that the applicant represents a key member of our community and they provide a vital service to our community. We all want and need for them to remain viable. We don't want them to go bankrupt like their sister company in California, which resulted largely from the multitude of law suits they lost pertaining to fires proven in court to have been caused by transmission lines such as these. In fact, PG&E has even acknowledged in a press release that their transmission lines were likely determined to be the cause of the 2018 camp fire that devastated the city of Paradise California, killing 85 people. We also acknowledge Rocky Mountains rights to maintain, repair and replace, the current 46 kV line within the current easement; however, this application represents a clear overstatement of their rights. We adamantly reject their rights to expand the current line within the existing corridor and easement. We believe this hearing is premature. Per the Utah Code Ann. § 10-9a-509.5(2) used by the applicant to force this hearing, the law requires that they submit a complete application. We will present information tonight that clearly indicates that the documents submitted in support of the permit application, is incomplete. Per South Jordan City Code, "*a use is conditional because it may have unique characteristics that detrimentally effect the zone and are therefore not compatible with other uses in the zone, but could be*

*compatible if certain conditions are required to mitigate the detrimental effects.*" This project as proposed is incompatible with other uses in the zone and it would create a multitude of severe detrimental effects on our neighborhood, which we will help identify for you. The application is incomplete because the applicant has failed to demonstrate how it will mitigate the detrimental effects. The application is incomplete because the applicant has failed to provide all of the relevant documents that have baring on the applicants rights, or lack thereof, to even do this major expansion within their existing easements. If the application is incomplete, it is within this body's right to deny the permit until these requirements are met. My task tonight is to introduce the overall basis for our opposition and then I will have other members of our community who will go into further detail on these topics as shown in our presentation material (Attachment E). Summary of our Opposition: 1) Applicant's easements are not unlimited/undefined; 2) Applicant's easements, as defined, are insufficient for this project; 3) Detrimental impact on property values and sale ability of homes; 4) detrimental impact on our health and safety (page 4 of Attachment E).

**Brett Hastings**, Hastings Law (Property Rights & Real Estate Attorney) – Easements Pages 5-27

I was brought on to assist a group of 22 of the residential homeowners to advise them on the legalities of these claimed easements within the residential section of this expansion. Our legal analysis included a review of all of the 1958 easements that are related to the residential section of this plan. It also included examination of a number of other document which have not been presented to this body which establish what RMPs easement rights are. That is why we believe that this meeting tonight is premature because those things have not been considered. Tonight, based on the legal analysis, we will show that RMP has actually abandoned the unbounded center-line easements in favor of a bounded 20-ft. wide utility easement.

We will also provide evidence from the 1958 easements themselves that the easements are insufficient for the planned expansion. The easement through the residential section of this line was not abandoned and it has been extinguished because of RMPs inaction in objecting to the building of homes, pools, garages, and other things within the 60 foot wide easement that would normally be required for such an expansion. We did make these concerns known to RMP and in a response that they wrote to Brent Bateman, the Ombudsman, they said that the plat maps may erroneously state that the easements are 10-ft. public utility easements, but RMP never abandoned any of their deed of property rights; so this survey error is of no legal consequence. You will see by what we present this evening that the statement is incorrect. RMP did indeed abandon the 60-ft. unbounded center-line easement in favor of a bounded and defined 20-ft. easement through this corridor. He presents an aerial photo P.8; the orange line is the location of the expansion. The colored areas are all of the various subdivisions that have been built over the years. These easements in this section were originally center-line easements that were issued more than 60 years ago. A time when this property was open farm land. Over the years it has been developed and was developed with the knowledge of RMP and their predecessors and there have been grants and changes and actions taken to modify these easements. The Jordan Meadows Subdivision (highlighted in blue P.8) was approved by the city back in 2002. On P.9 is the plat that was approved and P. 10 there is a dashed line which is 20 feet in width; 10-ft. on each side of the power line, which also corresponds with the property line. That 20-ft. easement is what exists in the Jordan Meadows Subdivision. P.12 "an easement is abandoned where there is action releasing the right to use the easement combined with clear and convincing proof of the intent to make no further use of it." UP&L reviewed this plat and approved this new definition of their easement – a 20-ft bounded easement, not a center-line unbounded easement. Abandonment of easements has long been a recognized principle here in the State of Utah. In a recent Utah appellate court case they defined it as "an easement is abandoned where there is an action releasing the right to use the easement combined with clear and convincing proof of the intent to make no further use of it." The evidence is in black & white – RMP did sign a document that abandoned a portion of their easement, p.13. On page 14, he shows a picture, with quote sent in an email to the property owner "Rocky Mountain Power does have the right within the easement area to cut and remove timber, trees or other obstructions." They cut the trees to the 10-ft easement on this side of this property line. I have reviewed all of the plat maps as shown on the aerial photo, (P. 15), and none of the other plat maps, other than Jordan

Meadows, has an expressed signature by either RMP or UP&L. We do know that as part of the process of having subdivisions approved, the city and Planning staff meets and talks with the utility provider. We believe there are documents and communications between the City and RMP regarding all of these subdivisions in which RMP or UP&L would have viewed and approved the proposed plats. Each plat shows a bounded 20-ft. easement with regards to this power line. We have filed a GRAMA request with the city to get copies of all of those communications and we believe that they will show that RMP was aware of and agreed to a bounded 20-ft. easement through this corridor. Points out yellow dots on P. 17 showing each of the power poles as they currently exist and will be expanded. They are 40-45 feet tall and the proposal is that they be almost double in height and tripled in capacity. It is a major impact on this section of the line. The Jordan School District is one of the entities that granted an easement. Their easement specifically states that there are to be no guy anchors and no poles within the scope of their easement. The map on P. 19 shows there are 2 poles within that easement. There are approximately 10 easement documents that create the easement through this section of the proposed project and 5 of those call for no poles. 7 of the 13 poles would be in violation of the easements granted. There is no way for RMP to upgrade this line because they would be in violation of 5 of those easements from 1958. See P. 22 – An easement can be extinguished by prescription. If the easement holder allows the property to be used in a manner that is inconsistent with the easement, their easement can be changed by prescription. Homes, pools, and garages and living quarters were built within the area that they would need to upgrade the line. See additional easement info Pages 23-27.

**Cami Hodlmair – Property Value Impacts (Pages 28-30)**

I have been a resident of South Jordan for 17 years. On South Jordan City's government portal, referenced to by City Planner Schindler, we read a cover letter submitted by Troy Lunt (Attachment C) stating a belief that the proposed project would have no impact on property values. Mr. Lunt states that he had not looked specifically at this project. Mr. Lunt is a co-author on a study that did quantify statistically significant declines in property values. Page 29, Property Value Impacts from Transmission Lines, Sub-transmission Lines, & Sub-Stations, was published in 2016. It examined over 125,000 single family home transactions in the state of Utah between the years 2001 and 2014. Spencer Hall, RMPs Marketing & Communications manager is quoted as saying 'every resident opposing this line purchased a home with a pole in the yard or a line overhead.' Page 213 of that study states that homes within 50 meters of a 46kV line see no effects on property value. Mr. Hall's belief that the homes under the existing 46 kV lines experienced a detrimental effect of depressed property value is simply not supported by the research. This contradicts Ms. Romney's assertion that property value loss is carried forward as homes are bought and sold. The study claims that the 138 kV line generates the most significant effect to property value (P.29). See potential Property Value Loss on P. 30 of the presentation. We ask that South Jordan City officials not rely on vague or contradictory cover letters. We ask that you utilize the primary data available in examining detrimental effects of high voltage transmission lines on property values. The loss of value on homes is a detrimental effect that can't be conditioned; therefore, the project in question is not compatible with real estate usage within the zone of the South Jordan / Draper transition line proposal.

**Paula Gordon, Mortgage Underwriter – Detrimental Effect: Financing (Pages 31-38)**

I have been asked to provide some information that I researched with regards to the financing restrictions that will affect all residents along the proposed line with the changes requested by RMP. In general, any power line along a home is considered a detrimental effect on value and can cause limitations on financing. With the 60-ft. easement that is required by RMP or this type of upgrade or change, VA, FHA, FNMA and FHLMC all have standards for power line requirements and lending. These are the government entities that all lenders follow for guidelines for lending. VA guidelines states that high voltage transmission lines cannot be over any part of the residential structure or be located within a high voltage electric transmission line easement. FHA and FHLMC are considered conventional loans. Freddie Mac Financing (P.33) requires utility easements be ascertainable and fixed, not unlimited. The easements cannot interfere with the use and enjoyment of the property improvements for any part of the mortgage premises. None of the owners of this property considered

the RMP change request an enjoyment and consider this with the interference of their home. Fannie Mae allows above service public utility easements that extend along the property line only as long as they do not extend more than 12 feet from the property line and do not interfere with any of the buildings or improvements within the property itself (P.34). FHA Loans require (P.35) all overhead electric power transmission lines are required to not pass directly over any dwelling, structure, or related property improvement, including pools. See P.36 Loan Types in Utah 2018. P.37 total of 96.3% for all financing options that would not be available to us. That leaves only 3.7% other financing options. This would make this extremely difficult to sell or even re-finance our homes with the changes the RMP is requesting and is not acceptable.

**Adam Kirkham**, President of SL Board of Realtors in 2018 – (Pages 39-40)

I am not a resident of South Jordan, I live in Salt Lake City. I was asked by a homeowner to give my thoughts on this because of my position. Cami did a great job of speaking to specifics when it comes to values. I spent time with appraisers and they all have their guidelines to value a home. Each of them said at some point they have to use their brain and decide what affects a property value and what doesn't. In Real Estate, Agents use comparative market analysis to get value on a property. They look at market trends, the condition of the home, and look at items that negatively or positively affect the property. Negatives are objections and can come in many different forms. The objection we are talking about tonight is called external obsolescence. That is something that is out of the owners control and can't be remedied. I did my own research and for anyone that thinks that pole size or voltage doesn't negatively affect property is mistaken. Any time you set a limitation on a property or you have to cut down a tree or you can't get financing or you can't build something, then that lowers the potential number of buyers, and the potential enjoyment of that property, and therefore, lowers the value of the property. I don't know any of the property owners that are affected by this, I just think this is an issue of private property rights and they concern me enough to come and speak to you today about this.

**Susanna Willey** – Title Insurance Claims (Page 41)

I have lived in South Jordan about 14 years. Upon review of the easement documents provided by RMP on the South Jordan City portal, I became aware of a discrepancy between RMPs definition of their easements and the complete lack of easement information provided to my at closing upon the purchase of my home. Because of this discrepancy, I have filed a claim against my title company. I received confirmation from my title company that the claim has merit and that they have engaged legal counsel in examining the issue. Most home owners along the proposed transmission line are in possession of plat maps that clearly state a 10 foot easement on their property. This discrepancy between a 10-foot easement and a 30-foot easement has inspired others to file title claims as well. To date approximately 20 property owners have filed a claim and more are to follow. It is our position that any hearing on this cup application submitted by RMP concerning the South Jordan-Draper transmission line, is premature. We ask that the Planning Commission withhold any judgements on the merit of the application until the conclusion of all investigations by the title companies of those properties along the proposed route.

**Cam Steadman** – RMP admits property value loss, (Page 42)

In 2013, RMP completed the 100 mile long Oquirrh to Mona high voltage transmission line. Tooele residents and city officials spent years voicing concerns about the project and discussion centered around property value loss, safety, and property rights. One mile of this transmission line crossed land owned by the school and institutional trust lands of administration SITLA. SITLA determined that a \$4.5 million dollar loss in property value was in play. When land held in a trust loses value, school kids in Utah lose funding. RMP has asserted their claim that these high voltage transmission lines do not negatively affect property value but countered with an offer of only \$70,000 in an attempt to resolve the property value discrepancies. In early 2014, just days before this legal dispute was to be heard by the Utah Supreme Court, RMP agreed to pay

SITLA \$2.5 M. RMPs agreement to pay this settlement can be interpreted as an admission that the presence of high voltage transmission lines does in fact negatively affect property values.

**Jeff Hodlmair – Safety, (Pages 43-49)**

Today I am talking about safety. Safety is not something that can be quantified. My goal is simply to share the concern the community has in terms of school safety, community safety, and home safety. He goes on to talk about earthquake danger, school playgrounds, home fires, and wildfire potential (P.46). Page 47 reviews Pole installation fall risks; it is impossible for the applicant to install poles staying within their 10 foot easement (P. 47). RMP states this route is safe by schools (P.48); He played a video/audio link of Lisa Romney stating at a City Council meeting that they abide by the special standards when installing projects by schools. I have worked with RMP endlessly over the past 6-9 months and have tried to keep a good relationship with communicating with them. If this were a new line, you would never think of putting all of those transmission lines there. I have a pole in my front yard and I understood it as a 10 foot easement from a center line. They said they wanted to be “safe.” What is safe? Commissioner Woolley is originally from the Napa area. I would like to ask him what happen in Napa about 2 years ago and what is continuing to happen with Pacific Gas & Electric. They are not only bankrupt, but now, the Planning Commission of all of California is under investigation for the negligence that they took in making sure they have properly secured the right safety procedures for California. Commissioner Woolley noted three major catastrophes in northern California, both the Santa Rosa, the Napa earthquakes and fire and the campfire, not only affected family but was devastating to the communities as large because not only lives were lost, but tremendous damage was done. Mr. Hodlmair said when we look at everything that could go wrong, we are looking at Murphy’s Law; anything that can go wrong, will go wrong. I understand that the Planning Commissions rights are limited, but my goal is to talk about what is the danger that we all face in living under these lines. We say please don’t approve this because we feel that it is the path of least resistance and put this back on the citizens a second time.

**Annie Kartchner – South Jordan Elementary School Community Council, (Page 50)**

Back in October, they came to us and gave us information about power lines and we signed as a letter (P.50) “we therefore urge all parties involved to reconsider the proposed project plan, and identify safer alternatives that do not expose our school population to such potential risks.”

**Rinda Clyde – EMF intruding into our homes from power lines can’t be turned off, (Pages 51-55)**

I would like to mention that appliances and household items such as hair dryers, microwave ovens, and cell phones can be turned off. The magnetic fields from power lines penetrate into homes at a low frequency non-ionizing constant radiation 24/7 365 days a year. P.52 shows RMP EMF simulation after proposed project. P.53 230 foot EMF range as per RMP. P.54 We expect the Planning Commission to hold RMP accountable for no cost EMF mitigation a promised, as has been done in other locations.

**Jeff Hodlmair – Why SAFE is important to South Jordan, (Page 56)**

In conclusion, the idea here is what we are looking for in safety is the fact that there are legitimate safety concerns. Every single one of the Commissioners lives here in South Jordan City and most of the people in this room reside in South Jordan City. The goal is finding out as a city, what we can do to mitigate not just the safety risks, but the long term health and financial benefit.

**Jana Fullmer – Powering Our Future, (Pages 57-69).**

Back in July, we as residents received this flier and there has been numerous marketing tools that have use this direct quotations that state “This project was anticipated by the Salt Lake County Electrical Plan, which was developed in consultation with area business, government and community leaders in September of 2010 and has been presented to all Planning Commissions in the region.” I have interviewed participants of this project and was told they did not evaluate specific routes, nor easements or plats. It was merely a higher level capacity growth discussion. She refers to two quotes from the 2010 handbook (P.58). They are conflicting

quotes with very different directives. One is situational “wherever possible,” and the other is absolute “avoid.” RMP focuses on the term NEW because they felt that this project is not new. They can justify plowing it right through our neighborhood, over schools and close proximity to an elderly care center. We argue that it is NEW. RMP has stated in various places that everything is new; new poles, new lines, and a new and much higher voltage, new safety easements and regulations. (P.59). This is a new line and not alterations of their existing line. When we learned about this route, we immediately asked about alternative routes. Two clips were shown from the presentation; audio is poor. Ms. Fullmer said I will summarize – it is quoted that it would be 35,000 to 90,000 dollars. By dramatically increasing the cost for analysis, any discussion with city leaders simply ended with we just don’t have that kind of money. This situation exposes a problem for the state to decide. RMP controls the route, the cost, the cost to get the route analyzed, and they put the cost for any additional changes back onto the party requesting it. We request that the Planning Commission ask RMP the questions on Page 65 before a provisional permit is granted. We feel the application is incomplete until the conditions listed on Page 67 are met. Summary of our opposition – Page 68. We ask that you reject the application, Page 69. We ask that you take a stand and choose to represent the residents that you have been appointed to represent and deny this permit and determine that it is not considered for future review until all of the issues are fulfilled. The worst thing you could do is approve the permit with conditions because who then would verify that all the conditions are met prior to starting their project. The reason why we are all here tonight is because RMP feels that they have already met all of their requirements for this permit and chose to pull the rip-cord to force the decision even though, as shown tonight, there are multiple issues left unresolved. The applicant should rethink the fact that they do not have adequate easements and abandon this outdated line. They should re-route this instead of putting profits above safety hazards and undue burdens on residents. RMP could bury this line within their current easements, mitigating nearly all of the detrimental effects noted and we believe this is compelling enough reason for them to consider alternative options.

Chairman Woolley said we have a resident that is not able to be here tonight and we have a video we will play for her. Teresa Hobbs testimonial (Attachment F) was shown. I wanted to express my concerns as someone who is part of a sensitive population. I had a chronic illness that makes me more vulnerable to this potential increase in voltage than the average person and to let you know there are people like myself that could be affected in ways that you may not understand. The power lines run right past my bedroom. I have been sick and housebound for four years from a whole body collapse and that left my hypersensitive to outside stimulation to any kind of stress. I wanted to express my concerns about this upgrade in voltage because of how close it runs to my bedroom and the unknowns about it. I wanted to let you know that there are people who are going to be more sensitive to this than the average person. Please consider how this will impact people like me.

Chairman Woolley said we will take additional speakers now and will cut it off at 9:20 p.m.

**Melissa Lambson**, 978 W. Park Palisades Dr.; I have children who attend South Jordan Elementary and I wanted to say that I was never notified by RMP about any upgrades of the power lines near the school. I am upset that I was never informed by RMP for several reasons; (Attachment G).

**Lyman Moulton**, 11021 Woodfield Rd; I am a professional electrical engineer attorney. I am registered by the federal government to cross state lines and deal with matters of technical law. I would like to call into question, RMP expert Mr. Vernon Black; (Attachment H). He stated that the design of this project will meet or exceed all industry and PacifiCorp standards and best practices for ensuring public safety. As an electrical engineer I have gone through this code every single page, there are hundreds of pages. There is not one page that addresses safety to anything but structures. In my letter I have provided you there are three references that are in contradiction to what Mr. Vernon Black says.

**Walt ??**, Woodfield Road; my cell phone does not work in my back yard when I am within 15-20 feet of the power line. I also can't play a radio in my back yard at all, I don't get reception. If I go just inside my home the radio works fine. I believe there will be a major impact by increasing the voltage.

**Steven Pohlman**, Holladay; I am a retired research scientist. RMPs statement that no organization has seen any negative effect of EMP is totally bogus. If you select the data that they select and leave the other data from other health organizations, that may be true. You have to take in effect all of the data. I spoke with AEP of Ohio, which is the largest transmission company in the US and also with UAMPS here in Utah. Their concern is safety. AEP Ohio actually routed their existing line around a city for three miles because they were concerned, not only with clearance but with safety. The concept of re-routing is not something that never occurs. Re-routing does occur. He said there are a lot of reports that show that there is a biological impact on long term EMF and we know that there is a malfunction of pacemakers and this goes over a rest home. It says that the most vulnerable population effects by EMF is children, pregnant women, elderly, and people with chronic illness. RMP has stated in some of their documents that they can widen the width of their easement as long as it doesn't show a burden. We have seen a lot of burdens; Health, safety. The presentation showed a lot of potential burdens. I have a lot of links and reports for you that I can email to the Planning Commission.

**Scott Halladay**, 11017 Woodfield Dr.; in the Development Services and Planning Department letter to RMP dated October 1, 2018, the city requests Item B.1. prior to the Planning Commission hearing; They asked to *"include a legal description of the easement and a survey drawing (stamped by a professional land surveyor) showing the legal description of the easement together with the GPS location of the poles and other equipment that is affected by the upgrade project."* Upon reviewing the maps provided by RMP, I see no GPS coordinate for the poles listed on any of the maps. RMP did not provide the required information and should not receive a permit predicated on providing that information. I am working on some backyard renovations and obtained a building permit for my backyard. That permit said I would have three steps coming off the deck, when I put four as needed for the height, I was instructed by the inspector to resubmit my building permit and get it approved for the four steps and then have it re-inspected again. That level of exactness that is asked for by the city for its citizens, I feel should be required by RMP as well. Their submissions and what is asked for needs to be complete and included in the permit to provide the GPS location of the poles or the permit be denied.

**Mike Mennich**, 10996 S.; I don't have a dog in this fight other than I respect many of the residents here tonight. As a commercial agent or residential agent, I don't know how in good faith that I could show any one of these people's properties without making a buyer watch this entire video and read all of the notes from this meeting. I do believe that will lower people's property values. I would ask the applicant this; knowing how many people are in this room and how they feel, if you continue to try to pursue this, is your relationship with your customers going to get better or worse. I really appreciate many of the things that many of you have been doing here in our city are very positive and it doesn't go unnoticed.

**Dennis Higbee**, 11669 S. River Front; I also did not receive the fliers and notices that were said to be given to all of the people affected. We purchased our home in 2018. There was a big huge pole in the corner of our back yard and I did some research on RMF. I felt that the voltage going through the lines and the proximity to the areas for me, an old guy, would be acceptable. Had I known that they intend to increase the number of lines from 3 to 12, increase the voltage I never would have purchased the home. I am concerned for my grandchildren who will be coming to play in our backyard. It makes me feel like I retrospectively felt when I listened to the tobacco companies stating that cigarettes were not harmful to your health. I am concerned that I will be dead and long gone before the full effects of RMFs are fully understood. I strongly recommend that we do everything we can to mitigate what possibly could be RMF damage or at least understand it more fully before we move forward.

