

#45

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RECORDED AT THE REQUEST OF
Millard County Planning & Zoning Department
PO Box 854
Delta, Utah 84624

RETURN RECORDED ORIGINAL DOCUMENT TO:
Millard County Clerk
765 So. Hwy. 99, Suite #6
Fillmore, Utah 84631

**MILLARD COUNTY, UTAH
C-1 CONDITIONAL USE PERMIT APPLICATION
APPLICATION #Z-2015-030
ROCKY MOUNTAIN POWER (HOLDEN IRRIGATION PROJECT)
ELECTRIC TRANSMISSION LINE (Minor)**

October 7, 2015

FILE NUMBER: Z-2015-030

APPLICANT: Rocky Mountain Power (Holden Irrigation Project)
70 North 200 East
American Fork, Utah 84003

PROJECT: New 138 kV single circuit transmission line and metering station
from W 7200 N to Old Field Road – Delta Grid

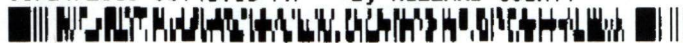
FINDINGS, DECISION, AND REASONABLE CONDITIONS OF APPROVAL

A. Rocky Mountain Power applied for a C-1 conditional use permit by application # Z-2015-030 to Millard County, Utah Planning Commission ("County") for construction of a new single circuit 138 kV electric transmission line that will be operated at 47 kV along with a new metering station on property identified on Attachment A on September 17, 2015.

B. The Planning and Zoning Administrator found the application to be complete, and at a regularly scheduled Planning Commission meeting held on October 7, 2015, the application came before the Planning Commission for review and possible decision.

C. On October 5, 2015, the Planning Commission made the following findings and decision.

I



FINDINGS OF FACT

The Millard County Planning Commission finds that compliance by Rocky Mountain Power with the reasonable conditions of a C-1 conditional use permit approval identified herein, meets the requirements of the Millard County Land Use Ordinance, and further finds:

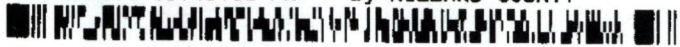
- a) The proposed use is a Conditional Use within the Zoning Districts as identified in Appendix A, Table of Uses.
- b) The proposed use is allowed within the Zoning District as identified in Chapter 8.
- c) The proposed use complies with all requirements of the Zoning District, including all minimum area, setbacks, height, and all other requirements as applicable.
- d) The proposed use will be conducted in compliance with the requirements of this Ordinance, all other applicable Land Use Ordinances, and all applicable Federal, State, or Local requirements and regulations.
- e) The property on which the use is proposed is of adequate size to permit the conduct of the use or sign in a manner that will not be detrimental to adjoining and surrounding properties.
- f) The proposed use with all site plan and building requirements, as provided and required by this Ordinance all other applicable Land Use Ordinances, and all applicable Federal, State, or Local requirements and regulations.
- g) The proposed use complies with all applicable dedication requirements of the County and provides the necessary infrastructure, as required.
- h) Such use will not, under the conditions required, be detrimental to the health, general welfare and safety of persons or injurious to property or improvements of the immediate area or the County as a whole.

II

DECISION AND REASONABLE CONDITIONS OF APPROVAL

The Millard County Planning Commission, who is the land use authority finds that the C-1 Conditional Use Application received from Rocky Mountain Power is complete and meets the requirements of the County Code as applicable, and further finds the "Electric transmission right of way (minor) is designed to provide for the location of electric transmission lines designed to operate at voltages of less than 140,000 volts (140 kV), and that provides power transmission to customers or areas located within the county," pursuant to the authority and procedures provided in Title 10 Chapter 8 and Title 10 Chapter 25.

The Millard County Planning Commission hereby grants a C-1 Conditional Use Permit to Rocky Mountain Power, hereinafter referred to as the "Grantee". This permit shall allow the Grantee to construct a single circuit 138 kV transmission line on property described as a portion of the old railroad right of way which begins near Highway 50 and 1200 West and runs south for approximately 8 miles to the Old Field



Road northwest of Fillmore, as identified on Attachment A, with the following reasonable conditions:

a) The Application for a Conditional Use Permit, with all its materials, information, and commitments associated with the proposed Electric Transmission Right of Way (minor) and metering station be incorporated by reference as conditions of approval, including but not limited to:

- 1) Size, configuration, and site plan design and layout.
- 2) Site ingress and egress locations.
- 3) The provision of adequate public facilities and amenities, including roads and streets, water, sewer, storm drainage, public safety and fire protection, and other utilities.
- 4) The location and amount of off-street parking and loading areas.
- 5) Site circulation patterns for vehicular and pedestrian traffic.
- 6) The location and design of all site features, including the location of proposed building(s), signage, lighting, and refuse collection.
- 7) Buffering, and landscape treatments and other features designed to increase the attractiveness of the site and protect adjoining property owners from adverse impacts.
- 8) Measures designed to minimize or eliminate potential nuisance factors including, but not limited to noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electromagnetic disturbances, and radiation.
- 9) Measures designed to protect the natural features of the site, including wetlands and drainage ways, and ground water protection.
- 10) The regulation of operating hours.
- 11) Identifying a time for regular review and monitoring to ensure the use continues to operate in compliance with all conditions and requirements of approval.
- 12) Conformance to all other land use ordinances, and all federal, state, or local regulations, as applicable.
- 13) Such other conditions determined reasonable and necessary by the Planning Commission to allow the operation of the use, at the proposed location, in compliance with the requirements of the Land Use Code.

b) A detailed Site Plan is provided to the County Planner clearly identifying the location of all substation equipment and structures, including all accessory structures and staging areas, and materially complying with the general layout of the Site Plan provided with the Application materials, and including a detailed legal description of the site and a listing of all property owners and their ownerships. The Conditional Use Application approval shall apply to the property identified by the detailed legal description only.

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- c) A site inspection is conducted by County Staff and/or County representative following the surveying and staking of the Electric Transmission Line (Minor) and metering station site locations.
- d) A copy of all required Federal & State Permits and Licenses are provided to the County Planner to remain on file in the Office of the County Planner.
- e) A County Road Maintenance Agreement is established between the County & Rocky Mountain Power to address issues of possible County road deterioration as a result of construction equipment used during construction. Such Agreement shall be reviewed and revised, as necessary, by the County Attorney and approved by the Planning Commission. This Agreement shall include provisions for adequate road maintenance and repair bonding for any road deterioration caused by Rocky Mountain Power during construction, acceptable to the County Attorney, and all other performance guarantees and guarantee periods, as determined necessary by the County Attorney, and approved by the Planning Commission.
- f) A Traffic Management Plan for all County roads and streets and Municipal streets used or impacted during construction is provided to the County Planner to remain on file in the Office of the County Planner.
- g) Rocky Mountain Power shall notify all affected private property owners and livestock permittees a minimum of fifteen (15) calendar days prior to the commencement of any construction, with such notice identifying the transmission line construction schedule. Any material deviation(s) from the construction schedule shall be provided to all affected private property owners and livestock permittees in a timely manner. Rocky Mountain Power shall work cooperatively with private property owners and livestock permittees to minimize conflicts with grazing and ranching operations. A Rocky Mountain Power contact and contact phone number and email address shall be provided to the County Planner and to all affected property owners and permittees to facilitate communication and coordination with all owners and permittees.
- h) A Site Security Plan is provided prior to construction to remain on file in the Office of the County Planner and County Sherriff. Included in the Site Security Plan shall be provisions that address Facility/Site emergency and normal shutdown procedures and County Public Safety communication protocols.
- i) A Storm Water Control Plan, including all necessary erosion control measures, as required and approved by the Utah Department of Environmental Quality, is provided prior to construction to remain on file in the Office of the County Planner.
- j) An environmental assessment that addresses wildlife and avian impacts and mitigation measures, as required and approved by the Division of Wildlife Resources is provided prior to construction to remain on file in the Office of the County Planner.

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k) A Site Reclamation, Decommissioning, and Abandonment Plan for facilities located on private land be provided and reviewed and revised, as necessary, by the County Attorney and approved by the Planning Commission prior to construction. This Plan shall include an estimate of the cost of site reclamation, decommissioning, and abandonment including any scrap value offsets. Rocky Mountain Power shall post a bond, or other acceptable surety, with a value equal to the costs of site reclamation, decommissioning, and abandonment of the Transmission Line and Metering Station, and all other performance guarantees, as determined necessary by the County Attorney, and approved by the Planning Commission for the entire life of the Transmission Line and Metering Station. Rocky Mountain Power shall provide evidence to the County of any site reclamation, decommissioning, and abandonment bonding or other surety and guarantees required by any Federal or State agency prior to any construction

l) Necessary Warning Signage is placed on all electrical equipment and site entrances. No advertising of any description shall be permitted on any transmission line facilities.

m) A Fire Management Plan is formulated, in consultation with Federal, State, and Local agencies, as applicable. Such Plan shall be approved by the County Fire District and shall be provided to the Fire District prior to the issuance of a Building Permit and to remain on file in the Office of the County Planner and the County Fire Marshall. The Fire Management Plan shall identify all defensible space for fire protection in accordance with the County's Wildland-Urban Interface Code.

