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MILLARD COUNTY, UTAH  
CONDITIONAL USE PERMIT  
(APPLICATION #Z-2012-002)

#43

PACIFICORP (dba ROCKY MOUNTAIN POWER)  
ELECTRIC TRANSMISSION RIGHT OF WAY (MAJOR)  
FINDINGS, DECISION, AND REASONABLE CONDITIONS OF APPROVAL

- A. PacifiCorp, doing business as Rocky Mountain Power ("RMP") applied for a conditional use permit by Application #Z-2012-002 to Millard County, Utah ("County") to allow the establishment and operation of an Electric Transmission Right-of-Way (Major) on the property identified by Attachment A.
- B. A public hearing was held by the County Planning Commission on February 1, 2012 on Application #Z-2012-002 after publishing and posting notice as required by law.
- C. On February 1, 2012, and following the close of the public hearing and the receipt of all comments on Application #Z-2012-002, the County Planning Commission made a recommendation to the County Board of County Commissioners ("BOCC"), and accompanied by findings, that Application #Z-2012-002 be approved with reasonable conditions.
- D. A public hearing was held by the BOCC on February 21, 2012 on the recommendation of the County Planning Commission and on Application #Z-2012-002 after publishing and posting notice as required by law.
- E. On February 21, 2012, and following the close of the public hearing and the receipt of all comments on the County Planning Commission's recommendation and on Application #Z-2012-002, the BOCC made a decision on Application #Z-2012-002.
- F. The BOCC hereby now makes the following findings to implement its decision:

I  
FINDINGS OF FACT

The BOCC finds that with compliance by RMP with the reasonable conditions of conditional use permit approval, as identified herein, the requirements of the County Code, as applicable, will have been met and further finds:

- 1) The proposed use at the particular location will contribute to the general well-being of the County.
- 2) The proposed use will not, under the circumstances and conditions imposed, be detrimental to the health, safety and general welfare of persons or injurious to property or improvements of the immediate area or the county as a whole.

- 3) The proposed use will comply with the regulations and conditions as specified in the Millard County Development Code for such use.
- 4) With the approval by the Board of County Commissioners of Application #Z-2012-001, with reasonable conditions, the proposed use conforms to the goals, policies and governing principles of the Millard County General Plan.
- 5) No accessory uses are proposed to be located in Millard County.

**II**  
**FINAL DECISION AND REASONABLE CONDITIONS OF APPROVAL**

Based on the recitals and findings stated above, Application #Z-2012-002 is approved by the BOCC and a Conditional Use Permit granted subject to the following reasonable conditions of approval:

- 1) Project Boundary;
  - a) The Electric Transmission Right-of-Way (Major) shall comply with the alignment route as generally depicted on Attachment A and Attachment B, modified as follows;
    - i) For those areas where the alignment is in proximity to Black Rock Road;
      - (1) The alignment shall identify the south right-of-way line of Black Rock Road as the northern boundary of the Electric Transmission Right-of-Way (Major) alignment.
      - (2) The Electric Transmission Right-of-Way (Major) shall be located as close as practicable to the Black Rock Road right-of-way.
  - b) Prior to the commencement of any construction the preliminary legal description for the Electric Transmission Right-of-Way (Major) centerline shall be provided to the County Planner for filing and reference during the construction period.
  - c) 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.
  - d) 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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- 2) The Conditional Use Permit Application #Z-2012-002 with all its materials and information associated with the proposed Electric Transmission Right-of-Way (Major), and including all environmental, cultural, social, and other mitigation actions is incorporated by reference as conditions of approval of Application #Z-2012-002.
- 3) A copy of all necessary Federal & State permits shall be provided by RMP and filed in the Office of the County Planner.
- 4) All conditions and requirements of approval of all necessary Federal & State permits are established as conditions of approval of Application #Z-2012-002 and are incorporated herein by reference. This includes that all environmental, wildlife, avian, social, and cultural resource mitigation plans, required by any Federal and State agency shall be provided by RMP and filed in the Office of the County Planner.
- 5) Compliance with all Federal, State, and Local codes, as may be applicable for the construction, installation and operation of an Electric Transmission Right-of-Way (Major).
- 6) The Applicant shall acquire all necessary easements, rights-of-way, or ownership rights prior to constructing the electric transmission line. Evidence of all necessary easements, rights-of-way and ownership shall be provided by RMP and filed in the Office of the County Planner.
- 7) All affected livestock permittees shall be notified by the Applicant prior to any construction, with construction timed to avoid any unnecessary conflicts with grazing and ranching operations. Applicant shall provide a contact person and number to all affected property owners and permittees to facilitate communication and coordination with all owners and permittees.
- 8) A County Road Maintenance Agreement is established between Millard County & RMP to address issues of possible County road deterioration as a result of construction equipment use during construction. Such Agreement shall be reviewed and presented by the County Attorney to the BOCC for approval prior to Building Permit issuance and any transmission line construction. This Agreement shall include provisions necessary for sufficient road maintenance and repair bonding running to the County, as determined necessary by the County Attorney and other necessary performance guarantees, as determined by the County Attorney.
- 9) A Traffic Management Plan shall be provided by RMP and filed in the Office of the County Planner.
- 10) If required by the State of Utah, the Applicant shall obtain approval of a Storm Water Pollution Prevention Plan; such approved Plan shall be provided by RMP and filed in the Office of the County Planner.