**Christopher Bremser**, 11318 S. Green Grass Court; I have power lines that go over my front yard. In spring of 2004 we were enjoying dinner at my in-laws house and there was a transmission line that goes through their neighborhood much like the one that goes through our neighborhood. A spring storm rolled through the area and lightning hit the pole in their front yard. It knocked the power line off the pole and it landed on a neighbor's home which started a fire on the home. We stood across the street and watched that home burn with the fire department who could not do anything because power was still live in that line. The home burned to a total loss. Luckily the family had gone to dinner and was not present in the home. Had they been present, the electricity blew out the electricity and could have killed the members of the home. I do not want this to happen in our South Jordan neighborhood.

**Annie Kartchner**, the school board is currently looking at what to do for South Jordan Elementary, and they either have to build a new school or they are currently looking to expand the school off of the back. Just in consideration as we worry about safety, that building is about to be expanded.

Chairman Woolley closed the Public Hearing.

Chairman Woolley said to the Commissioners, we have several options at this point. We can discuss, we can ask questions of the applicant. He invited RMP representatives to come back up. Please introduce yourselves again for the record and then as questions are asked, you can defer to whoever is best to answer the question.

**Brett Reich**; Vice-President, Chief Litigation Counsel for RMP.

**Benjamin Clegg**, Project Manager for RMP.

**Lisa Romney**, Regional Business Manager, RMP.

Commissioner Holbrook said there is one thing I would like clarified. Is the easement that you have now, is that what you will use to refurbish and upgrade this line?

Mr. Clegg said that is correct. Commissioner Holbrook said I kept hearing a 60' easement if it is a new line. How does this work? Mr. Clegg said the question was asked at the open house meeting, what would the easement we would get if we were going through a green field for a new transmission line from point A to point B. The standard easement we would get today is 30-feet. RMP is not claiming a 30-foot easement in this case. We are planning on using the existing easements and this is standard practice.

Commissioner Holbrook asked if a 20-foot easement is 20 feet from the center line on both sides or is it 20-foot total.

Mr. Clegg said it could be both; it depends on who the easement is written. Most of our easements are written as an offset. If it is a 30-foot offset from centerline, then that would be 60-feet.

Commissioner Ellis asked them to address the idea that the permit application is incomplete.

Mr. Reich said I didn't hear what was missing from the application. There was some reference to the plat maps.

Commissioner Ellis said it sounds like the Ombudsman's process has not been worked through.

Mr. Reich said this is a great process and this is great for us to hear these concerns. With respect to the Ombudsman, the point was already made that it is not a binding decision from the Ombudsman. Whether or

not he were to decide for RMP or the property owners, it really has no legal significance. That is one of the reasons we support the recommendation that was floated early in the meeting that said all of these matters raised tonight can be properly resolved in a court of law. There is a specific process already set in place to respond to property valuations, easement, and safety concerns. That is what the district courts are there for. That is the forum that any of these property owners can use to mitigate any of these impacts.

Commissioner Ellis asked how fair a fight in court is that; given the resources we've heard here tonight.

Mr. Reich said by the attorneys that represented the land owners tonight, they are very confident and they spoke well and they understand the issues. I am an attorney and that is a question of the court system. I believe it would be just. The whole court system is based on justice. With respect to the plats, there was a point made by one of the attorneys that, somehow our easements have been extinguished. This whole point sets up the support that this needs to be decided in a district court. These issues are complex and have a lot of legal ramifications, but we have private easements. We have negotiated those private easements and we have purchased those easements in the 50's. When you buy an easement they contain certain rights and one of those rights is the right to modify and alter this existing line. We have paid for that. The PUE shown on the plat does not extinguish our easement. We have an easement that has been recorded and we co-exist with public utilities all the time. We have used our easement since the 50's. We have had this power line in place and we have never abandoned it.

Chairman Woolley said in the video's we saw tonight there was a discussion about safety and safety being addressed. In today's world you have a much wider easement for safety purposes. Can you help me understand why a wider easement is not safer?

Lisa Romney said that the width easements were designed for clarity because we have issues of people building over our lines or planting trees over our lines. They clarify what exactly can be done.

Mr. Clegg said to add more clarity, for a transmission line that we were to design new today, without distribution, you might have 340 or 400 feet between poles. The pole height would be designed to make sure there was ground clearance from structures, etc. The other thing that we look at is how far wide, if the wind were blowing or something like that, these conductors could swing. The 30-foot was established because that is what lines up with our standard; it's clear that within that 30-foot offset, with a four hundred foot stand, with blow-out, that would fall within NEFC. We have a 3-foot safety factor that we apply on top of NEFC. When we rebuild the line, we don't necessarily have those maximum stats for various reasons.

Commissioner Jolley asked what the distance is between center-line and the proposed improvements from center-line to the outside limits of your furthest mechanical structure.

Mr. Clegg said that depends on the specific expand. Where we have 25-foot easements where the original easement was retired and a new easement was granted when the development occurred, I reviewed those specifically. This is predominantly on the southern portion of the line in the application. With 3-feet of safety factory on either side, so 6-feet total, 48.3, 48.3, 48.4, 48.5 ... so we are within our safety factor that we apply.

Commissioner Jolley said so it is approximately 21 feet to the outside physical limit of the new lines plus three feet? Mr. Clegg said yes.

Commissioner Haynes said we heard tonight that there were several concerns that RMP was not willing to spend any money to pay for any risk mitigation research. Can you explain what you have done pertaining to mitigating the risks for this specific area?

Mr. Clegg said what was looked at was whether or not we would review an underground study option. Jurisdictional entity has the right to request a study be done to underground the lines or do something other than what was applied for. If that is chosen, the requester has to pay all of the costs associated with that. A study can be requested but no formal request was received. I want to clarify one thing brought up on cost recovery; I want to make it clear that RMP doesn't make more profits by spending more or less money. It makes the same amount of profits based on how much money is expended. It is in the best interest of the rate payers to lower costs associated with power infrastructure.

Commissioner Ellis said, was the problem with PG&E that the easements were not wide enough so that the growth was not maintained in those easements. Mr. Reich said it depends on which fire you are talking about. There are a lot of things that are different about PG&E. I think the references made that they are our sister company are incorrect; they are not. We are aware of the situation with PG&E and we watch that closely and we try to learn from it. We take this very seriously.

Commissioner Ellis said is 46 kV medium or high voltage? Mr. Clegg said the original transmission lines were 46 kV. The larger 138 kV transmission lines with the higher voltage.

Commissioner Ellis asked about the lending restrictions on homes with high voltage lines in their yards. Mr. Clegg said anything above 46 kV as transmission.

Commissioner Jolley said I own a business out west by some transmission lines and we lease some of the property under the lines to utilize for the business. The power company flies that line frequently and if we were to dump a load of soil under the line we would be contacted about it. Have you been watching this 40 kV line over the years and my question is, why you have not objected to some of the structures that have been built in the easement.

Mr. Clegg said the transmission lines you are talking about are the extra high voltage lines. There are specific requirements that and inspections that are required for those. With a centerline easement, NEFC does not disallow pools near transmission lines. That is one thing we accommodated in the design; we identified these pools and made sure that as we reviewed those that FEFC was met. Nothing precluded their use with our continued central line easement.

Commissioner Jolley said what about some these permanent structures like garages. Mr. Clegg said one of our current easement forms actually specifies certain things that can't be built underneath the power line easement. One reason why the form changed was because it gives quite a bit of clarity for the property owner as well as the utility.

Commissioner Ellis said when we talk about safety there are three kinds of safety. We are talking about an easement that provides safe access for RMP to work on the towers and poles and an easement that allows for safety when the lines move or fall. We are also talking about distances that Lisa showed in a diagram of the house that provide for clearance from EMF. Are the easements and the clearances sufficient for you to feel comfortable that you are providing for all three safety elements. Mr. Clegg said yes. We believe we have designed that into our project.

Chairman Woolley earlier someone stated there was an intent or the ability to adjust some pole locations based on some specific property needs. Help us to understand what that process is and is there a cost to the property owners should there need to be a pole relocation.

Mr. Clegg said it is our standard practice that when we are rebuilding a line residents should contact us directly, me specifically, and we would look at it from a technical perspective, if we can do it. There are some conditions where we get mismatched stresses on the poles and pole heights, etc. We have had some contact us and in some cases we have been able to accommodate them.

Commissioner Ellis asked for an explanation of what the configuration of the 138 kV lines that it mitigates EMF at the ground level.

Ms. Romney said as you saw in the pictures, each circuit has three wires and three conductors. They are phases; A, B & C. What we have found is how we configure those next to each other along that double circuit, has some EMF cancelling effect. It is very important to note that EMF dissipates very quickly with distance. It is also conceivable that the taller poles are also a mitigating factor for EMF.

Commissioner Jolley said during the presentation by the residents that talked about a Public Service Commission investigation being incomplete; can you address that?

Ms. Romney said to the best of my understanding, I know that they have spoken with the Public Service Commission and the PSC would have given it to the Division of Public Utilities to review. The Division of Public Utilities put it back and ultimately the residents were given the documents and paperwork in which to file a formal complaint. We have not seen a formal complaint.

Commissioner Jolley asked what their backup plan is. If this were to move forward, that there is going to be litigation involved and other complexities that would not allow this to be complete by April 2020. What is your Plan B?

Ms. Romney said I will address the question of timing. Because the resolution from the courts may be financial, that can be resolved after construction. Right now the intent would be for there not to be a stay of the project and that it be completed. Any impacts found by the court would be resolved financially. I have not spoken to our engineers about our worst case scenario and how do we make sure we are able to maintain a safe and reliable system. It is clear that the load in this area, the capacity and demand, really requires this upgrade to 138 kV to our system to meet that demand.

Mr. Reich said one of the land owners questioned if we really cared about our customers would we still move forward with this project. We have a really tight balancing act to perform here and we do care about everybody in this room and our customers. There is certainly a big need to have the power when you turn that light switch on. We already have an existing corridor so that is why we are proposing that this line get upgraded. If for some reason a court were to determine that we didn't have the right to do this, then we would have to use our power of eminent domain to obtain the rights.

Commissioner Ellis asked if RMP has considered what the cost would be to re-route or take the line underground.

Ms. Romney said the numbers I gave we not given under duress. We went back and looked at some of the costs and have seen from communities who have requested that we bury the lines; that is where my numbers came from. The real cost would be answered in an alternative route study. We would need a specific proposal for the study. We can't answer that question at this point.

Chairman Woolley said some of the information given us by the residents indicated some potential detrimental effects regarding easements and how a mortgage company looks at that. What has RMP done to cross-reference those complaints and how your current plan will impact those for future sales?

Mr. Reich said we have a sister company, a mortgage company, and I contacted an underwriter and asked them about the impacts of upgrading a 46 kV to a 138 kV and he said there would be no difference. The underwriting requirements don't distinguish between those two types of lines. If you have a 46kV line and you have a mortgage then you were able to get your loan. There is no difference between the two lines with regards to refinancing or getting a new loan. He said some underwriters may look at the two lines but in his experience there is no difference. None of the regulations shown here tonight distinguish between the two lines.

Commissioner Holbrook said I don't know how the rest of the Commission feels or how RMP feels, but Paula Gordon, Lyman Moulton and Steve Pullman had some links to this. I wouldn't mind reviewing some of the links to what they feel are important and it would give us some extra time to look at that. It would also give you some time to do a rebuttal.

Chairman Woolley said I know that tonight being the public hearing, this is where we receive any evidence that we can consider. When we conclude with that, which we have now done, we have the right to be able to adequately review that. The question to you as the applicant, would you allow us to table this to consider the new information for us to review.

Mr. Reich, you said with deadlines, what are you talking about.

Chairman Woolley said it would be the shortest time possible.

Ms. Romney said we have had discussions with city staff and knew there was potential to table this issue and that it would be brought back at the next Planning Commission meeting.

Chairman Woolley asked City Planner Schindler and Staff Attorney Sheeran if we set some specific timelines for this additional information to be in the city staffs hands and everyone can review it, and set the date for the next Planning Commission for this to come back.

Staff Attorney Sheeran said yes we could do that as long as RMP agrees with it.

Ms. Romney said we are comfortable with the two week timeline.

City Planner Schindler said we can provide our email address to those who have links and studies for us.

Chairman Woolley said we would need that within 48 hours which takes us to Thursday. Provide them to City Staff so that they can then get that to RMP.

Ms. Romney said the City has been fantastic in making sure that everything that has been submitted is posed on the website. We would like whatever was submitted from residents to be posted as well.

Commissioner Ellis said will you please in the interest of just dotting the last i, be sure that the GPS for the existing and proposed pole locations are included in the application.

Staff Attorney Sheeran said I think it would be appropriate to go through the issues and the legal significance of those issues and have discussion about that. That way when you are reviewing the information, you are directed on how to review the information.

Chairman Woolley asked Paula Gordon, Steve Pohlman, and Lyman Moulton to step up and clarify for us in a short sentence the significance of the information you have or will provide to us.

Paula Gordon, the four major lenders, FHA, VA, Fannie Mae and Freddie Mac, they dictate the lending requirements to all home lenders. The only ones that would not meet that would be a cash buyer or hard money loan and private lenders. Of course we all have those types of loans now because right now we do meet the standard of the 10-foot easement that we all understood. That is what our lenders went by. Their proposal that requires the full 60-feet, is what will have us not meet the standards as well as the higher poles.

Steve Pohlman, what I will provide you with is, it was stated by RMP that there are no technical studies that indicate that there is any health risk or danger associated with EMF. I will provide you with links to that you can read this within 48 hours.

Lyman Moulton, you have my links. The only thing I would like to add is a link for the National Electric Safety Code, because it is very easy for you to see there is nothing in there that speaks to person safety. It is all geared to structure safety.

Chairman Woolley said I will entertain a motion that will table our decision tonight and move it forward two weeks to the March 26<sup>th</sup> Planning Commission meeting.

#### **C.2 Potential Action Item – (See VI.C.1)**

**Commissioner Holbrook made a motion to table this item to a time specific of March 26<sup>th</sup> and during that period we will have links to information within 48 hours that was given tonight so that we may review it and give the applicant time to respond. Commissioner Ellis seconded the motion.**

Staff Attorney Todd Sheeran said I didn't know if you wanted to have discussion before you vote on this motion. I think it would be appropriate to look at the issues and the legal implications of what my advice would be to you on each issue. You can still table it, but I think it is important to first have that discussion tonight rather than at the next meeting.

Chairman Woolley said I think I speak for the Commissioners that we would like to have the opportunity to digest that information so we will look to you as our legal advisor. Are you comfortable with us taking that time frame and allowing us to do that?

Staff Attorney Sheeran said yes; I am comfortable with you tabling it but I think we should have the discussion right now about what the issues are and what my legal advice would be on the issues. This is a lot of information to take in but you should also have my advice moving forward.

Chairman Woolley said the question that Ms. Gordon brought up when I reviewed the documents quickly, I realized some of this is going to play out with how the easement issue plays out. It concerns me that if mortgages were obtained based on an easement that is different than what it is going to be or perceived to be, that would have a significant impact on both RMP as well as the property owners. I think it would be good to review that ourselves, have a chance to study that and specifically have RMP have the opportunity to look at that specific information that was introduced tonight.

Commissioner Ellis said I am confused by your question. The easement won't change. It is what it is. What will change is the height of the polls and the voltage running through the lines.

Chairman Woolley said based on some of the documentation I have reviewed, there is a question as to some of the easements and what the width of those easements could or couldn't be. If there are mortgages today based on there being 20+ complaints being filed with title companies, based on easements and if a mortgage was granted based on a specific easement and that easement is perceived to be different, then that is a claim against the property?

Staff Attorney Sheeran said here is my analysis on it. With the easement issue there are two sub-issues. There is the location of the easement and then the scope of the easement. The location of the easement, the residents have concerns that it didn't show up on their title or it wasn't recorded. We requested that RMP provide a surveyed map of that and they also linked each document of that recorded easement. The location of it according to the professional surveyor states the easement is there, there is a meets and bounds description on those easements. It is a center-line easement so that the location issue of the title company not picking it up is between the property owner and the title company. It does not include RMP or the City.

Chairman Woolley said I agree with that. What I am concerned about is that was for existing title mortgages. Going forward today it could change. I feel like we have the responsibility to review that.

Staff Attorney Sheeran said the second issue with the easement is the scope. That what this width issue, which is before the Ombudsman, is not appropriate before the Planning Commission. Only a court can determine that. The residents understand that, RMP understands that and even the Ombudsman decision is not binding here. Brett made a lot of legal arguments and legal theories that the Planning Commission can't come to a determination on. If a court determines that the easements are not sufficient, then RMP would have to go through the process of obtaining the necessary easements to do the line. RMP states on the record that they are willing to go through that process to get those easements in the event that they are needed. The second part of the process is determining valuation. That is to be determined by a court not by the Planning Commission. We can determine whether or not there is substantial evidence of a detrimental effect of a property value, but the way it is mitigated is through the court process. I put some copies of our proposed language out on the table and the language that I suggest from a legal standpoint is:

In the event that a final determination is made by a court of competent jurisdiction that the easements are not sufficient for RMP to perform its proposed work, RMP shall acquire legally sufficient easements for the proposed work. Acquire may include, among other things, RMP's statutory rights to obtain such easements through the use of eminent domain or through negotiated agreements with the property owners. Apart of this process and in accordance with Utah Law, RMP shall pay just compensation for the properties that a court determines are devalued.

Staff Attorney Sheeran said, in my opinion and my advice to the Commission is that the condition satisfies both detrimental effects. Both the easement language and the scope of that and the property value.

Staff Attorney Sheeran said under the conditional use language in Utah Code it states that we can approve a conditional use permit and attach a condition to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. It also says, the imposition of the reasonable conditions are to achieve compliance with applicable standards. The question is, especially for EMFs, what is the applicable standard. City code does not address EMFs; the state does not address EMFs; the federal government does not address EMFs. If there are no applicable standards for EMFs, how do we attach a condition to bring that into compliance with a standard that is not there? My legal opinion to you is that where there is no standard for EMFs there cannot be a detrimental effect.

Commissioner Ellis asked if the standard can be interpreted as what is currently on the ground now.

Staff Attorney Sheeran said no; because there is no standard for that current EMF. You can't get to a condition without an applicable standard.

Staff Attorney Sheeran said we have this general other safety concern of the residents regarding clearances, structure strength, foundation design, lightning strikes, earthquakes, stray voltage. RMP did provide a letter from a licensed professional stating that this proposed project is in compliance with the NEC and it exceeds RMPs standards. I did not see anything saying it wasn't out of compliance. Whether RMP abides by its own guidelines is not for the Planning Commission to consider. These other safety issues, you are going to want to look at what is the standard for safety issues and if there is something out of compliance, what condition can we put on it to mitigate that potential detrimental effect.

Chairman Woolley said the citizens indicated that one of their requests would be that there be a third party inspector specifically to the foundation support structure for the poles. When we build homes in our city there are codes that we follow and we have a building department that has an inspection team that inspect various points in the process for compliance. In the case of a Public Utility when they are putting in infrastructure like this that is in our city limits, I know it is not our engineering department and I know it is not the building department that would inspect this. Is it a requirement that they have a third-party inspector look at that, and then who oversees that?

Staff Attorney Sheeran said the Public Utilities are regulated by state. I don't know the answer on who inspects, but they are required to follow state code.

**Ben Clegg** said the state of Utah adopts the IVC code and there is an exemption in the first section of the IVC code for the infrastructure for the transmission and distribution of electricity. As far as some other entity looking at that, there is not one. Under the IVC there is this idea of a special inspection, which is typically anything outside of normal building inspection. We follow those best practices and we actually hire a third-party to inspect those foundations.

Commissioner Ellis asked Staff Attorney Sheeran to speak to the idea that the permit application was not complete.

Staff Attorney Sheeran said this was the first time I heard that. It is really at a staff level. We may have requested information and depending, the response is we have moved on from that point. As far as the exact location of the poles, RMP wanted some flexibility they requested with those. From my eyes it was a complete application.

Chairman Woolley said there was some discussion throughout the night about alternate routes and I know that we have had discussion in other meetings about this but would you just comment briefly about in our city that being a legislative item and how that works and who is responsible.

Staff Attorney Sheeran said the residents wanted to know the alternatives of not upgrading this line, whether it could be buried or re-locate the line. Under Utah Code we could request the City Council to request an alternative route study. If they did that, then depending on what the City Council wanted, there could be multiple things that would be encompassed in that study and that would determine how much that study would cost. We would have to pay for that cost. Then if we decided to choose one of those such as undergrounding, we the city would have to pay the difference between the proposed line expense and the cost of undergrounding, which would be millions of dollars. The City Council decides not to go down that road. That is a legislative item and the Planning Commission cannot consider it.

Staff Attorney Sheeran said there was discussion about RMP not following its own procedures and we don't determine whether it is appropriate or inappropriate or if they did or didn't follow their own internal procedures. They presented their application and we are reviewing that application. We don't go further into their process.

Commissioner Holbrook said after asking these three individuals to give us additional information it was on easement, safety and home values. We are not the court. We can't decide on those issues. I don't know why we would table this for two weeks if we can't act on the information.

Chairman Woolley said you can rescind your motion if you want.

Commissioner Holbrook withdrew her motion.

Chairman Woolley said based on what we have heard tonight and the new information, which we most likely will not be able to act on, is that a detrimental effect?