n) The approval of Conditional Use Application shall be reviewed one year after approval of the permit, at which time, if construction commence plan has not been approved the Planning Commission may extend the Conditional Use Application approval to six months later upon a recommendation to do so from the County Planner and County Attorney. The Conditional Use Application approval may be further extended by the Planning Commission to six months later upon a recommendation from the County Planner and County Attorney, and with a finding by the Planning Commission of extenuating circumstances beyond the control of Rocky Mountain Power. If construction is not commenced within the allotted time period of six months the Conditional Use Application approval shall lapse and the Conditional Use Permit shall expire and be void.

o) Rocky Mountain Power shall include in all construction contracts/agreements that all construction workers must reside in appropriate and designated housing facilities and locations and no temporary construction worker housing shall occur in any undesignated areas or remote locations of the County.



p) A Conditional Use Permit shall be prepared, as provided herein, such Permit including all conditions of Conditional Use Application approval, as approved by the Planning Commission. The Conditional Use Permit shall be executed by the notarized signature of the Chair of the Planning Commission, on behalf of the County, and the notarized signature of the President of Rocky Mountain Power or company designee, on behalf of Rocky Mountain Power. Upon its execution the Conditional Use Permit shall be recorded in the Office of the County Recorder, with the original being forwarded to the County Clerk and copies provided to the County Planner and President of Rocky Mountain Power.

q) No building permit shall be required by Millard County as public utilities are exempt from building permits.

r) The County Planner and a representative of Rocky Mountain Power, communicating and coordinating together, shall have the obligation and responsibility to insure that all conditions of the Conditional Use Application approval and the accompanying Conditional Use Permit are met and complied with.

IV
EXECUTION

The parties, by their authorized representatives, execute this permit this _____
4th day of November, 2015.

For Millard County by:

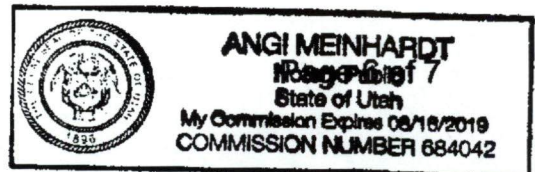
David Sturlin
David Sturlin, Chairperson
Millard County Planning Commission

Before me on this day personally appeared David Sturlin, Millard County Planning Commission, known to me to be the person whose name is subscribed to this instrument, and upon his oath acknowledged to me that he executed the same for the purposes and consideration herein expressed and in the capacity herein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 4th DAY OF
November, 2015.

Angi Meinhardt
NOTARY PUBLIC

FOR ROCKY MOUNTAIN POWER BY:
RMP C-1 CUP # Z-2015-030



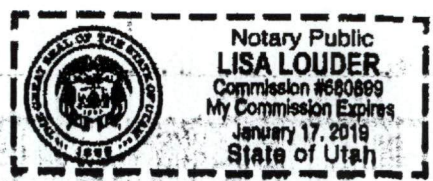
Patricia Peterson
Agent for Rocky Mountain Power
(print name)

[Signature]
Signature

Before me on this day personally appeared Patricia Peterson, Agent for Rocky Mountain Power, known to me to be the person whose name is subscribed to this instrument, and upon his oath acknowledged to me that he executed the same for the purposes and consideration herein expressed and in the capacity herein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 19th DAY OF November, 2015.

Lisa Louder
NOTARY PUBLIC



**V
RECORDING**

This document shall be recorded in the Office of the Millard County Recorder.

LIST OF ATTACHMENTS

- A. Legal Description
- B. Reclamation Surety Bond
- C. Site Map

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Attachment A – Legal Description

MILLARD COUNTY, UTAH
CONDITIONAL USE PERMIT
(APPLICATION #Z-2012-002)
PACIFICORP (dba ROCKY MOUNTAIN POWER)
ELECTRIC TRANSMISSION RIGHT OF WAY (MAJOR)

SECTION 19 T25S R5W

30

31

SECTION 9 T25S R9W

10 THRU 16

21 THRU 28, 33 THRU 35

SECTION 27 T25S R6W

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SECTION 3 T26S R6W

4 THRU 6

SECTION 1 T26S R7W

2 THRU 4

SECTION 19 T25S R7W

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21

22

26 THRU 36

SECTION 2 T26S R9W

3 THRU 4

SECTION 7 T25S R8W

13 THRU 28

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*Note:

- a. During the construction period, the Conditional Use Permit shall allow deviations of up to 600 feet from the preliminary centerline legal description to accommodate avoidance of natural, cultural, and other resource features discovered during construction provided that, in no event shall any deviations cross Black Rock Road.

- b. At the completion of RMP's 345 kV electric transmission line construction the final route alignment for the Electric Transmission Right-of-Way (Major) shall be 75 feet on each side of the final route centerline. The "as-built" final centerline legal description for the Electric Transmission Right-of-Way (Major) shall be provided to the County Planner for filing and be used to identify the route on the Major Utilities Corridor Official Map.

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