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- 11) A Site Reclamation Plan shall be provided by RMP and filed in the Office of the County Planner. The Site Reclamation Plan shall include provisions necessary for sufficient site reclamation bonding running to the County, as determined necessary by the County Attorney and other necessary performance guarantees, as determined by the County Attorney.
- 12) A Fire Management Plan shall be formulated, in consultation with Federal, State, and Local agencies, as applicable. Such Plan shall be approved and accepted by the Millard County Fire District with RMP compliance required. The approved and accepted Fire Management Plan shall be provided by RMP and filed in the Office of the County Planner and the County Fire Warden. The Fire Management Plan shall identify all defensible space for fire protection in accordance with the Millard County Wildland-Urban Interface Code.
- 13) Necessary Warning Signage shall be provided as required by the National Electrical Safety Code. No advertising of any description shall be permitted on any of the transmission line facilities.
- 14) RMP shall comply with all requirements of the Federal Aviation Administration (FAA), as applicable.
- 15) A Millard County Building Permit shall be issued by Millard County to RMP, or its contractor, for all construction associated with the Electric Transmission Right-of-Way (Major). The Building Permit Application shall include a set of structural plans, approved and stamped by a certified structural engineer.
- 16) A pre-construction meeting shall be held with the Millard County staff prior to the commencement of any construction related activities.
- 17) The Approval of this Conditional Use Permit under Application #Z-2012-002 is the subject of annual review. If a Building Permit Application, covering all site preparation and construction, has not been issued by August 1, 2013, the BOCC may extend the Conditional Use Permit to August 1, 2014 upon a recommendation to do so from the County Planner and County Attorney and a finding by the BOCC of extenuating circumstances beyond the control of RMP.

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**III  
OTHER REGULATIONS SHALL APPLY**

The Applicant shall comply with all federal, state and local laws, as applicable. Nothing in this permit shall be deemed to authorize any public or private nuisance or to constitute a waiver or exception to any law, ordinance, rule, or conditions contained herein, except to the extent that it authorizes the use of the subject premises in the manner authorized herein.

**IV  
RECORDATION, EFFECTIVE DATE, AND OTHER REQUIREMENTS**

- 1) This Conditional Use Permit shall be executed within 120 days of BOCC approval of Application #Z-2012-002.
- 2) This Permit shall be recorded in the Office of the Millard County Recorder.
- 3) Upon the execution and recording of this Conditional Use Permit, copies shall be provided to the BOCC, County Attorney, County Planner and RMP.
- 4) This Conditional Permit shall become effective upon execution of same by the authorized representatives of the County and RMP.

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V  
EXECUTION

FOR MILLARD COUNTY BY:

James I. Withers  
James I. Withers, Chairperson  
Millard County Board of County Commissioners

THIS 26 DAY OF March, 2012

Before me on this day personally appeared James I. Withers, Chairperson, Millard County Board of County Commissioners, 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 26 DAY OF MARCH, 2012.

(SEAL)



SILVIA L. DEKKER  
Commission # 612369  
Expires 08/02/2015  
STATE OF UTAH

Sylvia L. Dekker  
NOTARY PUBLIC

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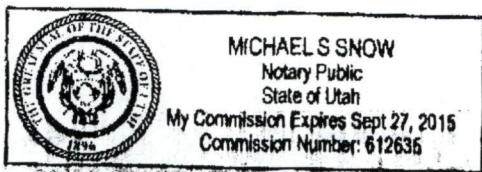
ROCKY MOUNTAIN POWER:

Richard Walje THIS 20<sup>th</sup> DAY OF March, 2012  
Richard Walje, President and Chief Executive Officer  
Rocky Mountain Power

Before me on this day personally appeared Richard Walje, President and Chief Executive Officer, 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 20<sup>th</sup> DAY OF March, 2012.

(SEAL)



Michael S Snow  
NOTARY PUBLIC

VI  
RECORDING

1. This document shall be recorded in the Office of the County Recorder.
2. RECORDED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012

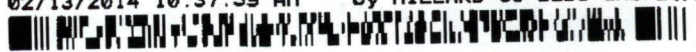
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ATTACHMENT A