Staff Attorney Sheeran said with the easement issue, you would need to determine what the detrimental effect is and whether there is substantial evidence to support that. The property value issue is kind of that same detrimental effect but the condition is one. The mitigating effect is that they would figure it out in court.

Chairman Woolley said is the new language that we have in our possession, which would be the condition, does that in your legal opinion meet the concerns that you have heard from us tonight adequately enough that it would put it into the courts hands for the final decision, or do we need to deliberate further on some of the information we have received tonight? Staff Attorney Sheeran said I think that is the most defensible position in the event there is an appeal.

Chairman Woolley said I hear the arguments on both sides and I struggle with so many components of it and yet I understand the issues and yet our power and limitations are such that it really comes down to what is going to be determined both by the Property Rights Ombudsman and then the will of either the citizens or RMP to take that one step further into litigation. The arguments for or against that will come out of the decision of the Property Rights Ombudsman are going to carry some weight in court. We don't know that answer and we are not going to know that answer, nor will we be able to opine on that answer.

Commissioner Ellis said given that, it doesn't sound like there is a lot of purpose in tabling this.

**Commissioner Holbrook made a motion to Approve File No. PLCUP201800742 with the following condition in order to mitigate the reasonably anticipated detrimental effects of not having sufficient easements for the proposed work and the devaluation of affected properties:**

- 1. In the event that a final determination is made by a court of competent jurisdiction that the easements are not sufficient for RMP to perform its proposed work, RMP shall acquire legally sufficient easements for the proposed work. Acquire may include, among other things, RMPs statutory rights to obtain such easements through the use of eminent domain or through negotiated agreements with the property owners. Apart of this process and in accordance with Utah Law, RMP shall pay just compensation for the properties that a court determines are devalued.**

**Commissioner Ellis seconded the motion. Roll Call Vote was 5-0 in favor. Commissioner Morrissey was absent from the vote.**

Chairman Woolley said the motion carries so we will not table this to the 26<sup>th</sup>. The information we have heard from both sides was good and I would hope that RMP will be receptive and open to the information, even though we can't act on it tonight, to respectfully consider it. We will hold you to your word that there will be some latitude as you work within the guidelines that you gave us tonight of placement, etc. should you move forward.

Staff Attorney Sheeran said typically we approve the minutes and that becomes the record. In this case we will do written findings and my office would make that document be circulated through you so you know what the analysis is and we would approve that at the next Planning Commission.

Commissioner Holbrook thanked the public for all of their hard work on this. It shows that you were very well organized, very well read, and very respectful. I applaud you for your efforts.

**VII. PUBLIC HEARINGS AND POTENTIAL \*\*LEGISLATIVE ACTION ITEMS**  
\*\*Legislative Action = More Discretion, Reasonably Debatable (Subjective Standard)

None

**VIII. OTHER BUSINESS**

None

**ADJOURNMENT**

**Commissioner Holbrook motioned to adjourn the March 12, 2019 Planning Commission meeting. Commissioner Ellis seconded the motion. Vote was unanimous in favor. Commissioner Morrissey was absent.**

The February 12, 2019 Planning Commission Meeting adjourned at 10:30 p.m.

Meeting minutes were prepared by City Recorder, Anna West.

**This is a true and correct copy of the March 12, 2019 Planning Commission minutes, which were approved on March 26, 2019.**

*Anna M. West*  
**South Jordan City Recorder**  
City Recorder Anna West prepared the meeting minutes



MARCH 12, 2019

## PLANNING COMMISSION MEETING SIGN IN SHEET

<u>PRINT NAME</u>	<u>ADDRESS</u>
Bill & Diane Kamp	10708 SUGARBUSH CRT
Pete & Deneen Patmides	11059 S. Woodfield Rd.
Dawn Nicol	11171 S. Village Grove Ln
Carol Rees	10674 So 1055 West
Adam Kirkham	1399 Chancellor Way SLC
D. HUBBEE	11629 S. RIVER FRONT
David Finlayson	4993 Topcrest Dr.
Bryan Westover	11546 INGLEHAWR Ln
Amit Chavan	11253 S. Woodfield Rd.
Karen Graham	10942 Saddlbrook Cir.
Brent & Lori Hawn	10802 So. 1055 W.
Jenny & Tim Lowe	10738 S. 3210 W.
Gretta Coffey	2215 W. Hobbs Dr.



MARCH 12, 2019

PLANNING COMMISSION MEETING SIGN IN SHEET

<u>PRINT NAME</u>	<u>ADDRESS</u>
Gaye Platt	2484 W 6955 S
David & Deanna Holmes	10828 S Wynview Lane
Brett Hastings	299 S. MAIN, SLC, UT
Dave Kowallis	11323 S. Green Grass Ct SoJo.
Jeff Hollmair	11309 Green Grass Ct
Carrie Hollmair	" "
Wendy Nielsen	10831 S. Wynview Lane
Cay Mikelson	11207 So. Woodfield
Janice Williams	11129 S. Woodfield
Kirk Hedman	11091 S. Woodfield Rd.
Laurie Perez	10926 Saddlebrooke Circle
Nicolet Markt Yonnet	11541 S. Lampton View Dr.
Dustin Schultz	
Travis Smith	11488 S. Chapel Ridge Dr.



MARCH 12, 2019

PLANNING COMMISSION MEETING SIGN IN SHEET

<u>PRINT NAME</u>	<u>ADDRESS</u>
Joseph & Beverly Shum	11384 Palisade Rim Dr. S.J.
Steve & Judy Broadbent	10189 S. Country Creek Dr.
Basil & Nelly Yang	1478 Skyscape Way
Nate & Julie Hedman	11007 WOODFIELD Rd SJC070208
BRETT PALMER	2493 W. LANDAU LANE S.J.
TROOP 940	
Kaylan Christensen	7360 Bridle Oak Drive S.J.
Scott Halbday	11017 WOODFIELD Rd
MARQUEZ ROYAL	10786 S. WYNGLADE PARK Dr.
Nancy Webb	10793 S. Wynview Ln.
Michael Shadd	1116 W Country Creek Dr.
Gary & Stacey Gaffka	1072 Chapel View Cir.
Addi Bruening	4637 W. LUMINA Dr.



MARCH 12, 2019

PLANNING COMMISSION MEETING SIGN IN SHEET

PRINT NAME

ADDRESS

<u>Cameron Steckman</u>	<u>11188 S Woodfield Rd.</u>
<u>Marty &amp; Tracy Downs</u>	<u>11223 S. Woodfield Rd.</u>
<u>Craig Thorndyke</u>	<u>1451 W 11150 So.</u>
<u>Howard Anderson</u>	<u>1493 West 11150 So.</u>
<u>Melissa Anderson</u>	<u>1493 West 11150 So.</u>
<u>R. Brent Cartwright</u>	<u>10787 WYNVIEW LN.</u>
<u>SPENCER HALL</u>	<u>80 E HILLSIDE AVE</u>
<u>Lise Romnes</u>	<u>281569 W. North Temple</u>
<u>Lara Millington</u>	<u>11161 Woodfield Rd S. J.</u>
<u>Bryce Caw</u>	<u>11191 WOODFIELD RD S. J</u>
<u>Paula Gordon</u>	<u>11107 So Woodfield Rd, SJ.</u>
<u>Aaron Millington</u>	<u>11161 Woodfield Rd, S.J.</u>
<u>Alexa Bond</u>	<u>1392 Shelbroke Ln</u>



MARCH 12, 2019

PLANNING COMMISSION MEETING SIGN IN SHEET

<u>PRINT NAME</u>	<u>ADDRESS</u>
Jim Wiley	1012 W. MURKIN DR. S.J.
Lyman Monfor	11021 WOODFIELD RD. S.J.
Craig Horsley	11281 WOODFIELD RD
Chandler Horsley	" "
Susan Chase	1478 W 11150 S
Jam Chase	" "
Marshall McCarty	11018 WOODFIELD RD
Scott Driggs	11324 RED CANYON CT
Laura Driggs	"
Michelle Margeris	11324 BLUE BROOK CIR
Michelle Jau	1465 W 11150 S
Shannon Distalutti	1362 W. SHELBROOKE DR.
Ed Huber	11234 WOODFIELD RD



MARCH 12, 2019

PLANNING COMMISSION MEETING SIGN IN SHEET

<u>PRINT NAME</u>	<u>ADDRESS</u>
Jana & Jason Fullmer	1494 W. 11150 S.
Steve Pohlman	3338. Splendor Cr
Melissa Cambson	978 W. Park Palisade
Sharon Ruegner	11177 S. Woodfield Rd
Roger Harrison	1466 W 11150 S
Juli Herrin	†
Alyssa Torres	11107 S. Woodfield Rd
Bru Clegg RMP	1407 W. N TEMPLE
Robert Nair RMP	1407 W. N TEMPLE SLC
Christie Lever	11311 Green Grass Ct.
Cathryn Ford	2494 W 111780 S. Riverton
Connie Kehler	11310 S. Green Grass Ct
Brad Knott	2714 Lippi Cr. So. Jordan



MARCH 12, 2019

PLANNING COMMISSION MEETING SIGN IN SHEET

<u>PRINT NAME</u>	<u>ADDRESS</u>
Tami Thornton	1451 W 11150 S.
Binda Clyde	1477 W. 11150 S.
Verne SISAM	10978 S SURREY MEADOW DR
Wolfgang Ruegner	11177 S Woodfield Rd
Justin + Susanna Willey	1490 W. 11030. S.
Robert Gordon	11107 50. Woodfield Rd.
Bret Reich	1407 W N. Temple
Sharon Evertsen	10882 Saddlebrook Cir
Melissa Curiel	10912 Saddlebrooke Cir
Todd Curiel	10912 Saddlebrooke Circle
Christopher Bremser	11518 S Green Grass Ct.
Gaylia Tanner	1514 W. Foliage Lane
Orva Wilson	1544 W. Foliage Ln



MARCH 12, 2019

PLANNING COMMISSION MEETING SIGN IN SHEET

PRINT NAME

ADDRESS

Sarah Trosh

11493 Mario Roberto S.J. UT 84095

Laney Hansen

1431 Heather Downs Dr Sojo UT 84095

Krystal Hansen

1431 Heather Downs Dr Sojo UT 84095

Matthew Bingham

9458 S Chavez Dr. S. Jordan UT 84095

Ben Chapman

1369 W. Skyscape Way, South Jordan, UT 84095

Keilani Ngatuvaia

1157 W. 11715 S. South Jordan, UT 84095

Isaiah Guymon

9860 S. 2700 W. South Jordan, UT 84095

Melissa Bremser

11318 S Green Grass Court, So, UT 84095

Kristina Tingey

11296 Woodfield Rd SJ 84095

Pat Wall

11038 Woodfield Rd SJ 84095

Jason Tingey

11296 S. Woodfield Rd Sojo 84095

Lindsey Rawlings

4853 W. Crosswater Road Sojo 84095



# Conditional Use Permit Application

## South Jordan to Draper Transmission Upgrade

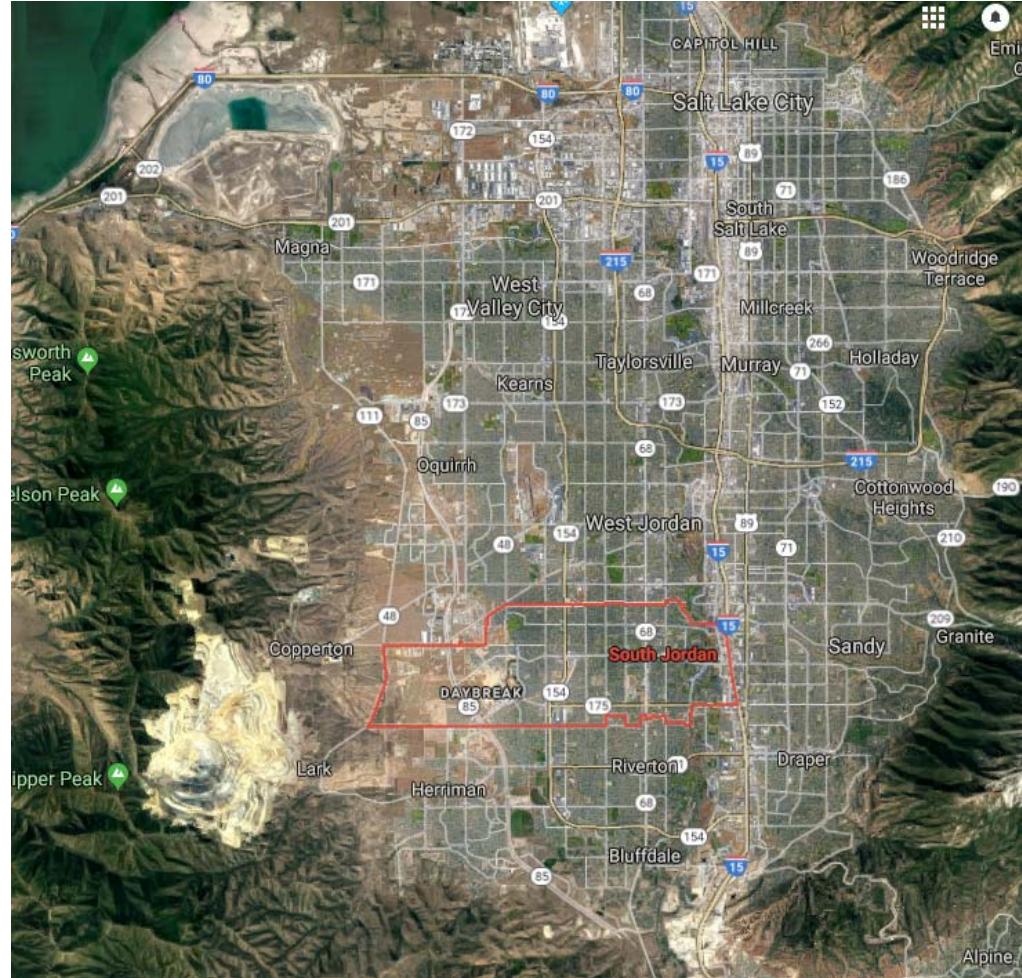
PLCUP201800742



# Background - Purpose and Need



- Not driven by a single project or need.
- Jordan Valley Load Growth 1.5% per year over the past 5 years.
- Area substations have 92% utilization, constraining growth and limiting flexibility
- 2020 peak, Draper 46 kV expected to load to 105% utilization.
- Part of system-wide upgrade from 46kV to 138 kV in order to meet **DEMAND** and maintain **RELIABILITY**.



## Background - Project Facts



- Rebuild one mile of existing 46 kV to 138 kV. One side will continue to operate at 46 kV.
- Rebuild two miles of existing 46 kV to single circuit 138 kV to the Draper substation.
- Portions have already converted to 138 kV during other major projects and developments.
- Begin construction later this year. Complete by April 2020.
- Investment estimated at \$11.8 million dollars.





## Background - Project Details

Equipment upgrades proposed:

20 rebuilt poles under this application

16 wood – wood.

4 steel - steel

Average existing height: 70'. *Smallest 45', largest 103'*

Average increase in height: 13'.

Existing size of insulator: Varies.

Newer poles: 60"

Future size of insulators: 60"

**If we were to rebuild the existing line to current standards, it would be nearly identical.**

- **Same size insulators**
- **10' average taller pole**

## Background - Project Details



BEFORE



Looking south in South Jordan from 10760 South near 1600 West

AFTER



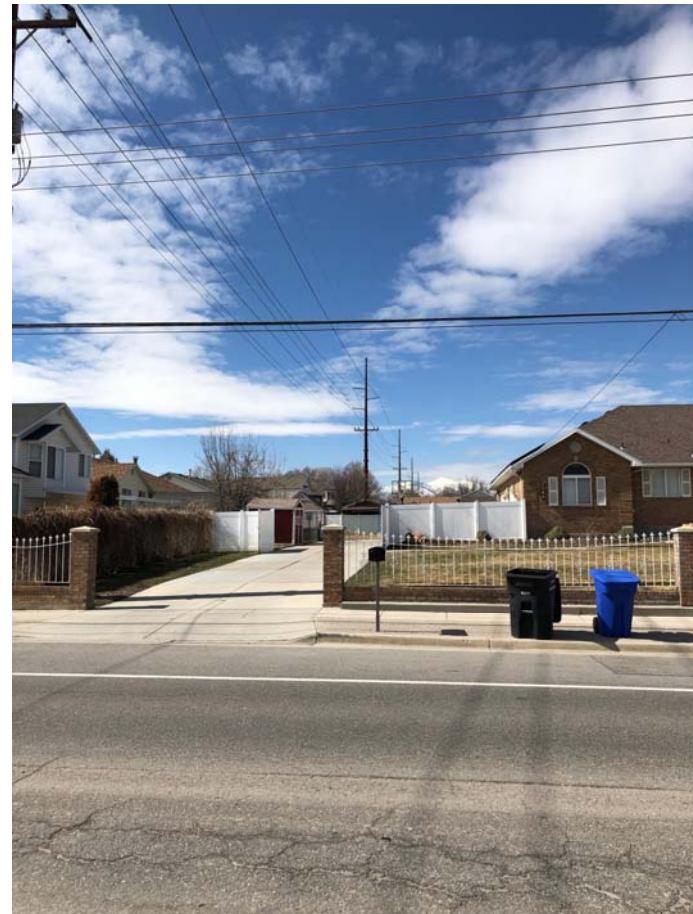
Looking north in South Jordan from 10760 South near 1600 West