**00188197**

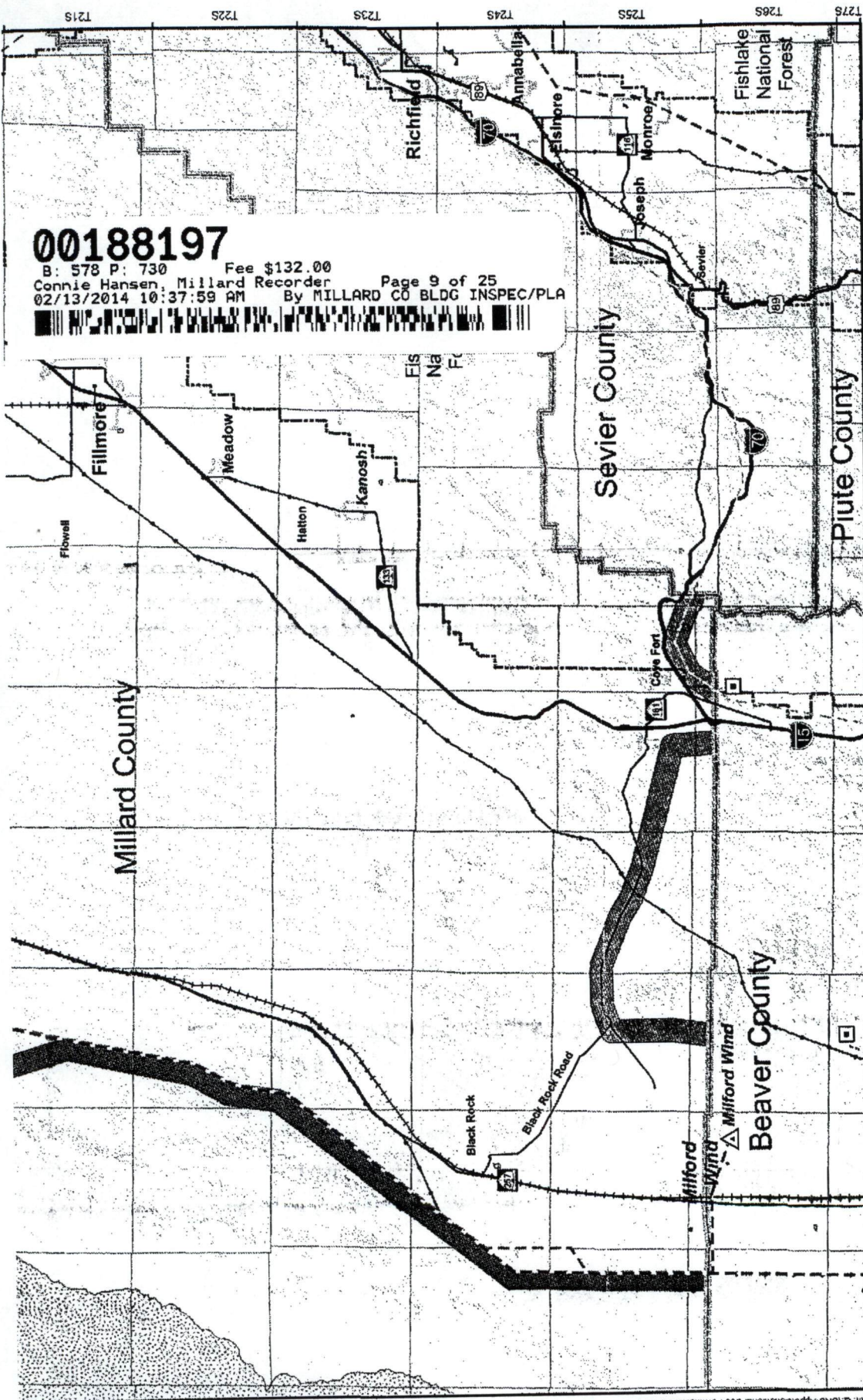
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# SIGURD TO RED BUTTE NO. 2 345KV TRANSMISSION PROJECT