## Double Circuit 46 kV and 138 kV COMPARED to single circuit 46 kV

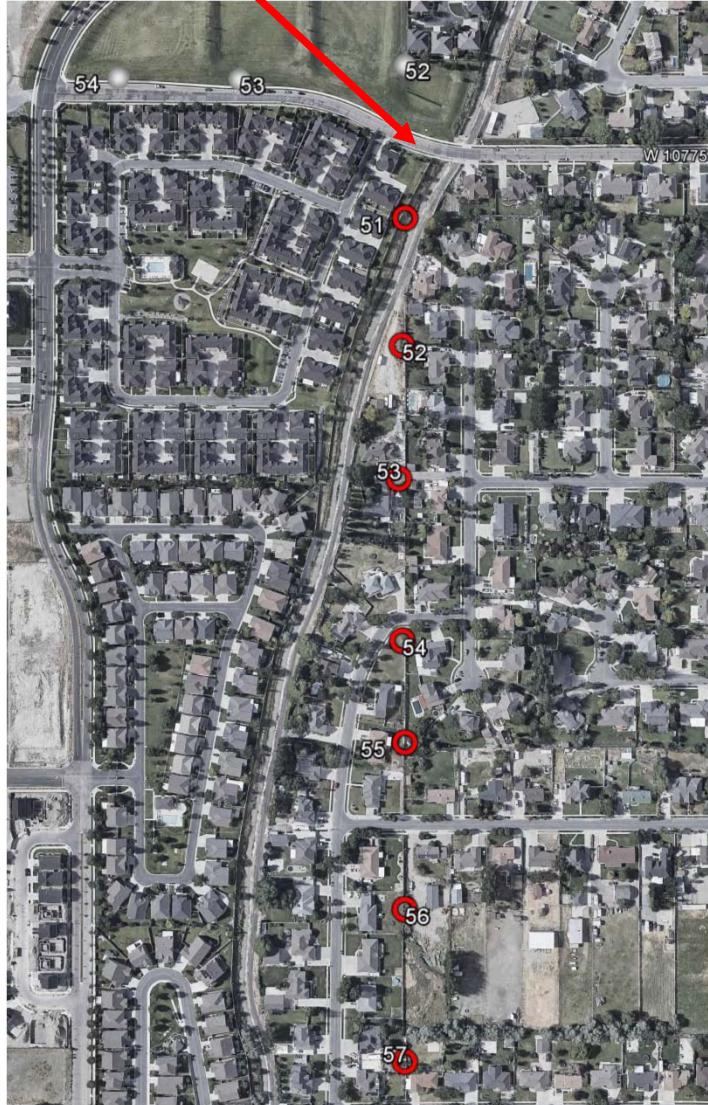


Existing 46 kV and 138 kV double circuit

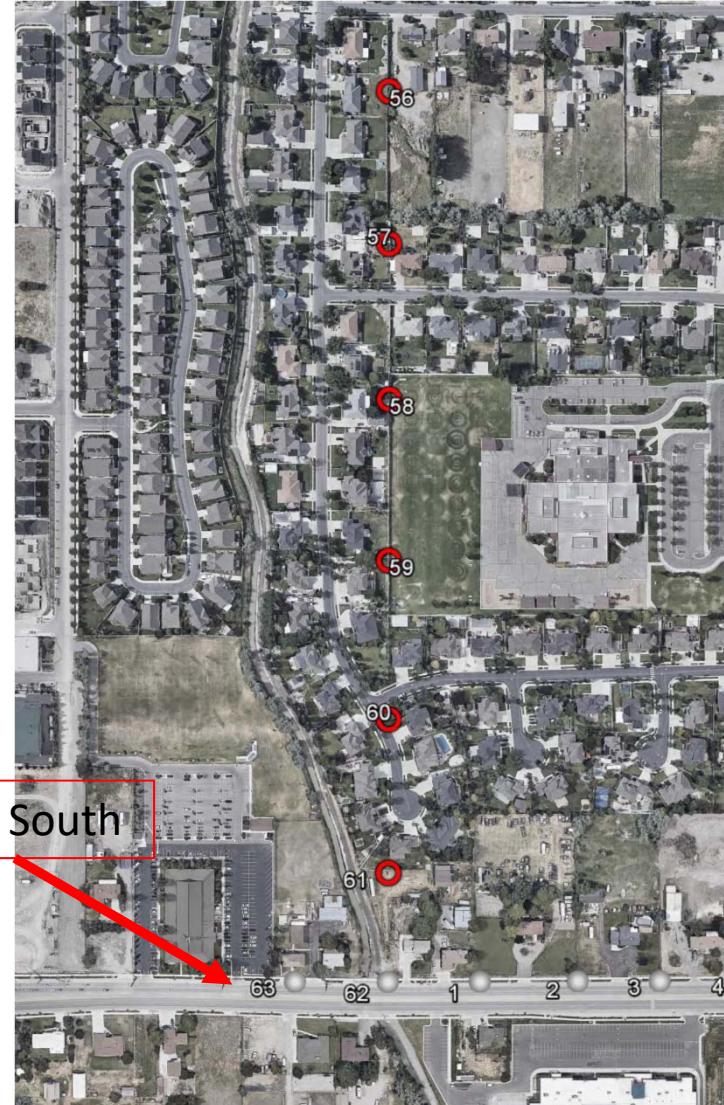


Existing 46 kV single circuit

About 10760 South  
and 1500 West



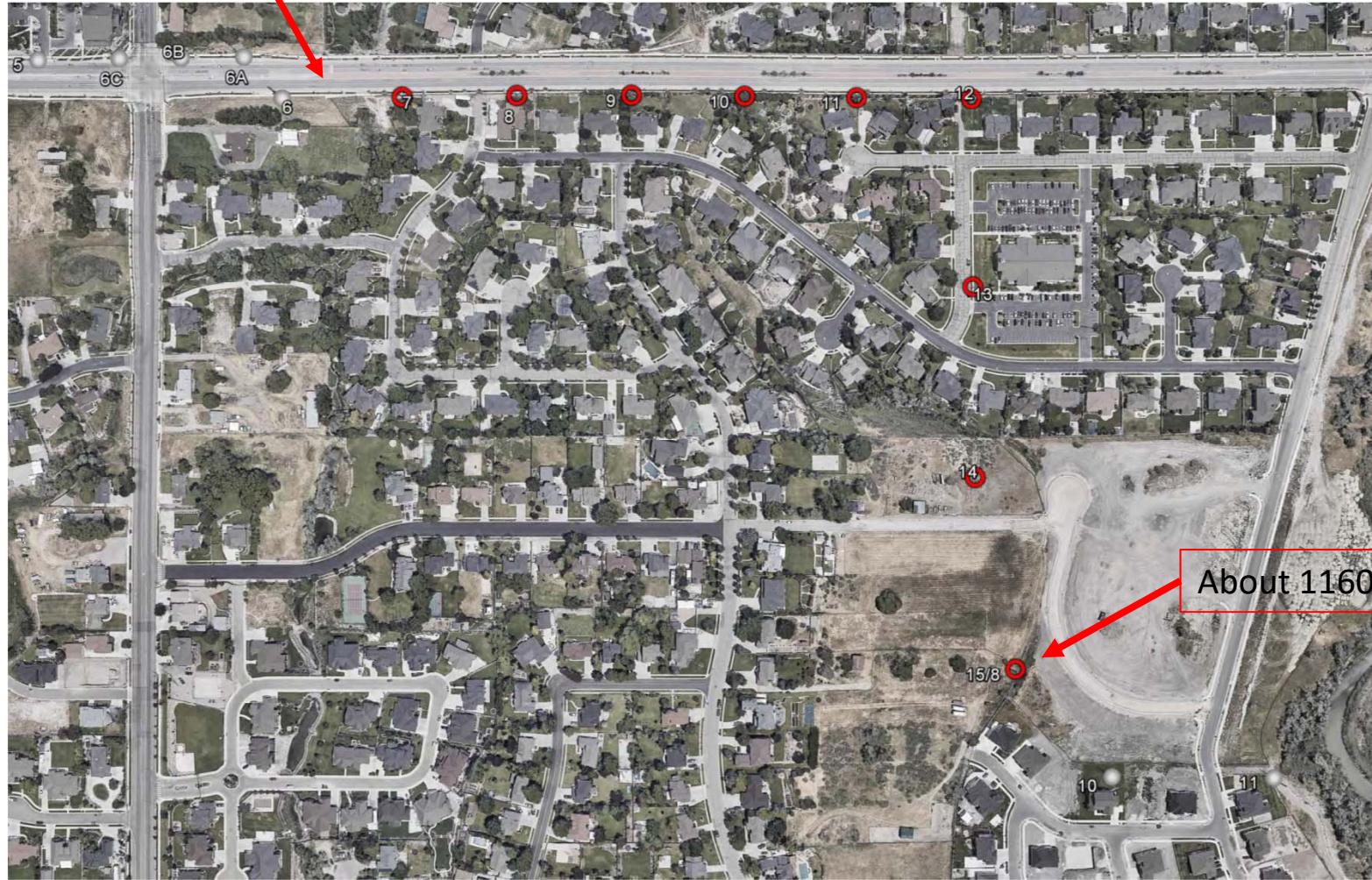
## Background - MAPS





11400 South

## Background - MAPS



# Background - Community Outreach

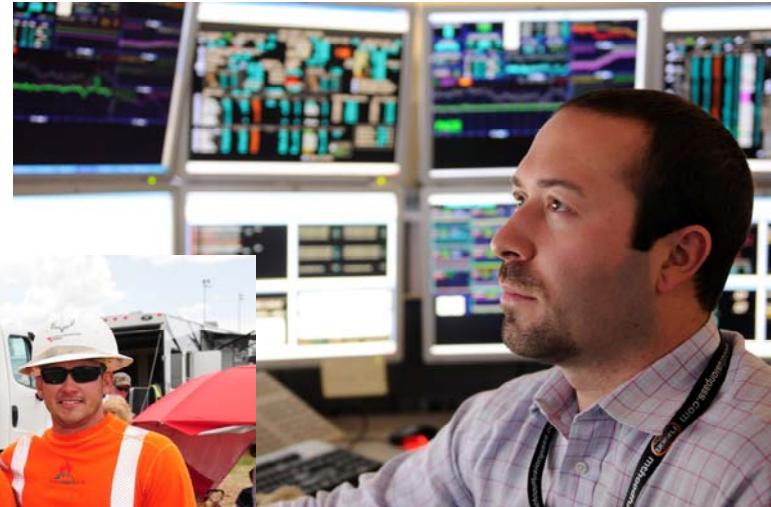
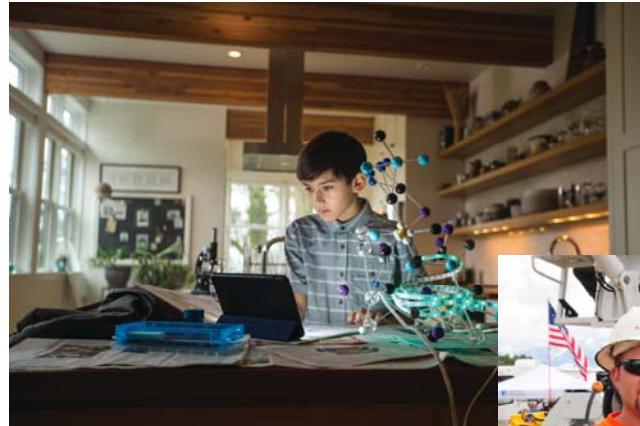


- Personally knocked doors and hand-delivered project flyer and invitation to open house to homes with poles in yard, or wires overhead.
- Mailed information and invitation to open house to property owners within 325'
- Held public open house to discuss the project. Monday, July 16, 2018.
- Presentation to the City Council – July 17, 2018
- City Council Work Session – August 7, 2018
- Meetings and tours with political leadership at the State and local levels.
- Met onsite with landowners

## Service and Partnership

- Worked with property-owners to discuss pole placement and design.
- Will offer expertise and tree vouchers to property owners with easements.

# Community Concerns





## Easements

- Rocky Mountain Power purchased and recorded the majority of easements to operate, maintain, and replace a transmission line in the 1950s.
- Two types of easements along the route: Centerline and Fixed-width.
- No action by this commission alters the condition of the existing transmission line easements.
- There is a legal process and pathway for property owners to resolve easement disputes outside of South Jordan City.
- Rocky Mountain Power has provided easement documentation showing easements are sufficient for this application.



## Electromagnetic Fields (EMF)

- No safety/health organization recognizes EMF from high voltage power lines as an issue.
- There are no federal requirements to mitigate EMF
- There are no State of Utah requirements to mitigate EMF
- There are no electric codes or guidelines to mitigate EMF.

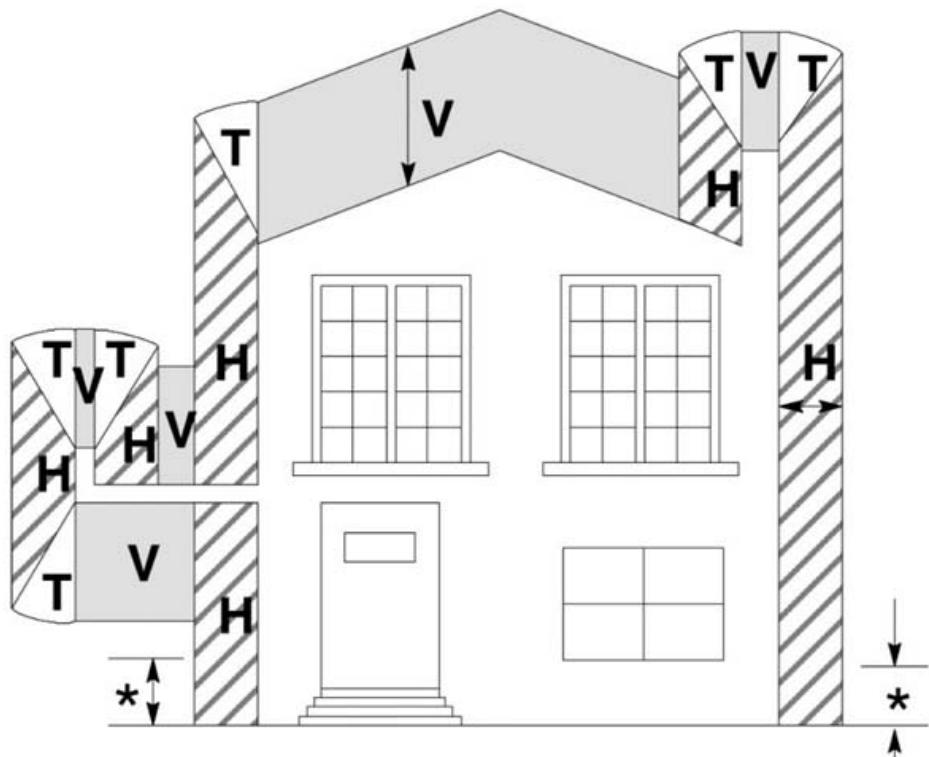
Despite the lack of State or Federal mitigation requirements, EMF mitigation related to system configuration has been included in our design.

*Reference Dec. 11, 2018 submittal*



# SAFETY and DESIGN

- Adheres to 2017 National Electrical Safety Code (NESC)
- Safety considerations:
  - Clearances, horizontal, vertical, transitional
  - Structure strength and design
  - Foundation design
  - Material specifications
- Rocky Mountain Power provided certification from the engineer of record that the project meets or exceeds all industry and PacifiCorp standards and best practices for ensuring public safety.





# Property Values and Lending

## Impact on Values

- Opinion letter: because the line exists - no impact to very nominal impact.
- Additionally, “such impact would be eliminated or reduced further if the general pole type is not meaningfully changed.”
- Any impact has carried forward with the property from the time of development.

## Impact on Lending

- A high voltage power line and power line easements exists.
- The line predicated the homes and home loans.
- FHA, Fannie/Freddie, VA: there are provisions related to lending, but there is no difference between 46kV and 138kV transmission lines.
- No requirement makes it impossible to receive this type of loan.



# Utah State Property Ombudsman

- Residents submitted a request
- RMP responded in writing
- Residents had a meeting with the Ombudsman.
- Mediation with the Ombudsman is not being pursued at this time.

# Alternatives vs. Alternative Routes



- **ALTERNATIVES CONSIDERED**

- Planning Process
  - Upgrade alternative substations – too far from expected load growth to resolve capacity issues.
  - Battery back-up – does not provide capacity necessary
- We are a regulated utility and the stewards of cost effective investments.
- Draper Substation was identified as the preferred option to meet demand.

**Alternative Routes:**

Once the preferred project was identified, no alternative routes to relocate the existing infrastructure were considered.

Alternative route studies must be requested by an interested entity, and paid for by the requesting entity.

No official request was made.

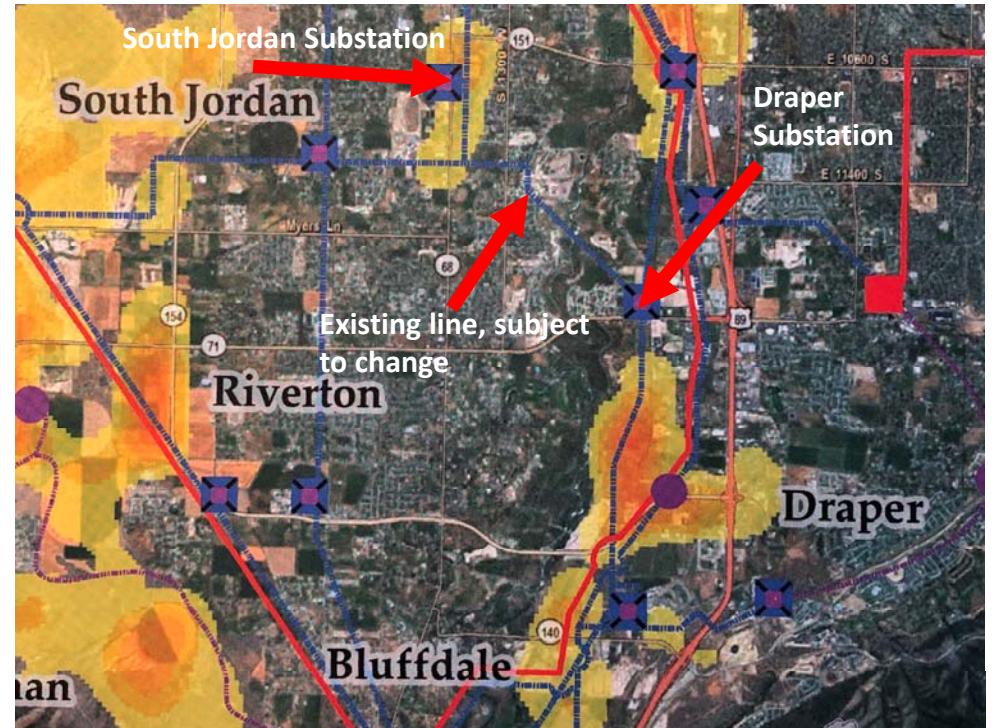
However – no route between South Jordan Substation and Draper Substation exists that would not double the impact property owners in South Jordan.



# Community Planning

## Powering our Future: Salt Lake County Electrical Plan Local Planning Handbook. September 2010.

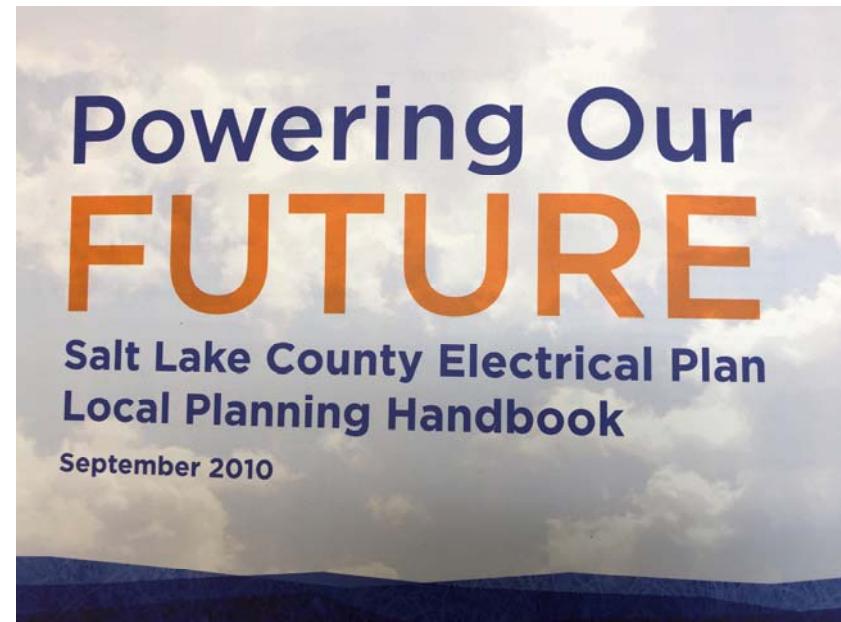
- An unprecedented collaborative effort to keep pace with growth in Salt Lake County and ensure adequate capacity for communities to achieve their goals.
- This document is a guide to ensure adequate service and minimize community impacts.
- 4B – HIGH PRIORITY – Upgrade existing facilities before building new facilities
- Line was identified as existing, subject to change.





## Future Plans

- There are no plans to upgrade above nominal 138 kilovolts.
- It is important that the system keeps up with demand.
- State Code 54-18-102 has additional siting guidelines for 230 kilovolts and above.





## SUMMARY

- Project brings vital transmission and distribution capacity and reliability to the Salt Lake Valley.
- Rocky Mountain Power as the applicant believes the application and project meet all standards for a Conditional Use Permit.
- Rocky Mountain Power requests the Planning Commission approve this application for a Conditional Use Permit.

03-12-19 PC Meeting - Attachment C



March 11, 2019

Mr. Benjamin Clegg  
Rocky Mountain Power  
1407 W. North Temple Street, Room 220  
Salt Lake City, Utah 84116

**SUBJECT: Clarification to Opinion Letter – Impact of Electrical Transmission Line Upgrade on Home Values**

Dear Mr. Clegg,

I previously provided an opinion letter that appears to have created some confusion. Hopefully the following points help clarify.

1. The studies that we completed were macro in scope and should not be applied directly to any particular property or project. Instead, the studies reflect general market data regarding the impact of transmission lines and were intended to analyze generally claims made by some appraisers and property owners of significant impacts (10% or greater) of abutting transmission lines.
2. While we isolated myriad property-specific variants in our studies, one we were not able to isolate is location on collector and arterial-class roadways. It is axiomatic that homes on busy roadways sell for less than those on residential streets, all other things being equal. However, we did not undertake a street by street categorization necessary to permit isolation of this characteristic in the studies presented. This of particular note as it relates to findings for 138kV lines, those as a percentage most likely to be found along such busy roadways. The implication is that the impact factor indicated in the studies for homes immediately abutting 138kV is inflated as representing both the value impact of the 138kV lines and the impact of those properties in the sample that are on busy roadways. The value impact indications of the 46kV and 345kV indicate there are other property characteristics that are not fully addressed in the studies. Roadway orientation is a particularly notable example of such a characteristic.

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3. Third, our studies do not address step-up projects but instead compare only homes proximate to transmission lines and those not. It is analytically inappropriately to attempt to mathematically calculate impact of a step-up project from the data and conclusions of our analysis as such extrapolation invites compounding error of analysis. That is, any error of analysis as it relates to a given population (e.g., homes immediately proximate to roadways or homes abutting open space corridors associated with 345kV corridors) is compounded in quantitative comparison with another population. This danger is evident if one compares the indicated impact of 138kV and 345kV lines. Obviously, the idea that the significantly larger and more obtrusive 345kV lines would have less impact than 138kV lines is antithetical to the idea that transmission lines have any impact at all and consequently indicate that our studies have not yet addressed every meaningful variant.
4. While the studies do not produce absolutely reliable quantification of impact factors, the studies do reliably support the conclusion that transmission corridors have no impact or nominal (significantly less than the 5% reflected for 138kV lines before accounting for roadway orientation) impact on value when comparing properties proximate to corridors with those not. This conclusion is consistent with my general experience in valuing properties as well.
5. Given the foregoing, it is my opinion based on extensive experience in valuing and analyzing properties proximate that step up projects have no impact to nominal impact on proximate homes. It is further my belief that if the homes were appraised both before and after the step up project for, say, refinancing, that the appraiser would not even mention the lines much less adjust value. This opinion is based on the fact that in spite of reviewing hundreds of residential appraisals, I have never seen one for lending purposes identify or adjust for abutting power lines. This is strong anecdotal evidence of the market's indifference to transmission lines which ubiquitously span the market and underlies my conclusion.

If you have any questions or comments, please contact the undersigned. Thank you for the opportunity to be of service.

Respectfully submitted,

**Integra Realty Resources - Salt Lake City**



Troy A. Lunt, MAI, SR/WA

3-12-19 PC Meeting - Attachment D

Speakers for South Jordan Planning Commission Meeting March 12, 2019

	NAME	ADDRESS
1	Dave Kowallis	11323 Green Grass Ct., South Jordan
2	Brett Hastings	Hastings Law Group, llc Wells Fargo Tower, 299 South Main St. 13 <sup>th</sup> Fl. SLC
3	Cami Hodlmair	11309 Green Grass Ct., South Jordan
4	Paula Gordon	11107 Woodland Green Grass Ct., South Jordan
5	Adam Kirkham	Summit Sotheby's International Realty 2455 East Parley's Way Suite 240, SLC
6	Susanna Willey	1490 W. 11030 South, South Jordan
7	Cam Steadman	11188 South Woodfield Road, South Jordan
8	Jeff Hodlmair	11309 Green Grass Ct., South Jordan
9	Annie Kartchner	11306 S. Red Canyon Ct., South Jordan
10	Rinda Clyde	1477 West 11150 South, South Jordan
11	Jeff Hodlmair	11309 Green Grass Ct., South Jordan
12	Jana Fullmer	1494 West 11150 South, South Jordan

# Presentation to the Planning Commission

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Presented by  
Residents in South Jordan City

# RMP: A Necessary Partner



Sprint 3:20 PM 100% 🔋

[pgecurrents.com](https://pgecurrents.com)

HOME VIDEOS LOCAL PIPELINE SAFETY SOCIAL MEDIA

Posted on February 28, 2019

## PG&E Corporation Provides Update on Financial Impact of 2017-18 Wildfires; Reports Full-Year and Fourth-Quarter 2018 Earnings

PG&E Corporation (NYSE: PCG) today (Feb. 28) provided an update on the expected financial impact of the 2018 Camp Fire and 2017 Northern California wildfires as part of the announcement of its full-year and fourth-quarter 2018 financial results. Although the cause of the 2018 Camp Fire is still under investigation, based on the information currently known to the company and reported to the California Public Utilities Commission (CPUC) and other agencies, the company believes it is probable that its equipment will be determined to be an ignition point of the 2018 Camp Fire.