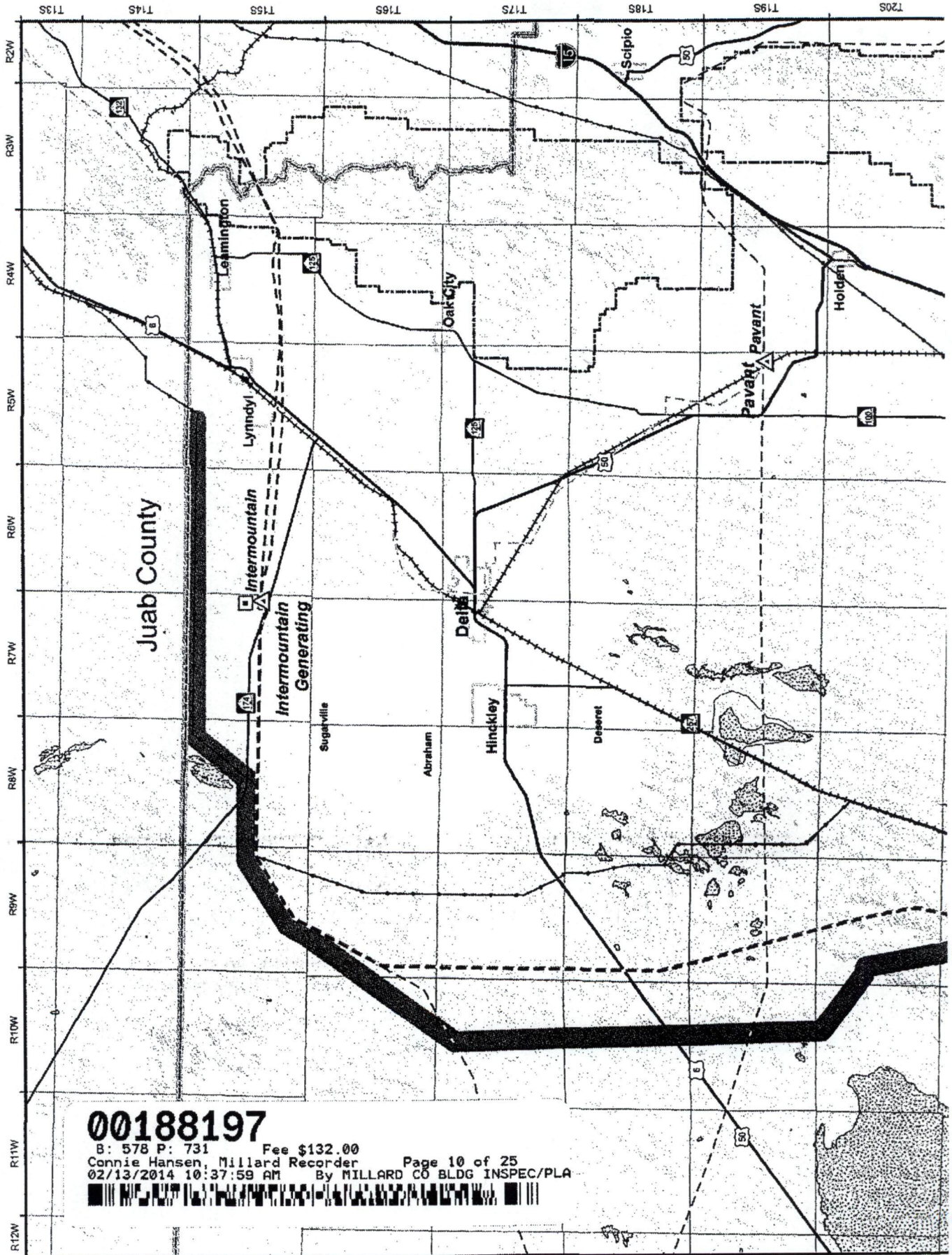
Millard County

Attachment 2 - Proposed Utility Corridor  
November 2011  
ROCKY MOUNTAIN POWER

- Legend**
- Millard County Utility Corridor (1-mile-wide)
  - Proposed Utility Corridor (1-mile-wide)
  - Bureau of Land Management
  - Indian Reservation
  - Private
  - State of Utah Trust Lands
  - U.S. Forest Service
  - Substation
  - Power Plant
  - 500kV Transmission Line
  - 345kV Transmission Line
  - 230kV Transmission Line
  - 138kV Transmission Line
- Township and Range Lines
  - County Boundary
  - U.S. Forest Service Boundary
  - Municipal Boundary
  - Pipeline
  - Interstate Highway
  - U.S. Highway
  - State Highway
  - Railroad
  - Intermittent Lake or Pond

- General Reference Features Source Information**
- Existing Transmission Line: EPG, 2009
  - Municipal Boundary: AGRC, 2011
  - County Boundary: ESRI, 2008
  - Roads, County Boundary: ESRI, 2008
  - U.S. Forest Service: USFS, 2006
  - Transportation: MTAD2008, U.S. Department of Transportation
  - Water, River, Stream: USGS, 2006
  - Hillshade: USGS, 1989
  - Millard County Utility Corridor: Millard County, 2009
  - POWERmap, powermap.platts.com
  - © 2007 Platts, A Division of The McGraw-Hill Companies





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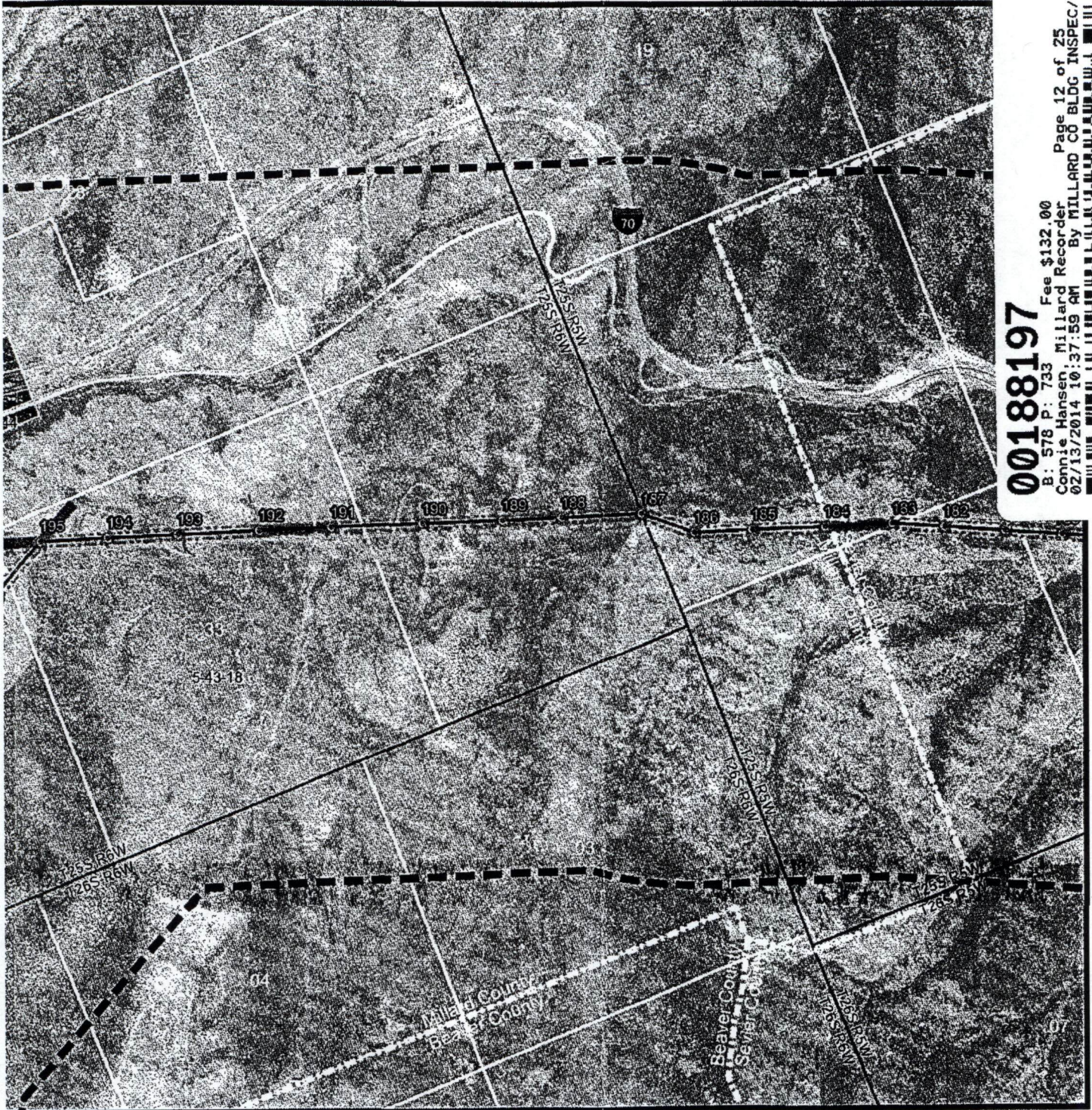


ATTACHMENT B

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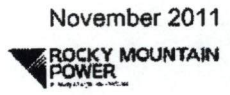
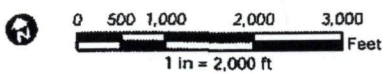
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**SIGURD TO RED BUTTE NO. 2  
 345kV TRANSMISSION PROJECT**  
 Millard County  
 Attachment 3 - Parcel Map  
 Panel 1 of 6

- Pipeline
- County Boundary
- Parcels
- Townships
- Sections
- Interstate Highway
- State Highway
- Millard County Roads (Class B)
- Bureau of Land Management
- Indian Reservation
- Private
- State of Utah Trust Lands
- U.S. Forest Service



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Continued on Panel 3 of 6



Maple, Utah State Office Building, Salt Lake City, Utah

**Aerial Imagery Source Information**

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Zone: 12  
Datum: NAD 83

**General Reference Features Source Information**

Existing Transmission Line: EPG, 2009; Pipeline: EPG, 2006  
Transmission Line and Ancillary Facilities: Pike/Shaw, 2011  
Municipal Boundary: AGRC, 2011; County Boundary: ESRI, 2008  
Parcel Databases: Pike/Shaw, 2010; PLSS: BLM, 2006  
Land Jurisdiction: BLM State Office Utah as modified by EPG, 2011  
POWERmap, powermap.platts.com  
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**Legend**

- Proposed Transmission Line
- Proposed Fiber Optic Line
- Proposed Regeneration Facility
- Proposed Transmission Structures
- Right-of-Way
- Study Area (two-mile-wide corridor)
- Existing Road: No Improvements
- Existing Road: To Be Improved
- New Road
- Pulling and Tensioning Yard
- Laydown Yard
- Structure Work Area
- Staging Area
- Power Plant
- 138kV Transmission Line (Existi

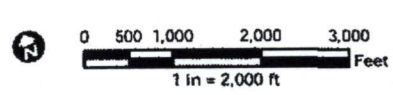
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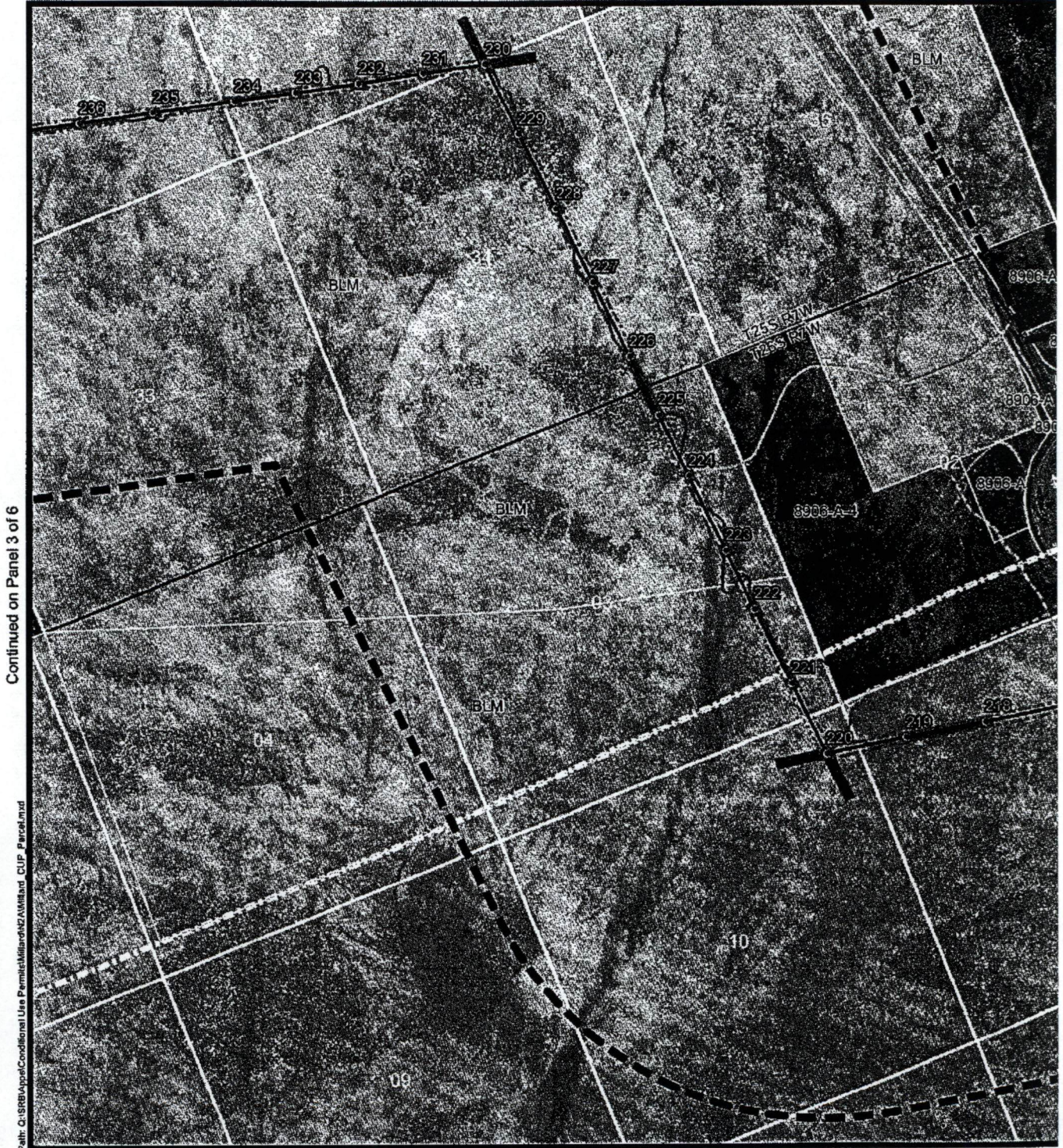
- Pipeline
- County Boundary
- Parcels
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- U.S. Forest Service