# State of Utah “Rip Cord” Statute

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“Each land use authority shall substantively review a complete application . . . and the applicant may in writing request that the land use authority take final action within 45 days from date of service of the written request.”

**Utah Code Ann. § 10-9a-509.5(2)** (emphasis added)

# South Jordan City Statute

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“A use is conditional because it may have unique characteristics that detrimentially affect the zone and therefore are not compatible with other uses in the zone, but could be compatible if certain conditions are required that mitigate the detrimental effect”

City Code Section 17.18.050.l:

# Summary of Opposition

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1. Applicant's Easements Are NOT Unlimited/Undefined
2. Applicant's Easements, as Defined, are Insufficient for this Project
3. Detrimental Impact on Property Values and Saleability of homes
4. Detrimental Impact on our Health and Safety

# Easements

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# Legal Issues

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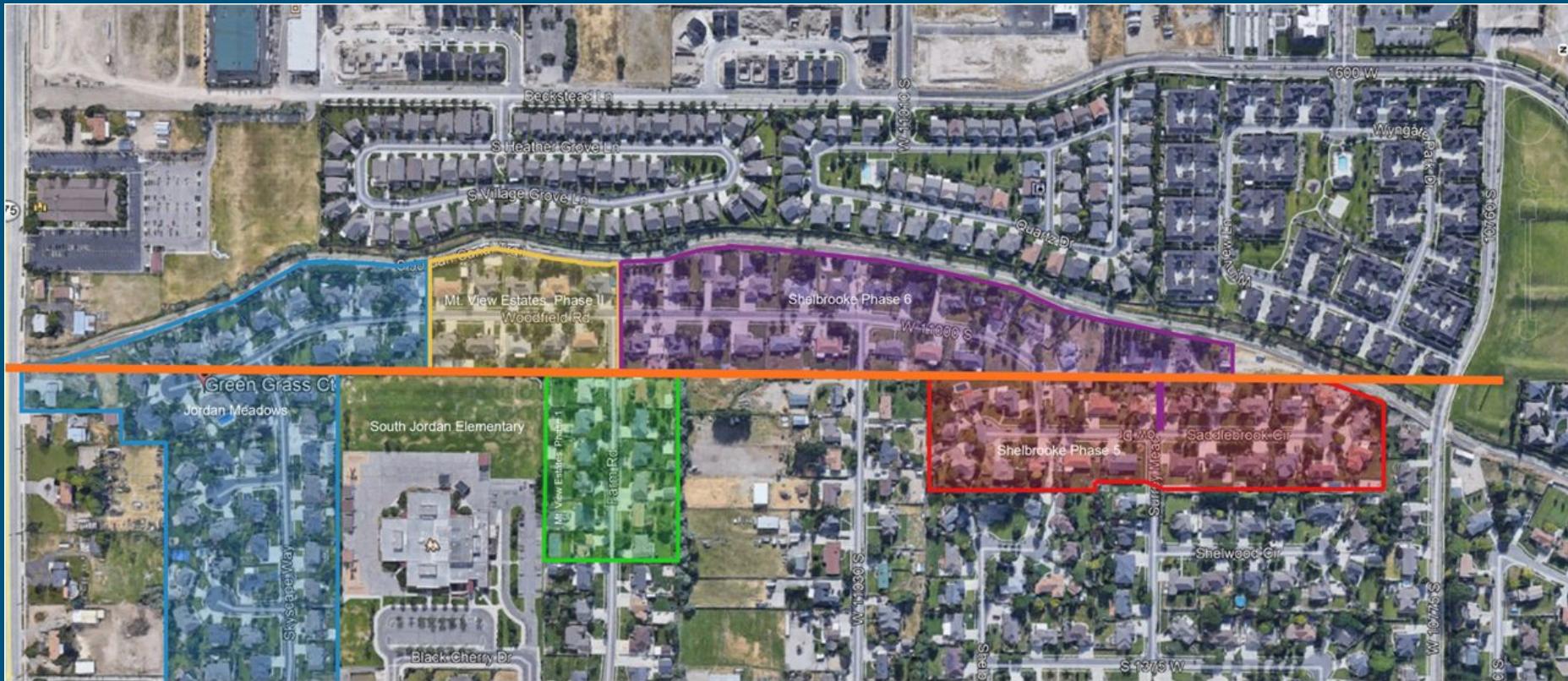
- RMP Abandoned Center Line
- Easements are Insufficient
- Easements are Extinguished

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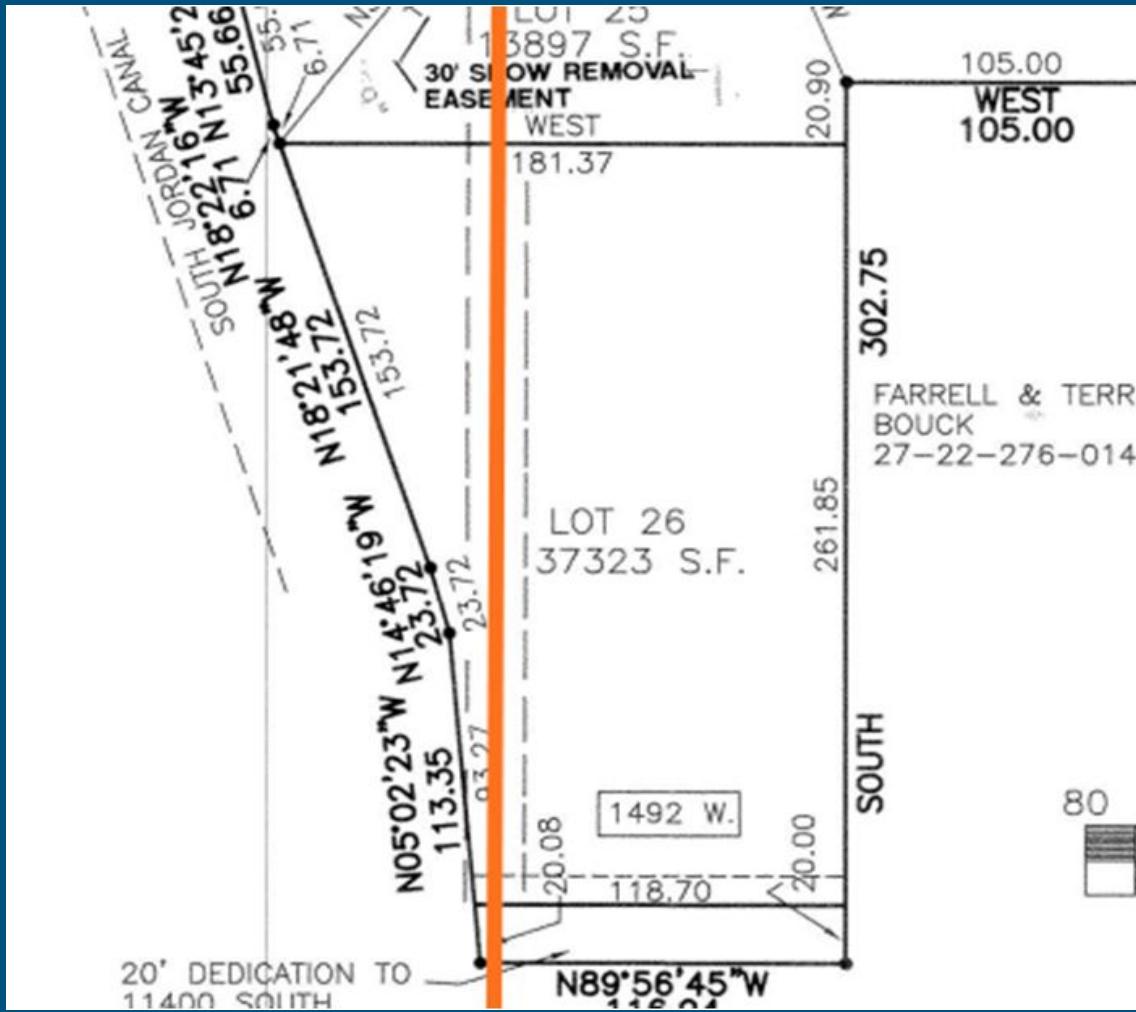
“The plat maps may erroneously state that the easements are 10-foot PUEs, but **Rocky Mountain Power never abandoned any of their deeded property rights**, so this survey error is of no legal consequence.”

**Rocky Mountain Power**, January 8, 2019  
Letter to Brent N. Bateman  
Office of the Property Rights Ombudsman  
State of Utah Department of Commerce

# Aerial Photo

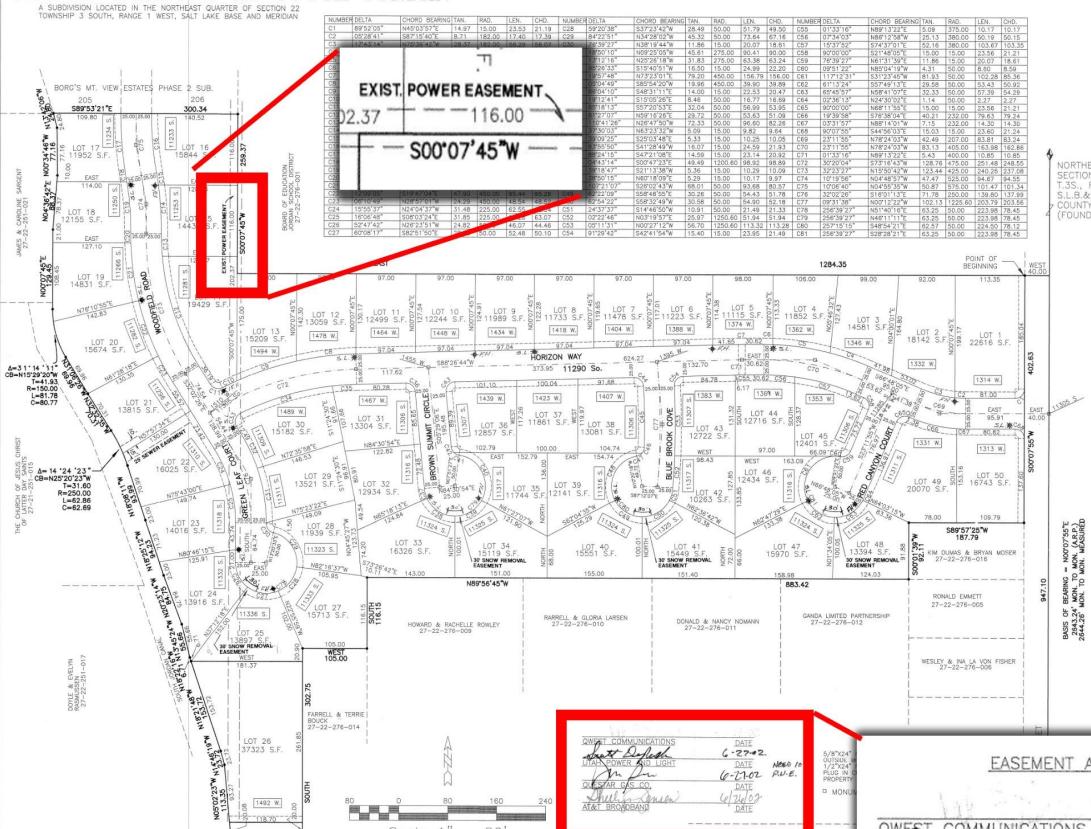






## JORDAN MEADOWS AT SOUTH JORDAN

A SUBDIVISION LOCATED IN THE NORTHEAST QUARTER OF SECTION 22  
TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN



SURVEYOR'S CE

I, RALPH E. GOFF, DO HEREBY CERTIFY CIVIL ENGINEER, AND OR LAND SURVEYOR, NO. 144147 AS PRESCRIBED UNDER THE I FURTHER CERTIFY THAT BY THE AUTHORITY I HAVE MADE A SURVEY OF THE TRACT OF LAND DESCRIBED BELOW, AND HAVE SUBDIVIDED THE LOTS AND STREETS, HEREAFTER TO BE

JORDAN MEADOWS A  
AND THAT SAME HAS BEEN CORRECTLY  
GROUND AS SHOWN ON THIS PLAT, I F  
MEET THE FRONTRAGE, WIDTH, AND AREA  
APPLICABLE ZONING ORDINANCE.

LEGAL DESCRIPT

OWNERS DED

KNOW ALL MEN BY THESE PRESENTS THAT  
OWNER) OF THE ABOVE DESCRIBED TRACT  
TO BE SUBDIVIDED INTO LOTS AND STREETS

## MEADOWS AT

DO HEREBY DEDICATE FOR PERPETUAL USE  
SHOWN ON THIS PLAT AS INTENDED FOR PUR-  
CHASE  
IN WITNESS WHEREOF I  
HAND THIS 24<sup>th</sup> DAY OF JULY  
1984 BY  
CLARK D. IVORY MANAGING MEMBER #1  
CLARK D. IVORY WHO IS GENERAL PARTNER  
OF IVORY HOMES, LTD.

**EASEMENT APPROVAL**

## COMMUNICATIONS

INNOVATIONS

leplash

## AND LIGHT

Dear

600

5.00.

Kensin

BAND

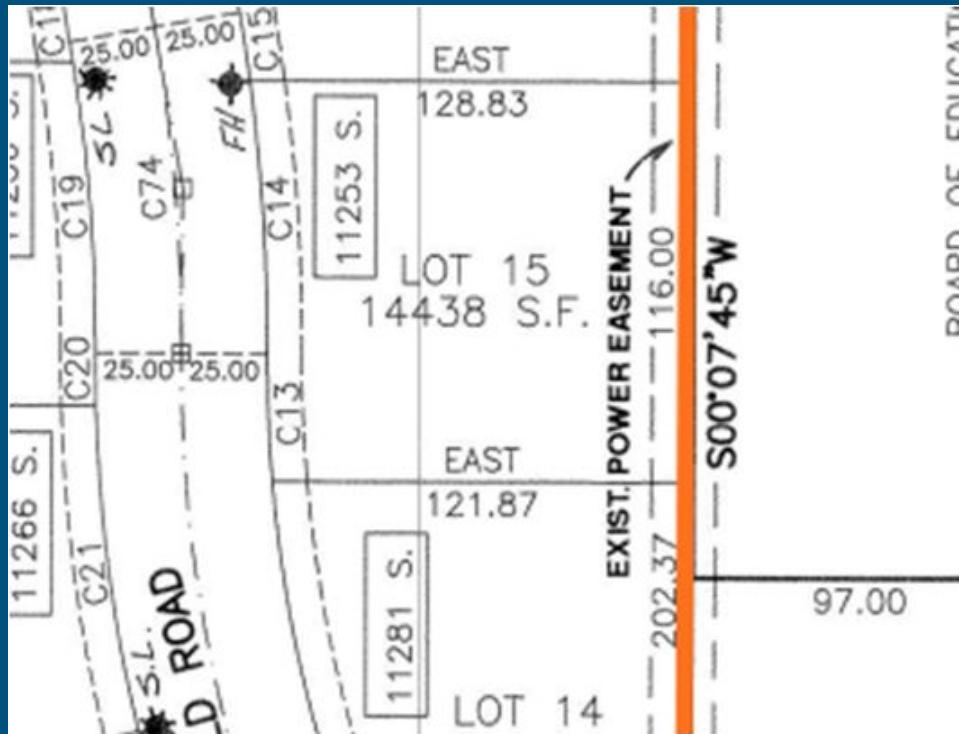
C. L. Thompson  
TEST: SOUTH JORDAN CITY

1970. BOOTH BLDG. CITY

---

“An easement is abandoned where there is action releasing the right to use the easement combined with clear and convincing proof of the intent to make no further use of it.”

Lunt v. Lance, 2008 UT App 192, ¶ 25, 186 P.3d 978, 986–87.



BOARD OF EDUCATION  
JORDAN SCHOOL DISTRICT  
27-22-276-001

160 240  
30'

OWNER - DEVELOPER  
RY HOMES

EASEMENT APPROVAL

QWEST COMMUNICATIONS	DATE
<i>Jeff DeJah</i>	6-27-02
UTAH POWER AND LIGHT	DATE
<i>John</i>	6-27-02
QUESTAR GAS CO.	DATE
<i>Shelly Jensen</i>	6-26-02
AT&T BROADBAND	DATE

NEED 10' P.U.E.

5/8"X24" OUTSIDE E  
1/2"X24" LUG IN PROPERTY

MONU

# Easement Rights

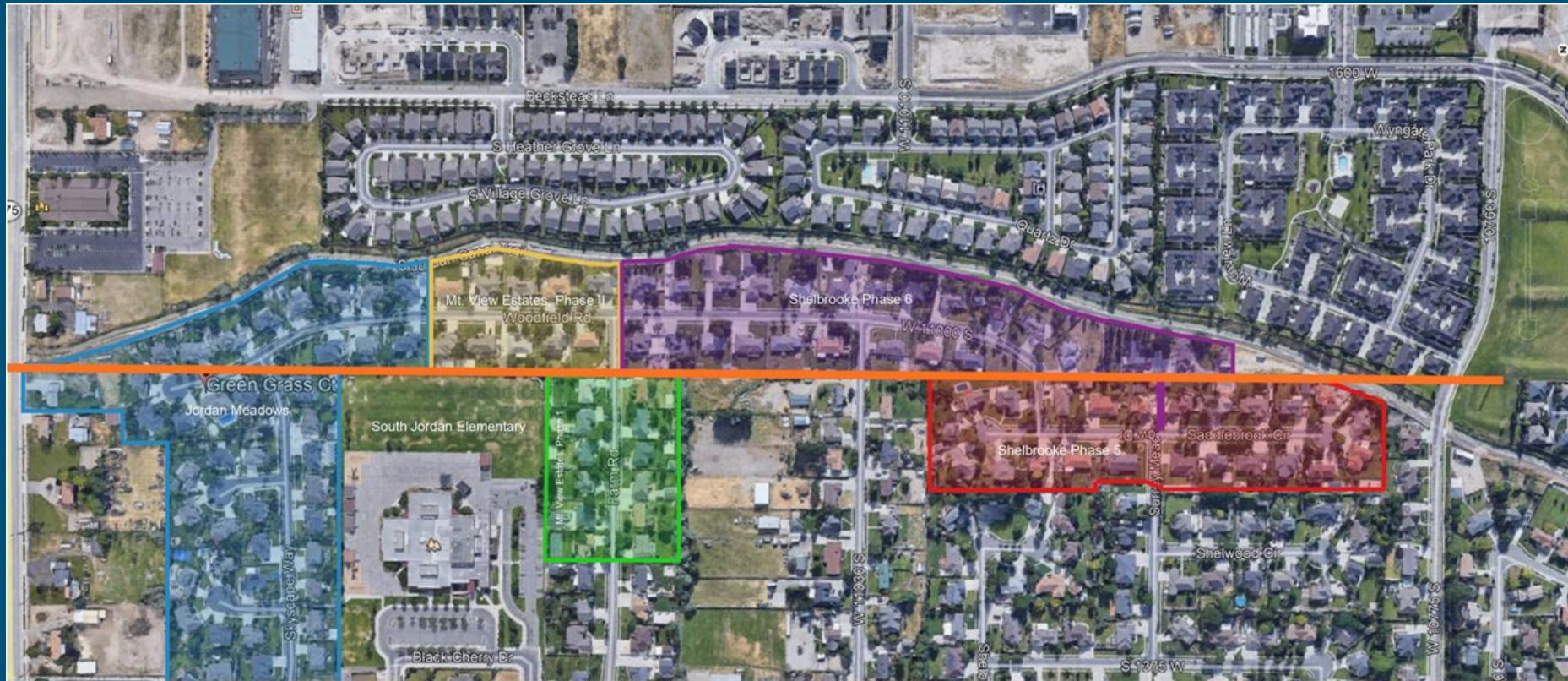
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“Rocky Mountain Power does have the right **within the easement area** to cut and remove timber, trees or other obstructions“ 2/12/2019 (email)

Brian Bridge Sr. Property Agent, Rights-of-Way Services, Rocky Mountain Power

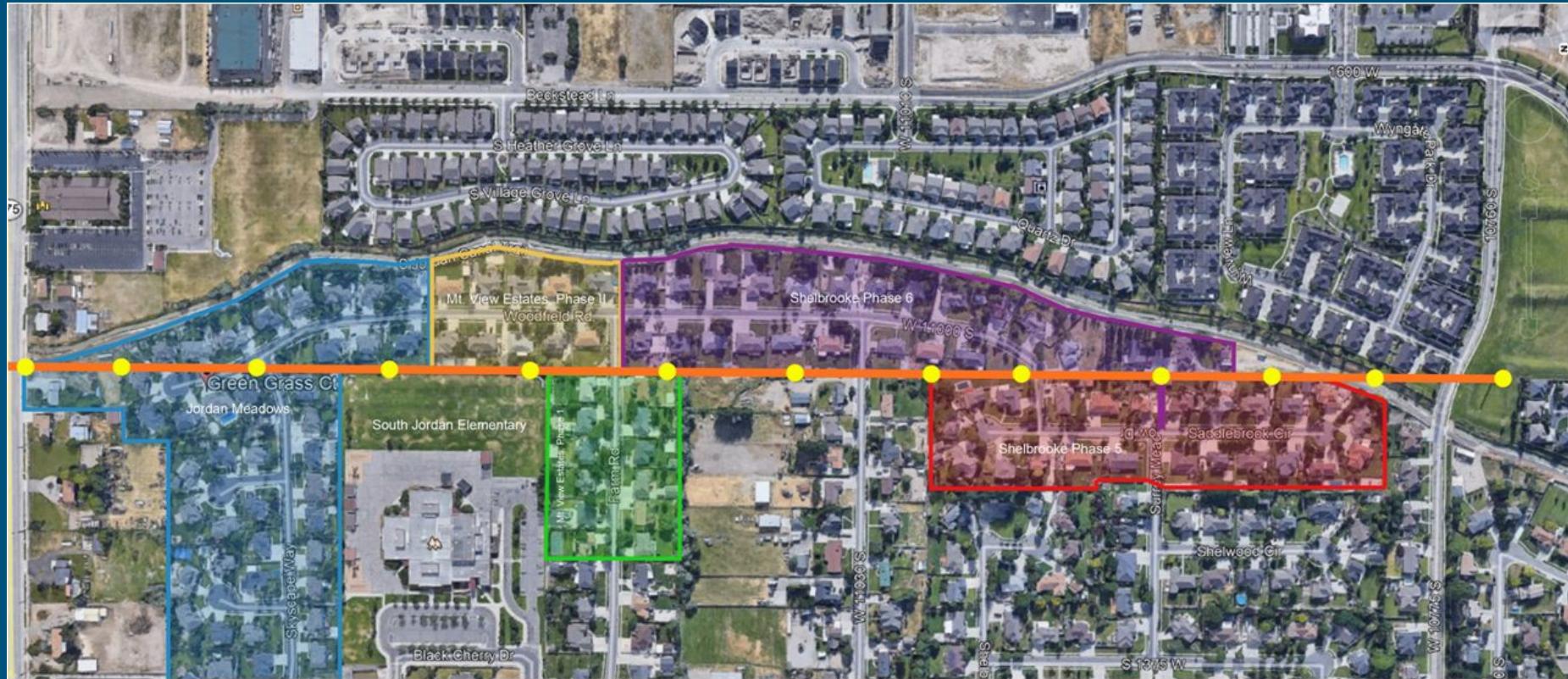


# Aerial Photo



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# RMP Abandoned Center-Line Easements are Insufficient



# NO POLES?

82-4832

8458

FORM 2066 9-57 600

5

48 1606262

BOOK 1532 PAGE 264

UTAH POWER & LIGHT COMPANY

Recorded **AUG 15 1958**

Request of **U.P. & L CO.** at **10:32**

Fee Paid. Hazel Taggart Chase.