**SIGURD TO RED BUTTE NO. 2  
 345kV TRANSMISSION PROJECT**  
 Millard County  
 Attachment 3 - Parcel Map  
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November 2011





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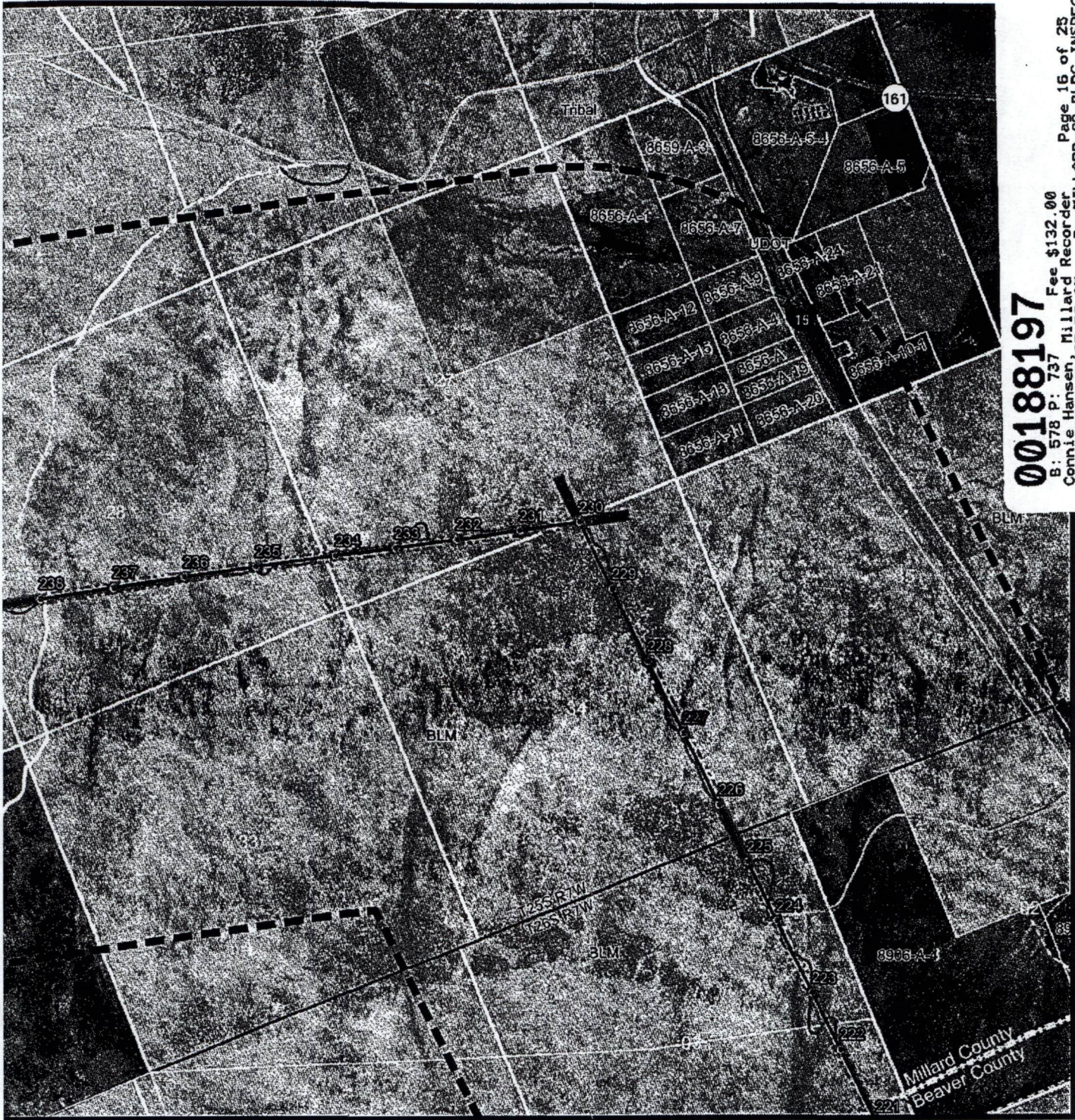
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 Municipal Boundary: AGRC, 2011; County Boundary: ESRI, 2008  
 Parcel Databases: Pike/Shaw, 2010; PLSS: BLM, 2006  
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**Legend**

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- Existing Road: To Be Improved
- New Road
- Pulling and Tensioning Yard
- Laydown Yard
- Structure Work Area
- Staging Area
- Power Plant
- 138kV Transmission Line (Existing)



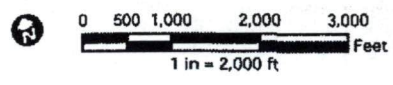
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**SIGURD TO RED BUTTE NO. 2  
 345kV TRANSMISSION PROJECT**  
 Millard County  
 Attachment 3 - Parcel Map  
 Panel 3 of 6

- Pipeline
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November 2011



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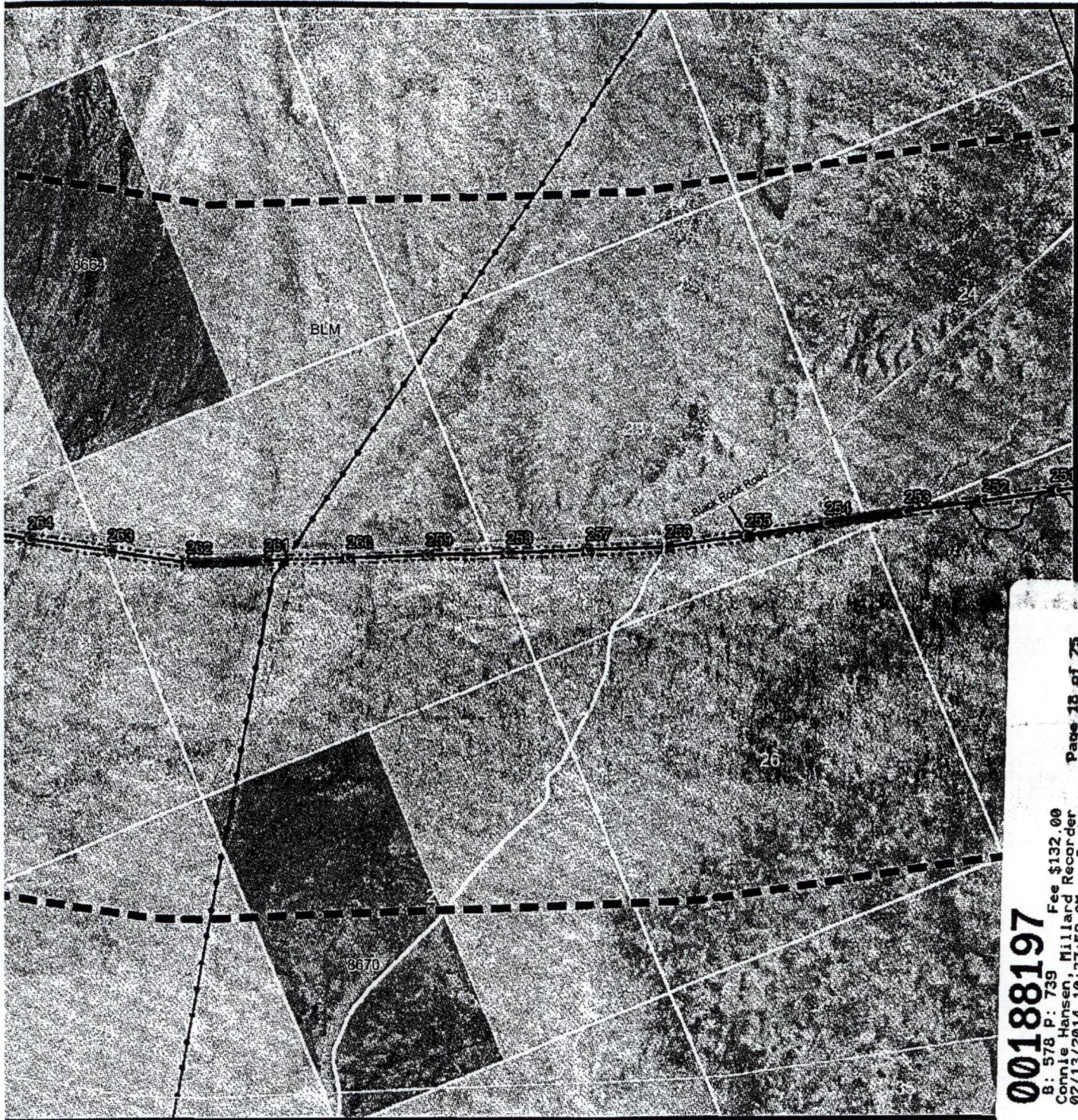
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- 138kV Transmission Line (Existing)



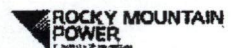
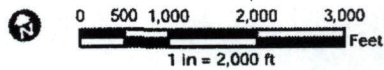
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**SIGURD TO RED BUTTE NO. 2  
 345kV TRANSMISSION PROJECT  
 Millard County**