Recorder, Salt Lake County, Ut

\$ 1.00 By **ACCO** De

D 35-19-13.888: D 43-65-45.  
To **DR. NEILSON - Box 397**

Jordan School District, Board of Education

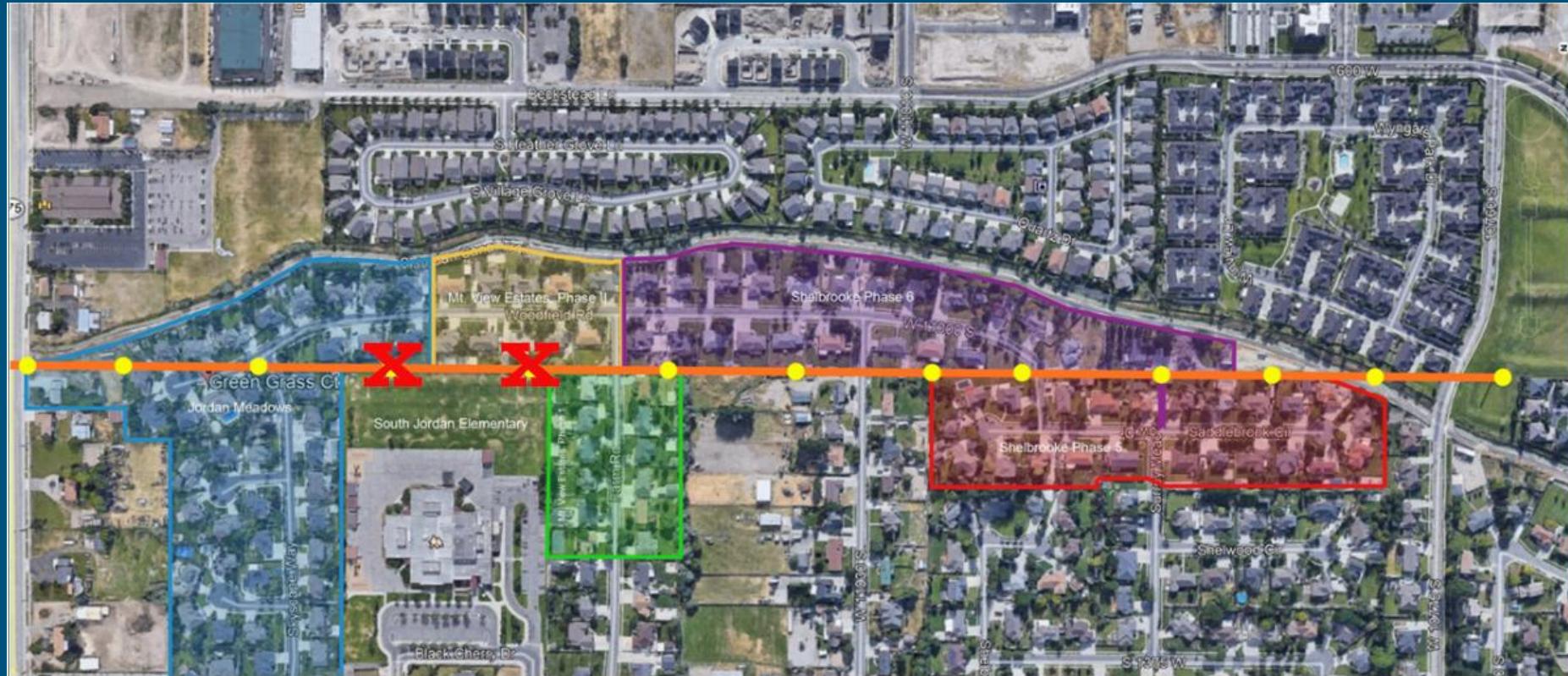
doing business in the State of Utah, Grantor, hereby conveys and warrants to UTAH POWER & LIGHT COMPANY, a corporation, its successors in interest and assigns, Grantee, for the sum of One (\$1.00) Dollar and other valuable consideration, a perpetual easement and right of way for the erection and continued maintenance, repair, alteration, and replacement of the electric transmission, distribution, and telephone cir-

cuits of the Grantee, and..... **No guy anchors and no poles**, with the necessary guys, stubs, cross-arms and other attachments thereon, or affixed thereto, for the support of said circuits, to be

erected and maintained upon and across the premises of the Grantor..., in..... **S. Lt. Lake**.....  
County, Utah along a line described as follows:

Beginning on the north boundary line of the Grantor's land at a point 1100 feet south and 1317 feet west, more or less, from the northeast corner of Section 22, T. 3 S., R. 1 W., S.L.M., thence S.  $0^{\circ} 05' W.$  68 feet, more or less, thence S.  $0^{\circ} 13' W.$  530 feet to the south boundary fence of said land, and being in the **✓ E 1/2 of the NE 1/4 of said Section 22.**







---

- RMP Abandoned Center Line
- Easements are Insufficient
- Easements are Extinguished

---

“An easement is extinguished by prescription where use of the property violates a servitude burdening the property and the use is maintained adversely to a person entitled to enforce the servitude for the prescriptive period. In other words, adverse use by the servient estate holder . . . [the homeowners] . . . without objection by the dominant estate holder [RMP], is sufficient to extinguish the easement.

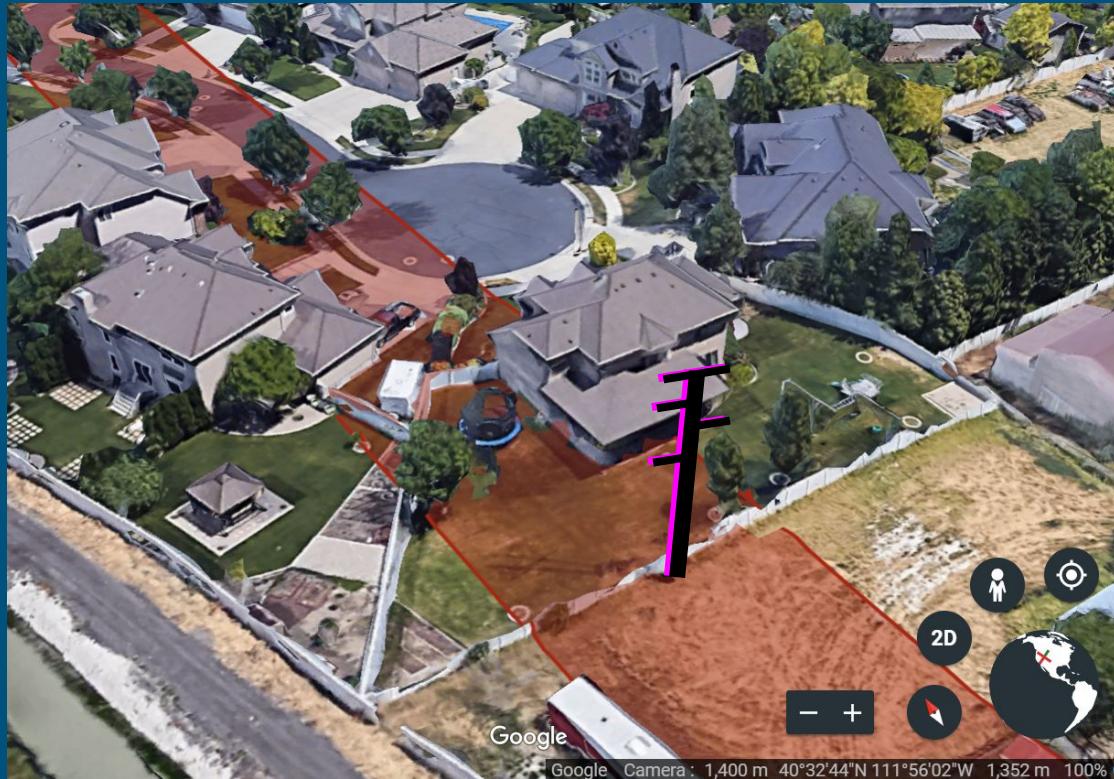
Lunt v. Lance, 2008 UT App 192, ¶ 28, 186 P.3d 978, 987 (emphasis added)

60 foot  
easement



# Green Grass Ct - Claimed Easement

60 foot  
easement



# Woodfield Road home built 16 ft to the line

60 foot  
easement

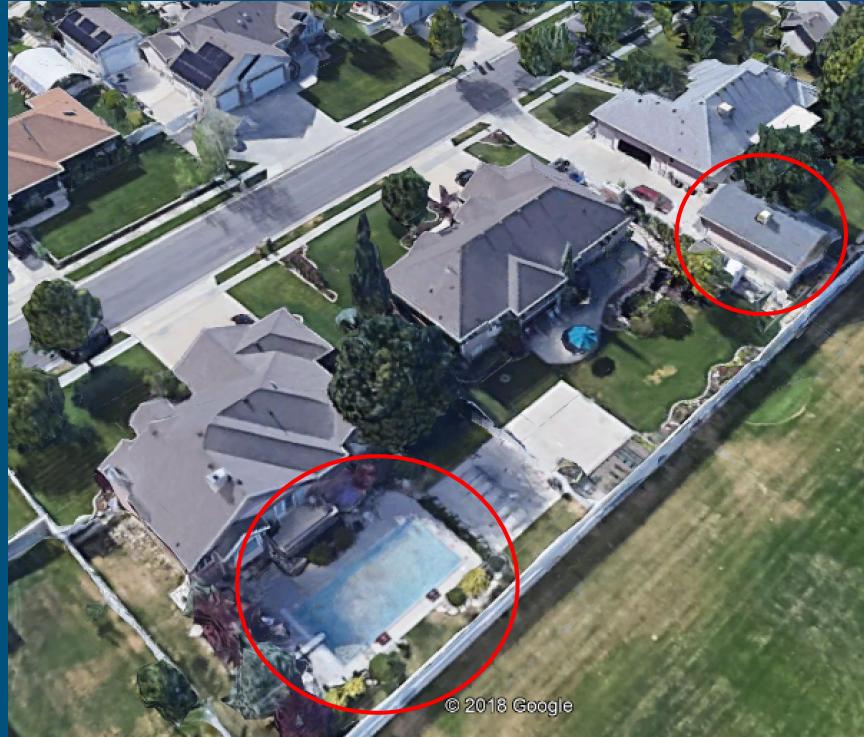


# Applicant's Confirmation of 10 Foot Easement Through Its Inaction

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Pool built in 2002 only 13 feet from centerline, IN PLAIN SITE, without objection by Applicant.

Garage built in 1999 only 10 feet from centerline, IN PLAIN SITE, without objection by Applicant.



---

- RMP Abandoned Center Line
- Easements are Insufficient
- Easements are Extinguished

# Property Value

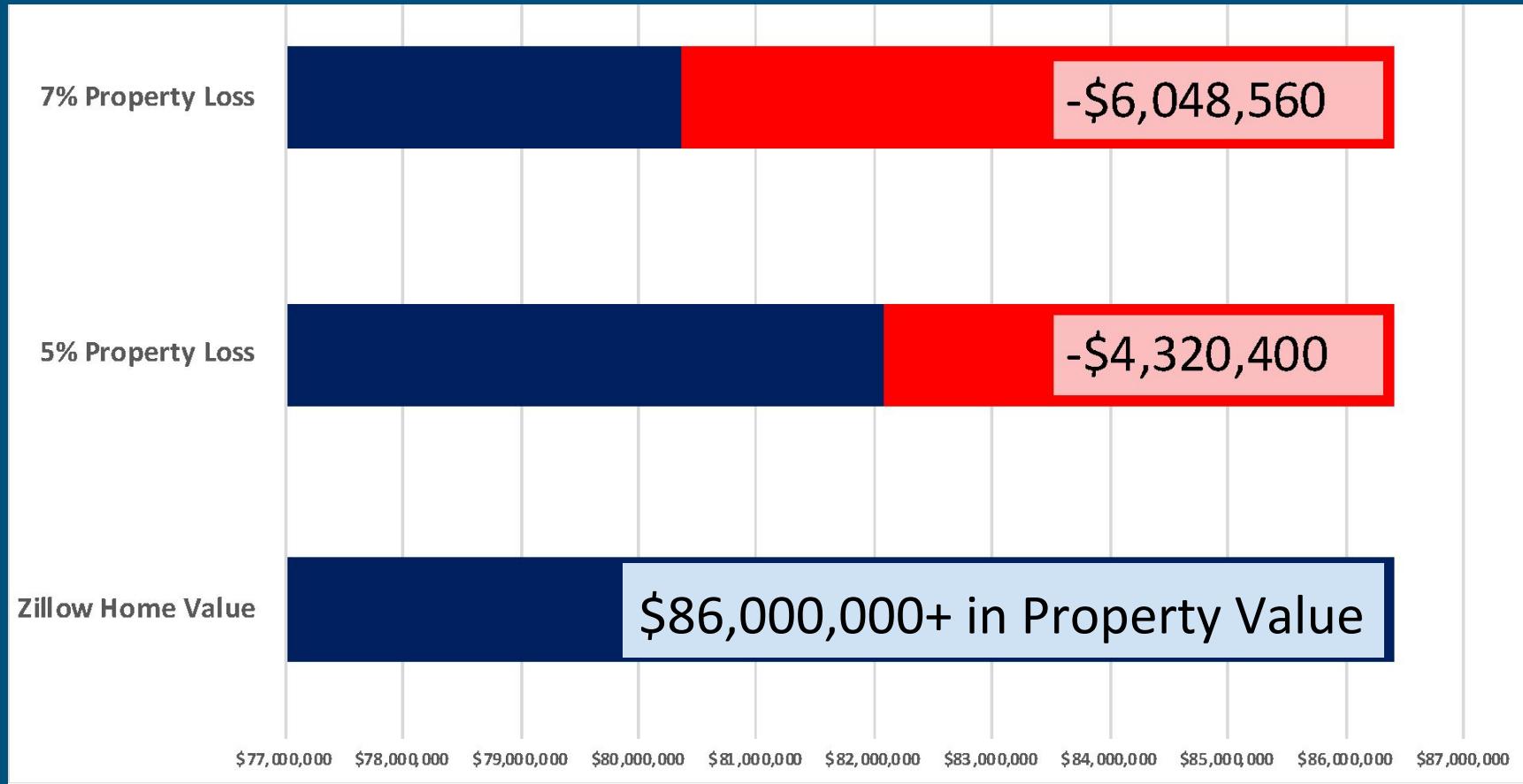
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# PROPERTY VALUE IMPACTS FROM TRANSMISSION LINES, SUB-TRANSMISSION LINES, & SUB-STATIONS

---

- Homes within 50 meters of a 46kv line see no property value effect
- 138kv lines appear to generate the most significant effects to property value
- Homes within 50 meters of a 138kv see a 5.1% decrease in value
- The most recent sample subset (2012-2014) had a negative effect of approximately 7% in property value loss

# \$6,000,000 IN PROPERTY LOSS!





## Detimental Effect: Financing

In general, any power line along a home is considered a detrimental effect on value and can cause limitations on financing.

VA, FHA FNMA and FHLMC are all government entities that all lenders follow for guidelines for home lending.

We have researched VA, FHA, FNMA & FHLMC guidelines and found the following:

## **Detrimental Effect for Veterans/VA loans**

“No part of any residential structure may be located within a high voltage electric transmission line easement.

Any detached improvements even partially in a transmission line easement will not receive value for VA purposes.”

# Detrimental Effect for Freddie Mac Financing

The following exceptions to the title insurance policy or to the attorney's opinion of title are acceptable:

**(a) Subsurface public utility easements**

Exceptions for subsurface public utility easements for local residential distribution, such as lines for gas and water, and cable for electric, telephone or television utilities, are acceptable provided that the location of the easements is ascertainable and fixed. The exercise of the rights thereunder must not interfere with the use and enjoyment of any present improvements on the Mortgaged Premises or proposed improvements on which the appraisal or Mortgage is based.

**(b) Surface public utility easements**

Exceptions for surface easements for public utilities for local residential distribution are acceptable provided that the location is ascertainable and fixed. The exercise of the rights thereunder must not interfere with the use and enjoyment of:

- Present improvements on the Mortgaged Premises
- Proposed improvements upon which the appraisal or Mortgage is based
- Part of the Mortgaged Premises outside the easement and not occupied by improvements

**(c) Encroachments on public utility easements**

Exceptions for encroachments on easements for the use of a dwelling structure are acceptable provided that the location is ascertainable and fixed. The exercise of the rights of repair and maintenance in connection with the dwelling structure must not interfere with the use and enjoyment of:

**(d) Restrictive agreements and restrictive covenants**

Exceptions for restrictive agreements or restrictive covenants (such as minimum size and building materials, and architectural requirements) are acceptable provided that the following conditions are met:

- The restrictive agreements or restrictive covenants do not provide for the elimination of the lien of the Mortgage
- The terms and provisions of the restrictive agreements do not discriminate against investors in the area where the Mortgaged Premises are located
- An endorsement to the title insurance policy states that the location of the easements is ascertainable and fixed, and that any future violation shall not result in a claim against the title insurance company

“Must not interfere with the use and enjoyment...”

“Location of the easements is ascertainable and fixed”

FHLMC Guidelines, 2019

# **Detrimental Effect for Fannie Mae Financing**

FNMA allows above-surface public utility easements that extend along the property line only as long as they do not extend more than **12 feet** from the property line and do not interfere with any of the buildings or improvements within the property itself.

The proposed changes would require a larger easement for safety reasons, according to RMP's own guidelines and requirements.

# Detrimental Effect for FHA loans

Is a property eligible for FHA Insurance if there are overhead electric power transmission lines nearby?

The Mortgagee must confirm that any Overhead Electric Power Transmission Lines do not pass directly over any dwelling, structure or related property improvement, including pools. The power line must be relocated for a Property to be eligible for FHA-insured financing.

A residential service drop line may not pass directly over any pool, spa or water feature. If the dwelling or related property improvements are located within the Easement area, the Mortgagee must obtain a certification from the appropriate utility company or local regulatory agency stating that the relationship between the improvements and Local Distribution Lines conforms to local standards and is safe.

For additional information see Handbook 4000.1 II.A.3.a.ii.(B) available at  
[https://www.hud.gov/program\\_offices/administration/hudclips/handbooks/hsgh](https://www.hud.gov/program_offices/administration/hudclips/handbooks/hsgh)  
([https://www.hud.gov/program\\_offices/administration/hudclips/handbooks/hsgh](https://www.hud.gov/program_offices/administration/hudclips/handbooks/hsgh))

All policy information contained in this knowledge base article is based upon the referenced HUD policy document. Any lending or insuring decisions should adhere to the specific requirements of the underlying policy document.

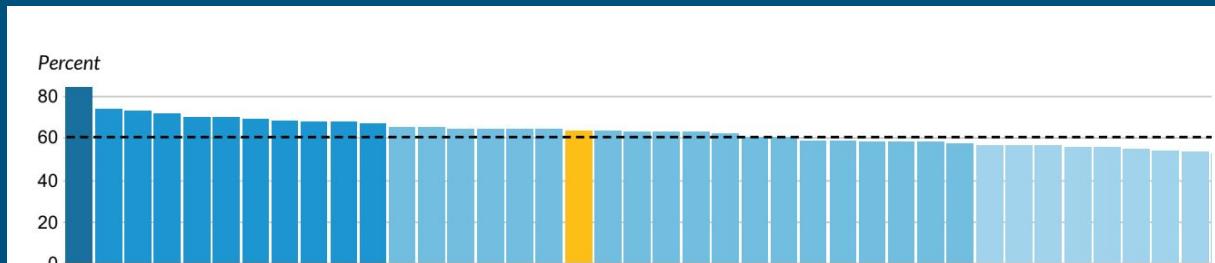
“...Transmission Lines do not pass directly over any dwelling, structure... including pools”

**FHA guidelines, 2019**

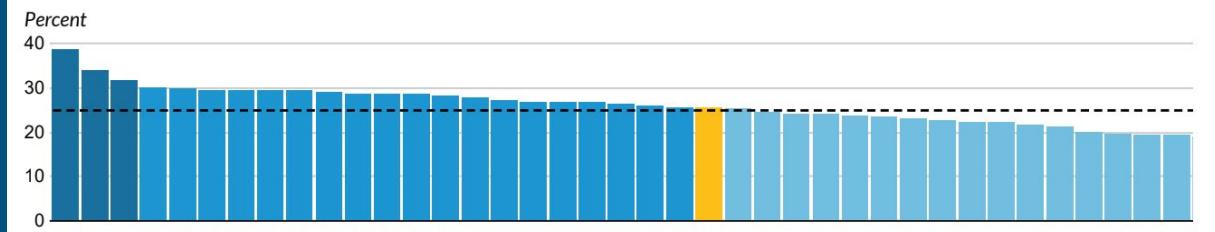
# Loan Types in Utah 2018 According to the Urban.org

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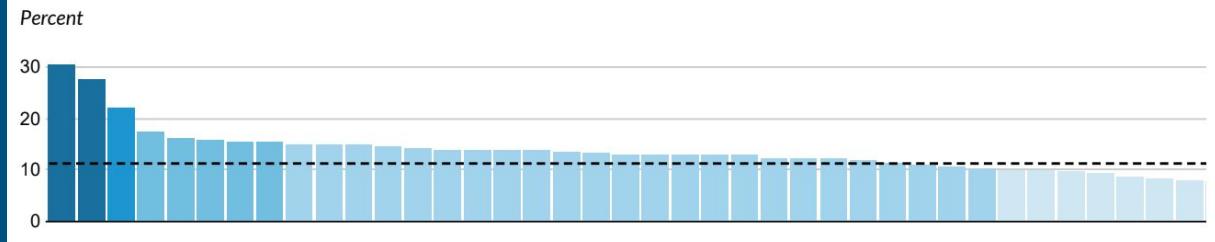
**Conventional - 63.6%**



**FHA - 25.4%**



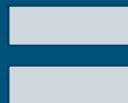
**VA - 7.3%**



## Detimental Effect: Our Homes Can't Be Financed

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Conventional - 63.6%



FHA - 25.4%

VA - 7.3%

**96.3%** of loans  
will NOT qualify with this  
proposed transmission line  
expansion.

Only 3.7% of loan financing can be obtained for our properties if RMP changes this power line as outlined in their permit request.

The buyer pool would be restrictive.

NOT QUALIFIED

# ADAM KIRKHAM - CREDENTIALS

---

- President of the Salt Lake Board of Realtors in 2018.
- Board of Director for the Salt Lake Board of Realtors from 2010-2019.
- Board of Director for the Utah Association of Realtors from 2014-2019.
- Board of Director for the National Association of Realtors from 2014-2019.
- Currently a managing Broker with Summit Sotheby's International Realty.
- Partner and operator of Kirkham Real Estate from 2005-2015 overseeing over 5,000 real estate transactions.
- Partner and owner of Cirrus Properties from 2010-2013 overseeing management of over 40 different HOA communities along the Wasatch Front.
- Recognized as a top tier selling agent for Salt Lake Board of Realtors from 2010-2018.

# ADAM KIRKHAM - EXPERT OPINION

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1. Neutral party
2. No emotional or personal attachment to the parties involved
3. Real estate valuation of residential properties
4. High Voltage power lines negatively affect property value

# Title Insurance Claim Update

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“Claims attorney has been assigned”

“Your claim is currently under investigation”

-Associate Claims Counsel, Fidelity National Title Group



# RMP admits property value loss with \$2.5 Million settlement

<https://archive.sltrib.com/article.php?id=57949894&itype=CMSPID>

Marks    Banking    Corp Search    Payroll

The Salt Lake Tribune

## Rocky Mountain Power pays Utah \$2.5M in power line fight

*State lands • The utility initially offered to pay \$70,000 for the impact of a Tooele transmission line.*

"The line was shoved down our throat and we made a decision to fight this," he said. "I want recognition from utilities they can't push us around with impunity. We will fight it with every aspect we can. I'm happy with the consequences."

Kevin Carter - SITLA Director

What's the value of not having a transmission line run over your land that may someday be a subdivision? To a utility, not much. To Utah's school kids, millions.

# Safety

## School Safety — Natural Disaster Construction & Installation Safety

We understand the Planning Commission has no authority over Safety. We have filed a formal complaint with the Public Safety Commission. IF this body chooses to approve this permit, all the safety concerns cannot be mitigated. We want to highlight the Safety Concerns

# RMP in their own words: “this would not be the easement that we would be picking”

---

“According to the study... with the neighborhoods and schools and everything else - Absolutely... If this were a ***new line***, this would **not be the easement that we would be picking...**”

- Lisa Romney, Regional Business Manager, Rocky Mountain Power Time Stamp 1:15:30

Open House July 16, 2018 South Jordan



# RMP in their own words: “60 foot easement...now that's to be SAFE”

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RMP expert stating  
“60 foot wide easement to give us  
the clearance that we need for that  
line. Now that's to be SAFE”

Openhouse video time stamp 1:11:49

July 16, 2018 South Jordan



# What is SAFE?



School  
Playgrounds

Earthquake  
Danger



Home  
Fires



Wildfire  
Potential



# Pole Installation Fall Risks

---

**RED** - 90 foot construction  
fall radius

**ORANGE** - 60 foot  
post-construction radius

**IMPOSSIBLE** for Applicant  
to INSTALL Poles Staying  
Within Their 10 Foot  
Easement



# RMP states this route is safe by schools

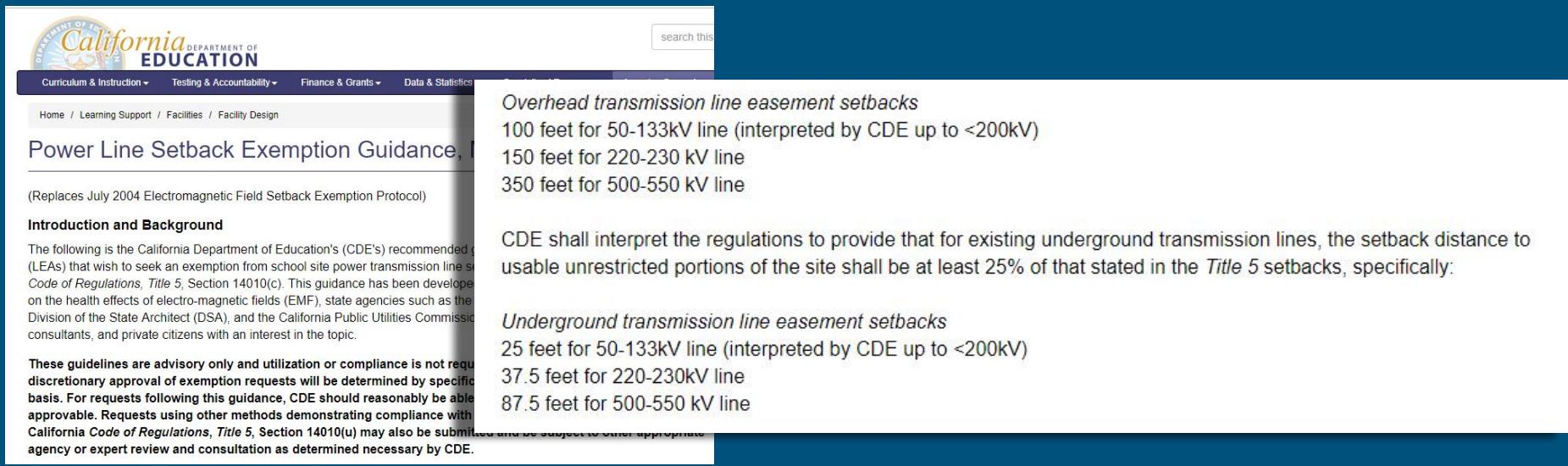
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Video link of Lisa Romney stating at City Council Meeting that they abide by special standards when installing projects by schools

Lisa Romney talking in general about safety but specifically about schools at the end: time stamp 31:48 to 32:34

# What other communities have done about school safety and powerlines

What are we going to do about the radius of danger and our South Jordan School?



The screenshot shows the California Department of Education website. The header includes the California logo, a search bar, and navigation links for Curriculum & Instruction, Testing & Accountability, Finance & Grants, and Data & Statistics. Below the header, a breadcrumb trail shows Home / Learning Support / Facilities / Facility Design. The main content is titled "Power Line Setback Exemption Guidance, I" and notes that it replaces the July 2004 Electromagnetic Field Setback Exemption Protocol. The introduction discusses the California Department of Education's (CDE's) recommended guidelines for Local Education Agencies (LEAs) seeking an exemption from school site power transmission line setbacks. It states that the guidance is based on the health effects of electro-magnetic fields (EMF), state agencies such as the Division of the State Architect (DSA), and the California Public Utilities Commission, as well as private citizens with an interest in the topic. The document then details "Overhead transmission line easement setbacks" with specific distances for different voltage levels: 100 feet for 50-133kV, 150 feet for 220-230 kV, and 350 feet for 500-550 kV. It also specifies that CDE shall interpret the regulations to provide that for existing underground transmission lines, the setback distance to usable unrestricted portions of the site shall be at least 25% of that stated in the Title 5 setbacks, specifically 25 feet for 50-133kV, 37.5 feet for 220-230kV, and 87.5 feet for 500-550 kV. The text is in bold and italicized for emphasis.

**Overhead transmission line easement setbacks**

100 feet for 50-133kV line (interpreted by CDE up to <200kV)  
150 feet for 220-230 kV line  
350 feet for 500-550 kV line

CDE shall interpret the regulations to provide that for existing underground transmission lines, the setback distance to usable unrestricted portions of the site shall be at least 25% of that stated in the *Title 5* setbacks, specifically:

**Underground transmission line easement setbacks**

25 feet for 50-133kV line (interpreted by CDE up to <200kV)  
37.5 feet for 220-230kV line  
87.5 feet for 500-550 kV line

# South Jordan Elementary School Community Council

“We therefore urge all parties involved to reconsider the proposed project plan, and identify safer alternatives that do not expose our school population to such potential risks”

October 22, 2018

To Whom It May Concern:

We, the South Jordan Elementary School Community Council wish to formally voice our concerns regarding Rocky Mountain Power's intent to place a 138Kv transmission line along the west boundary of the South Jordan Elementary School playground. Besides the greater risks of lightning, fire, and electrocution represented by taller poles and higher voltage, there are sufficient scientific studies, regulations, guidelines, and statements issued by reputable institutions suggesting potential correlation between such high voltage power lines and a myriad of health and safety issues that we believe this project may reasonably be assumed to pose safety and health risks to our students, faculty and staff.

We therefore urge all parties involved to reconsider the proposed project plan, and identify safer alternatives that do not expose our school population to such potential risks.

Respectfully,

The South Jordan Elementary School Community Council

*Jeanene Bailey*  
*DR*  
*MH*  
*AL MS*

*Annie Fatchuk*  
*Julie*  
*MM*



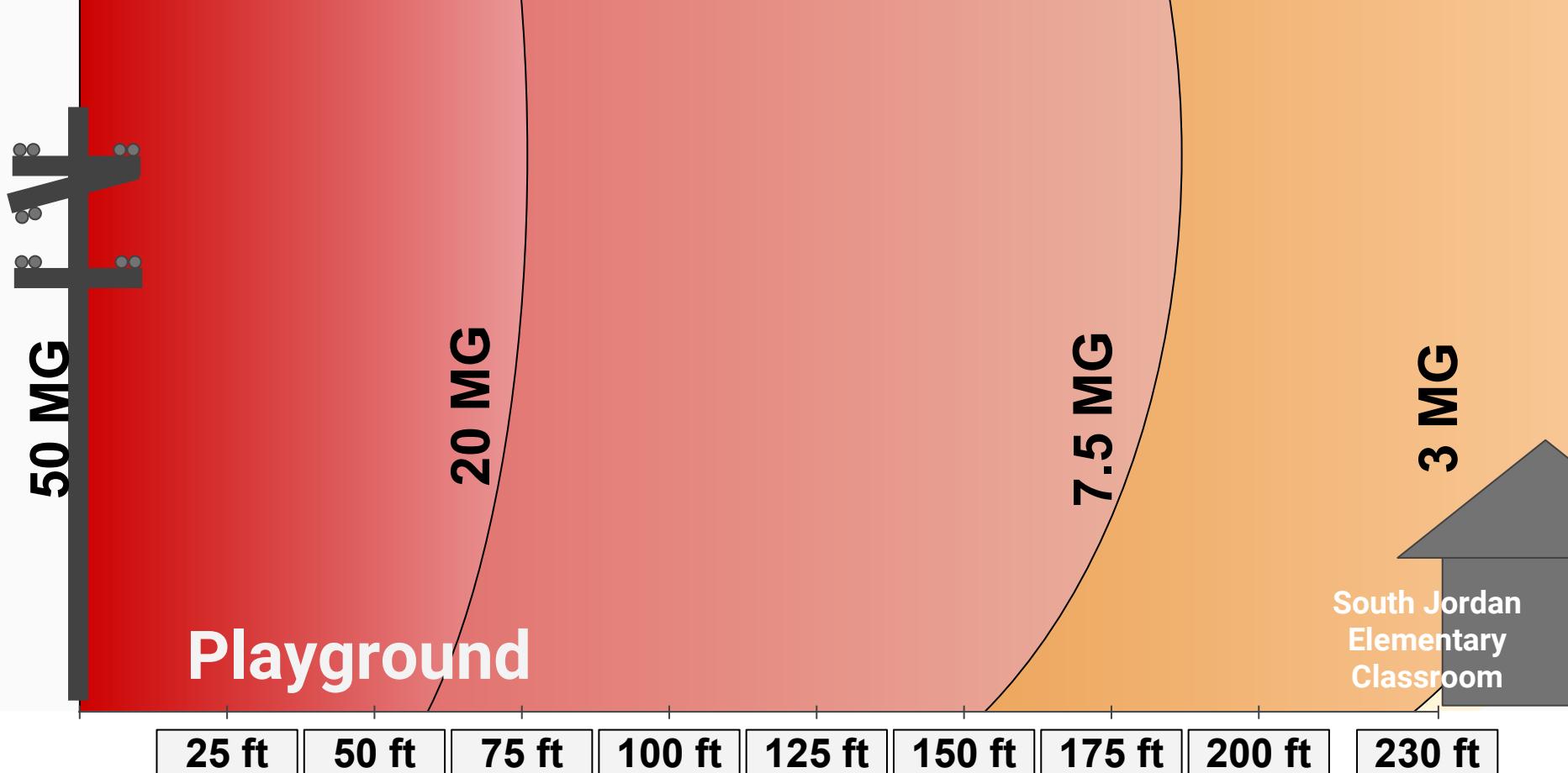
# EMF Intruding into our Homes from Power Lines--CANNOT BE TURNED OFF!

-EMF exposure, a low frequency radiation, has been concluded to be a possible human carcinogen.

*NIEHS Working Group Report 1998, RMP website, EMF Electric and Magnetic Fields Associated with the Use of Electric Power*

-EMF, at 4 mG or more, is associated with doubling the risk of leukemia in children under 15 years of age.

*Great Britain - National Radiological Protection Board Report, RMP website, EMF Electric and Magnetic Fields Associated with the Use of Electric Power*



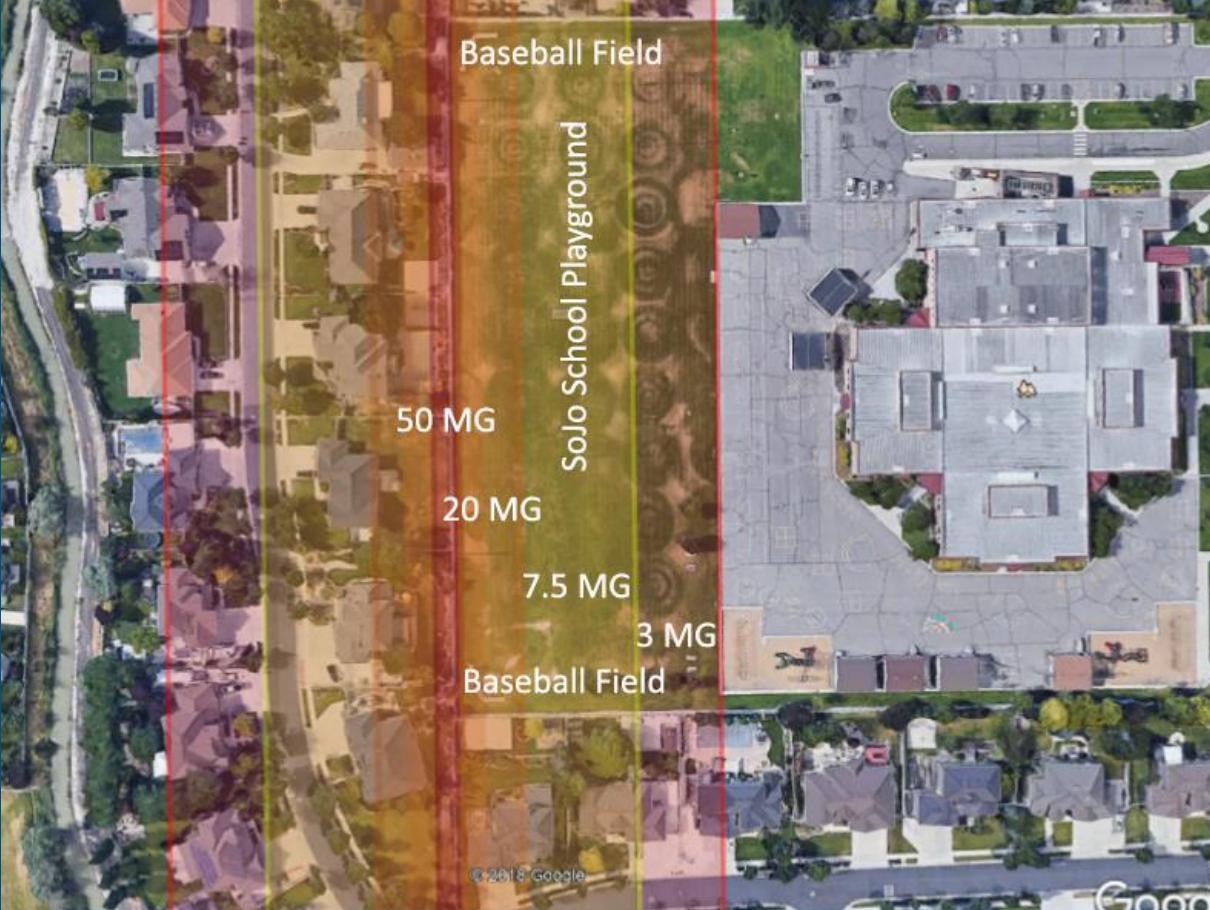
## RMP EMF SIMULATION AFTER PROPOSED PROJECT

[http://www.pacificorp.com/tran/tp/south\\_jordan\\_draper/frequently-asked-questions.html](http://www.pacificorp.com/tran/tp/south_jordan_draper/frequently-asked-questions.html)

# 230 foot EMF range as per RMP

3 mG is the END of the range, and that is an issue according to what the World Health Organization suggests.

This is RMP's simulation data provided to South Jordan City.



We expect the planning commission to hold RMP accountable for no cost EMF mitigation as promised, as has been done in other locations



## SCIENTIFIC BODY

**LIMITS FOR LOW FREQUENCY RADIATION****Magnetic Field limits**

## Proposed safety limit (flux density)

	in nT (nano Tesla)	in mG (milli Gauss)
ICNIRP (International Commission for the Protection against Non-Ionizing Radiation Protection)	100000	1000
<u>WHO = World Health Organization = World Health Organization (International Agency for Research on Cancer, a branch of the WHO has classified magnetic fields in the "possibly carcinogenic" based on studies that have linked 300-400nT with doubling the chance of childhood leukemia)</u>	300-400	3-4
<u>NCRP = National Council Of Radiation Protection and Measurement = National Council on Radiation Protection US (Non-validated scientific panel's recommendations NCRP - Scientific Committee 89-3 Report on Extremely Low</u>	200	2

# Why is “SAFE” important to South Jordan?

- RMP would NOT be choosing this line for the new Transmission Line
- RMP recommends a 30 foot centerline easement for a line and pole size of this magnitude, NOT the existing 10 foot centerline they enjoy today to be “Safe”
- Recent earthquakes on the south end of the Salt Lake valley
- Pole installation risks
- Increased pole size and electric transmission deemed too close to schools
- EMF is a real danger when exposed to radiation for extended lengths at home and at school

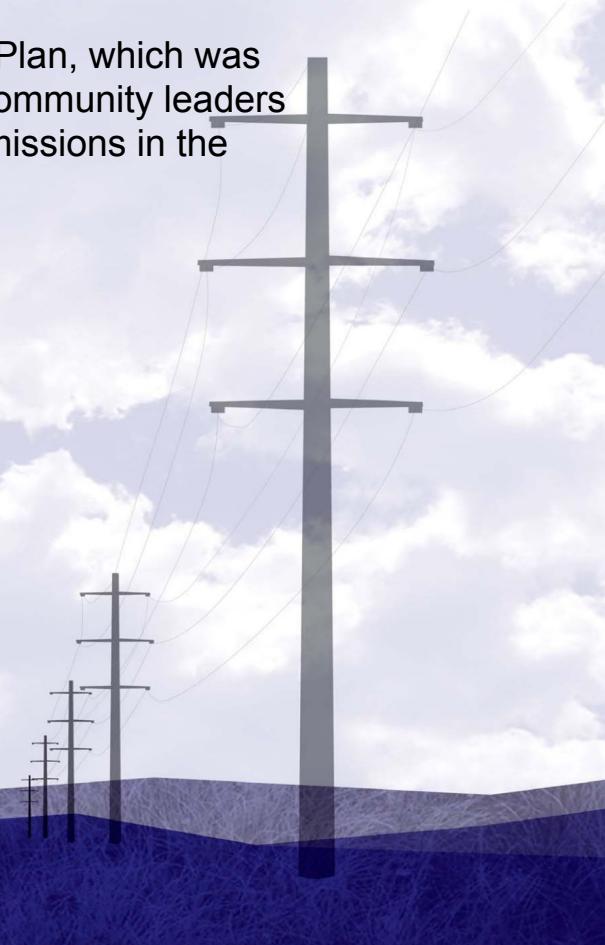


“This project was anticipated by the Salt Lake County Electrical Plan, which was developed in consultation with area business, government and community leaders in September 2010 and has been presented to all planning commissions in the region” *RMP Flyer to Residents*

# Powering Our **FUTURE**

**Salt Lake County Electrical Plan  
Local Planning Handbook**

**September 2010**



# 2010 Salt Lake County Electrical Plan

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4B. "Whenever possible, it is preferable to upgrade existing facilities rather than build new facilities" (Priority - High)

5A. "Avoid residential neighborhoods, schools, and elderly populations... Residential areas are the least desirable locations for **new** transmission lines due to the impacts on the character of the neighborhood and viewsheds. Avoiding these areas will reduce community concern about perceived reduction of property values and health effects". (Priority - High)

# What is “NEW”? EVERYTHING

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“Electrical codes provide distances from structures, which will be met or exceeded for the **new power line**... engineering and designing the **new power line**” *RMP Supplement to Application for C.U.P.*

“The upgrade will include **new, taller poles, and wire**”. *RMP website*

**NEW:** **new** tripled voltage, **new** additional lines, **new** safety easement, **new** classification, **new** hole placements.

# 2010 Salt Lake Electrical Plan

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When asked about this plan Ben Clegg, Rocky Mountain Power, Project Manager stated:

***“Nothing is binding in this document.***

***It’s merely best practices”***

Best Practices: “**AVOID** residential neighborhoods, schools, and elderly populations”

# Dramatic Cost Increase for Analysis



- 1. “Couple thousand to in the tens of thousands”**

Ben Clegg - City Council Meeting  
7/17/2018

- 2. “Thirty five thousand to... ninety thousand dollars”**

Lisa Romney Working Meeting  
8/7/2018



# Alternate Options NOT SHARED

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RMP has done analysis but not shared information with us.

Why was this route selected?

“**COST RECOVERY** and value added” and would need a “**compelling reason** to look at alternative siting”

Ben Clegg - Working Meeting time stamp 15:00 - 15:45



# Profits above ALL

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**Cost Recovery Defined:** Under the cost recovery method, a business does not recognize any income related to a sale transaction until such time as the cost element of the sale has been paid in cash by the customer. Once the cash payments have recovered the seller's costs, all remaining cash receipts (if any) are recorded in income as received.

**The residents' justifiable concerns are more important than a company's profits**

# RMP 's past actions indicate future behaviors

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Did not keep commitments made to residents

Ignored request to hold submitting application until after the working meeting  
8/7/2018

Evasive towards inquiries made to RMP for specifications on easement width

Altered commitments made to residents regarding pole placement

Claimed power source is for South Jordan directly

# Questions for RMP to Answer

How does RMP plan to build this line without easements that allow for poles?

Why are the 60' easements needed for safety? Safety from what? Why are you willing to ignore those risks and safety easements?

What is the estimated cost of project?

Why would RMP “never put a new line here”? What is adverse about this route?

Who does this project serve? South Jordan only? Who carries the burden of this project?

What are the alternate options considered? Do these routes cross over residents’ homes, schools or elderly populations?

What are the simulated EMF levels for the “mitigated design” referenced in your response to the city?

What are your plans to inform parents of the school children at South Jordan Elementary and Hawthorne Academy (both within 300' of the power line) to inform them of the potential project, increased voltages and increased safety concerns?

What are your plans to inform all the residents at the Elderly Care Facility located on 11400 South?

# Permit Should Be Denied

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**DENIED**

# Incomplete until Conditions met:

- 1) Title company investigation findings
- 2) Mediation conclusion
- 3) Investigation with Public Service Commission resolved
- 4) EMF Mitigation
- 5) Pole placement, installation and access written agreements with LLC and individual property owners.
- 6) Foundation inspections before and after installation

**How will RMP be held to definition and completion of these Conditions?**

# Summary of Opposition - Application Denied

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1. Applicant's Easements Are NOT Unlimited/Undefined
2. Applicant's Easements, as Defined, are Insufficient for this Project
3. Detrimental Impact on Property Values and Saleability of homes
4. Detrimental Impact on our Health and Safety



# Reject the Application

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Do not consider an application again until EVERY outstanding issue is resolved

**Rethink, Reroute or Bury**

## Rocky Mountain Power Public Hearing

My name is **Melissa Lambson** and I have children who attend South Jordan Elementary. I was never notified by Rocky Mountain Power about any upgrades of their power lines near the school. I am very upset about the fact that I was never informed by Rocky Mountain Power for several different reasons.

Currently my 4<sup>th</sup> grade child attends class in the nearest portable to the power lines. I have looked at the level of EMF's that they anticipate will come off of the power lines after the upgrades. It lists that number as 3 mG all the way to the portable.

After looking at the recommendations of the Environmental Protection Agency. It says that "individuals should limit their exposure to .5-2.5 Mg." (Environmental Protection Agency)

Several months ago I became aware of potential effects of EMF pollution on our mental and physical health and began researching so this proposal has been incredibly concerning to me.

I found that "Strong artificial EMF's that radiate from power lines can scramble and interfere with your body's natural EMF."  
([safespapceprotection.com](http://safespapceprotection.com))

I am also very concerned about the increased voltage and potential risk for electrocution.

At home, we do several things to limit our exposure to EMF's, such as turning our WIFI down and unplugging appliances and cell phones. When I send my child to school, I have no control with how much exposure he is getting from EMF's particularly during recess, playing near power lines that are proposed to be high voltage.

Rocky Mountain Power should have informed all parents who have a child attending South Jordan Elementary because this does impact them.

6

"Engineering with Distinction"

# ELECTRICAL CONSULTANTS, INC

SALT LAKE OFFICE: 660 West 700 South • Woods Cross, UT 84087 • Phone: (801) 292-9954 • Fax: (801) 292-9177

December 21, 2018

## RE: South Jordan to Draper Transmission Line Project – Safety & Design Requirements

To Whom It May Concern:

Electrical Consultants, Inc. (ECI) has been hired by PacifiCorp to perform the transmission line ~~design~~ engineering for the South Jordan to Draper project, for which I am the designated Engineer of Record. I can certify that the ~~design~~ of this project will meet and/or exceed all industry and PacifiCorp standards and best practices for ensuring public safety. This includes adhering to the 2017 National Electrical Safety Code (NESC). Specific areas in which safety is incorporated into ~~the design~~ include, but are not limited to:

- Clearances – horizontal, vertical and radial
- Structure ~~strength~~ design
- Foundation ~~design~~
- Material specifications

Please let me know if there are any specific questions or concerns that ECI can assist with.

Regards,



Vernon Black, P.E.  
[Vernon.Black@ecislc.com](mailto:Vernon.Black@ecislc.com)  
801-292-9954



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LAW OFFICES  
**MOULTON PATENTS, PLLC**  
A Professional Limited Liability Company  
SALT LAKE CITY, UTAH 84104

Lyman Moulton, Esq.  
Registered Patent Attorney  
Electrical Engineer,  
Business phone: (801) 302-2036  
Email: lyman.moulton@yahoo.com

Feb. 5, 2019

Honorable Mayor and Council,  
City of South Jordan, UT

Re: South Jordan to Draper Transmission Line Project – Safety & Design Requirements,  
Vernon Black, PE letter “To Whom It May Concern,” dated Dec. 21, 2018

In his letter dated Dec. 21, 2018, Mr. Vernon Black, PE states that this project will meet and/or exceed all industry and PacificCorp standards and best practices for ensuring public safety. I call into question his statement on meeting best practices for ensuring public safety. See <http://www.sjc.utah.gov/planning-zoning/rmp-south-jordan-to-draper-line-upgrade/>

The current line is 46kV and plat maps show a 20 foot center line easement. Homes are built staying out of this easement for safety reasons. However, the proposed line is a 138kV Transmission Line that has a standard 60 foot center line easement for public safety. This new easement (30 foot from property lines) encroaches into many homes in the neighborhood, including bedrooms, living rooms, dining rooms, kitchens and swimming pools.

Rocky Mountain Power has best practices of avoiding residential neighborhoods, schools and elderly populations. South Jordan Elementary school is directly in the path of this project and exposes children to safety hazards of high voltage power lines. This project fails to meet best practices in these areas.

Please note the following references:

① [https://www.rockymountainpower.net/content/dam/pacificorp/doc/Transmission/Transmission%20Projects/SLEP\\_Final.pdf](https://www.rockymountainpower.net/content/dam/pacificorp/doc/Transmission/Transmission%20Projects/SLEP_Final.pdf)

See page 14, Undesirable locations for Transmission Lines. Residential areas, high priority to avoid. See page 38 for the 60 foot right of way easement for a 138kV line. As a further industry reference, here is another industry example that has more than 60 foot easement required for the 138kV line.

② [https://www.acptransmission.com/property-owners/docs/EncroachmentOnROW\\_AEPTtrans.pdf](https://www.acptransmission.com/property-owners/docs/EncroachmentOnROW_AEPTtrans.pdf)  
138 kV line her has 70 to 100 foot easement. See page 2.

③ [https://www.dropbox.com/sh/05vkh1mv2qmwly4/AAD4gh\\_8I4L\\_tx6LxSkrSzRa?dl=0](https://www.dropbox.com/sh/05vkh1mv2qmwly4/AAD4gh_8I4L_tx6LxSkrSzRa?dl=0) See first document titled, “Rocky Mountain Power, Rights of Way: Application for proposed use and table regarding transmission line easement width range from 25 feet up to 300 feet. “Safety matters . . . If the voltage is higher than 50,000 volts, even greater distance from the wires is required for safety.”

Mr. Black’s letter is conspicuously absent public safety regarding Right of Way for 138kV transmission lines from RMP and industry practices. His letter regarding ‘Clearances – horizontal,’ should not be confused with right of way clearances for public safety. The NESC design guidelines address conductor to conductor horizontal clearances and does not once address horizontal Right of Way clearances for 138kV transmission lines.

Therefore, I respectfully ask that this letter be posted to <http://www.sjc.utah.gov/planning-zoning/rmp-south-jordan-to-draper-line-upgrade/> in order to clarify and bring light to the discrepancy of the ‘Clearances – horizontal’ of Mr. Black’s letter regarding NESC design guidelines and the right of way horizontal ground clearances for public safety as found in RMP and industry practices.

Sincerely,

/LYMAN MOULTON/

LYMAN MOULTON, ESQ.

MOULTON PATENTS, PLLC

# Handbook per 6 RNF Experts

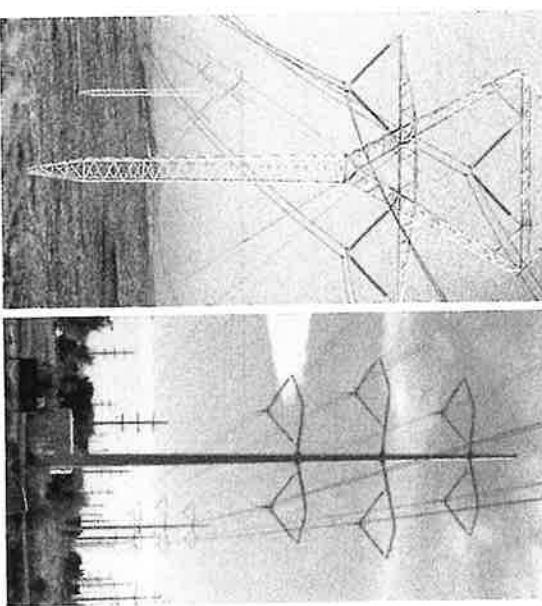
①

38

## MAIN GRID

Main Grid lines typically operate at 230 kV and 345 kV

Energy is transmitted via high voltage lines (230kV, 345kV) from the power plants to major substations.



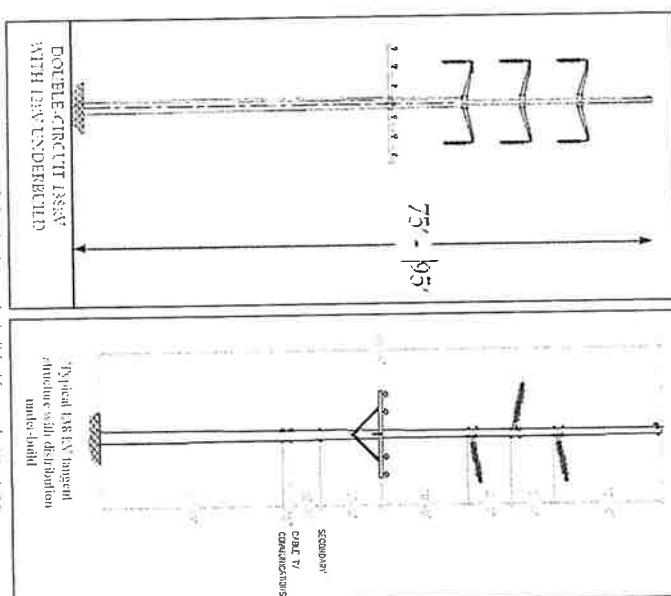
Left: Double-circuit 345 kV line is a power line conductor with other lines. Monopole structure, the current typical design. Right: Single circuit 230 kV line in a power corridor with other lines.

## State-to-state 330 kV Lines (Local Transmission)

46 kV and 138 kV – Used to transmit energy from main grid substations to regional and local substations.

Double Circuit and Single Circuit 138 kV

Right-of-way is typically around 60 ft. with distances between structures around 300 ft.



## Double Circuit and Single Circuit 46 kV

46 kV lines are similar to 138 kV lines. Older 46 kV lines are usually shorter, however, the current practice is to replace failing 46 kV structures with structures designed to accommodate future 138 kV conversion.

## 138 kV line with 12.5 kV distribution undercut

\*Typical 138 kV "long" structure with distribution under-build

## 138 kV line with 12.5 kV distribution under-build

# AEP trans. Co LLC, in Indiana, Kentucky, Michigan, Ohio, Oklahoma, West Virginia = 6 STATES! (2)

## ENCROACHMENTS ON TRANSMISSION RIGHTS-OF-WAY

The purpose of this brochure is to inform property owners about "dos and don'ts" in and around electric line easements.

Easements (also called rights of way) enable the operating units of American Electric Power (AEP) to use another person's property to construct and maintain electric power transmission facilities, mainly lines and towers. AEP also needs access to its facilities to perform maintenance.

Landowners generally can continue to use their property in the right-of-way if the use is compatible with the purpose of the easement, in AEP's case, the transmission of electricity.

Incompatible uses in a right-of-way constitute encroachments: the subject of this publication.

AEP Transmission is very concerned about safety around its electric lines and urges landowners and others to exercise caution when under or near any overhead electric lines.

Restrictions on how landowners can use their property within rights-of-way are designed to protect landowners from injury and electrical facilities from damage. Encroachments may be unsafe to the landowner and may impair the safe operation of AEP Transmission's electric transmission lines. That's why AEP Transmission patrols its rights-of-way and inspects its lines.

AEP Transmission can require a landowner to remove an encroachment at the landowner's expense if the use is not compatible with the company's easement.

Most easements do not expire; they are perpetual in duration. As such, when property is sold and conveyed to another, the easements remain in effect and are binding on the new owner.

**Please read on to learn more about the issue of encroachment and about permitted and prohibited uses in easements.**

### BUYER BEWARE

Buyers should inspect property before buying to determine whether an electric transmission line easement affects the property. While an easement can have a significant impact on the buyer's plans to use the property, in many cases an easement allows compatible uses.

### EASEMENTS

Simply put, a landowner grants certain rights to use property to another person or entity through an easement. Webster's dictionary defines an easement as "a legal interest in real property that grants the right to use in some specified manner the property of another." Many landowners prefer to grant an easement, covering surface rights only, rather than an outright sale of land for right-of-way. With an easement the landowner may reserve the right to use the property for planting crops or pasturing animals in rural areas, for example. But the use must not be incompatible with the rights granted in the easement.

Most utility line easements today specify the location and width of the right-of-way. Some older easements were frequently "blanket easements" allowing a utility to cross property wherever it needed. Due to the many versions of easements over the years, it is important for landowners or prospective purchasers of land to review the

terms of an easement. This review should provide guidance about permitted uses within the boundaries of a right-of-way easement. The National Electric Safety Code (NESC) specifies minimum horizontal and vertical clearance requirements for overhead lines. These clearance requirements must be complied with. Specific easement agreements may require more clearance. The following chart lists typical right-of-way widths for various electric line voltages and locations.

VOLTAGE	URBAN	TYPICAL WIDTH (FEET)	RURAL
34 kilovolts (kV)	50-100		100
46 kV	50-100		100
69 kV	50-100		100
115 kV	70-100		100
138 kV	70-100		100
161 kV	100-120		120
230 kV	120-150		150
345 kV	150		150
765 kV	200		200

Prior to closing the purchase of property, the buyer should determine whether an easement exists on the property. The buyer should inspect the property and ask the closing attorney or the seller about the presence of an easement. Sometimes, property title searches for lending institutions may go back only 30 to 40 years. The law in most states puts a buyer on notice if the electric transmission line can be seen during an inspection. Easements remain valid even if they are not shown in a title report. AEP Transmission maintains a database of recorded easements granted to its operating companies.

### ENCROACHMENTS

Buildings, building extensions and additions (homes, businesses, garages, barns), swimming pools, above ground fuel tanks, tall signs or billboards, tall trees, obstructions and mounding of soil in the right-of-way are encroachments that are prohibited. Any road construction involving raising the natural grade and any topographic changes require AEP Transmission's review and approval in writing in advance. If any such encroachment is found to be under construction, AEP Transmission will request immediate stoppage and removal of the encroachment. If installed, AEP Transmission will request removal of the encroachment. Most easements identify objects that are not allowed in the easement. Other easements state that objects that interfere with safe operation of a line are not permitted. Should a landowner refuse to cooperate, AEP Transmission will seek legal recourse to have the object removed.

### VARIANCES

When a variance or consent to encroach is requested, AEP Transmission will review the pertinent easement as well as operational and code compliance requirements. AEP Transmission will respond to the landowner and present its findings in writing.

### RIGHT-OF-WAY MAINTENANCE

Once an electric power line is installed on an easement, AEP Transmission must keep the line free from outages and interruptions due to contact from vegetation, trees or objects. Vegetation management methods include clear cutting or total removal of trees and vegetation, trimming and herbicide spraying, generally in rural areas. It is important to note that most easements enable AEP Transmission to cut trees and limbs outside the easement where trees or limbs may endanger AEP Transmission's lines.

## 1. Right\_of\_way\_information\_and\_application\_for\_proposed\_use.pdf

of transmission and distribution lines that carry electricity to homes and businesses.

Rocky Mountain Power acquires easements to ensure that it has the legal right to maintain its power lines and the integrity of the system. The easement rights obtained are for the safety of the public, Rocky Mountain Power personnel and protection of Rocky Mountain Power's valuable facilities and equipment.

Violations of the easement may indicate a violation of the National Safety Electric Code, and worse yet, could create serious – even deadly – threats to public safety.

### Access

Rocky Mountain Power crews must be able to access facilities, including power poles, wires and transformers, at all times. The property owner assumes certain liability and financial consequences should Rocky Mountain Power have difficulty accessing its facilities and equipment.

### Easements

Rocky Mountain Power acquires easements from private property owners to safely and efficiently operate, maintain and access power lines. These easements are recorded in county public records and are shown on title policies. Easements remain valid even when property is

Trees and easements

online at [rockymountainpower.net](http://rockymountainpower.net).

any underground utility lines.

### Differences between distribution and transmission lines

Distinction	Distribution line	Transmission line
Categorization	Power is distributed from substations to customers By voltage rating	Power is transmitted from generating stations to substations By voltage rating
Voltage	Lower voltage Ranges from 7.5 kV to 34 kV Range from 10 feet up to 30 feet	Higher voltage Ranges from 46 kV to 500 kV Range from 25 feet up to 300 feet
Easement width	Yellow metal license plate tag on pole	Silver metal numbers on pole (i.e. 1/17)
Identification		

### Typical Distribution line