Attachment 3 - Parcel Map  
 Panel 4 of 6

November 2011

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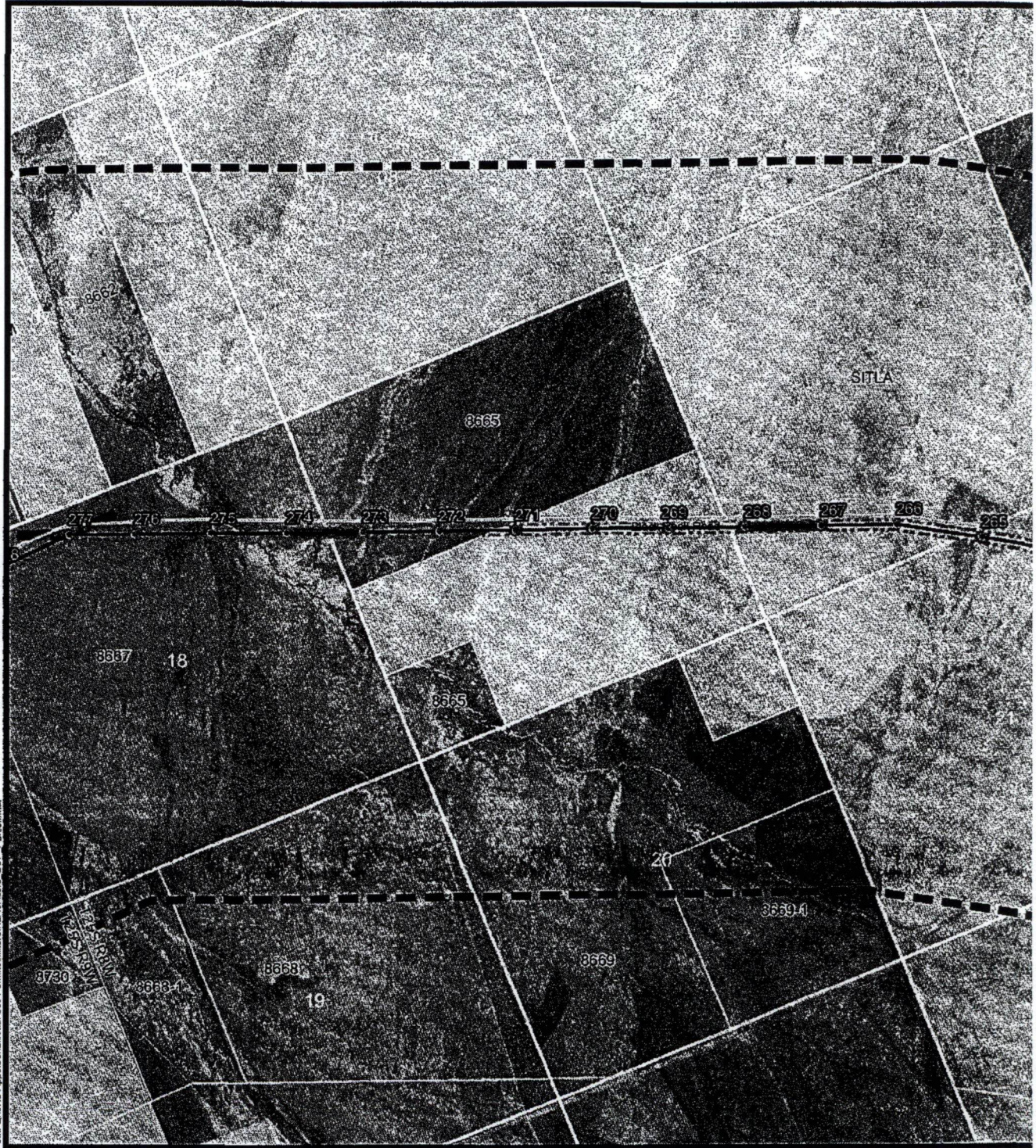
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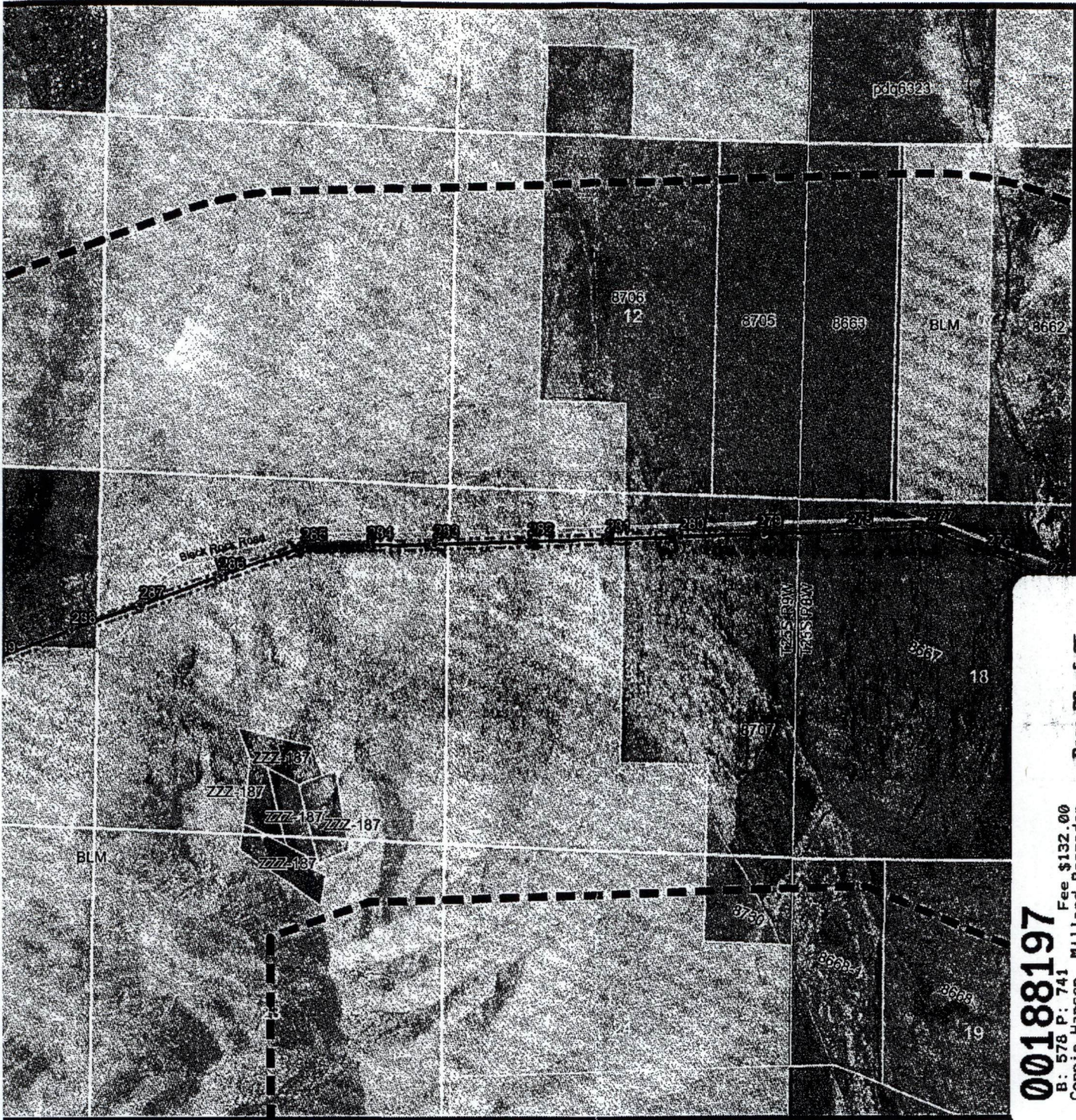
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**345kV TRANSMISSION PROJECT**  
 Millard County  
 Attachment 3 - Parcel Map  
 Panel 5 of 6

November 2011

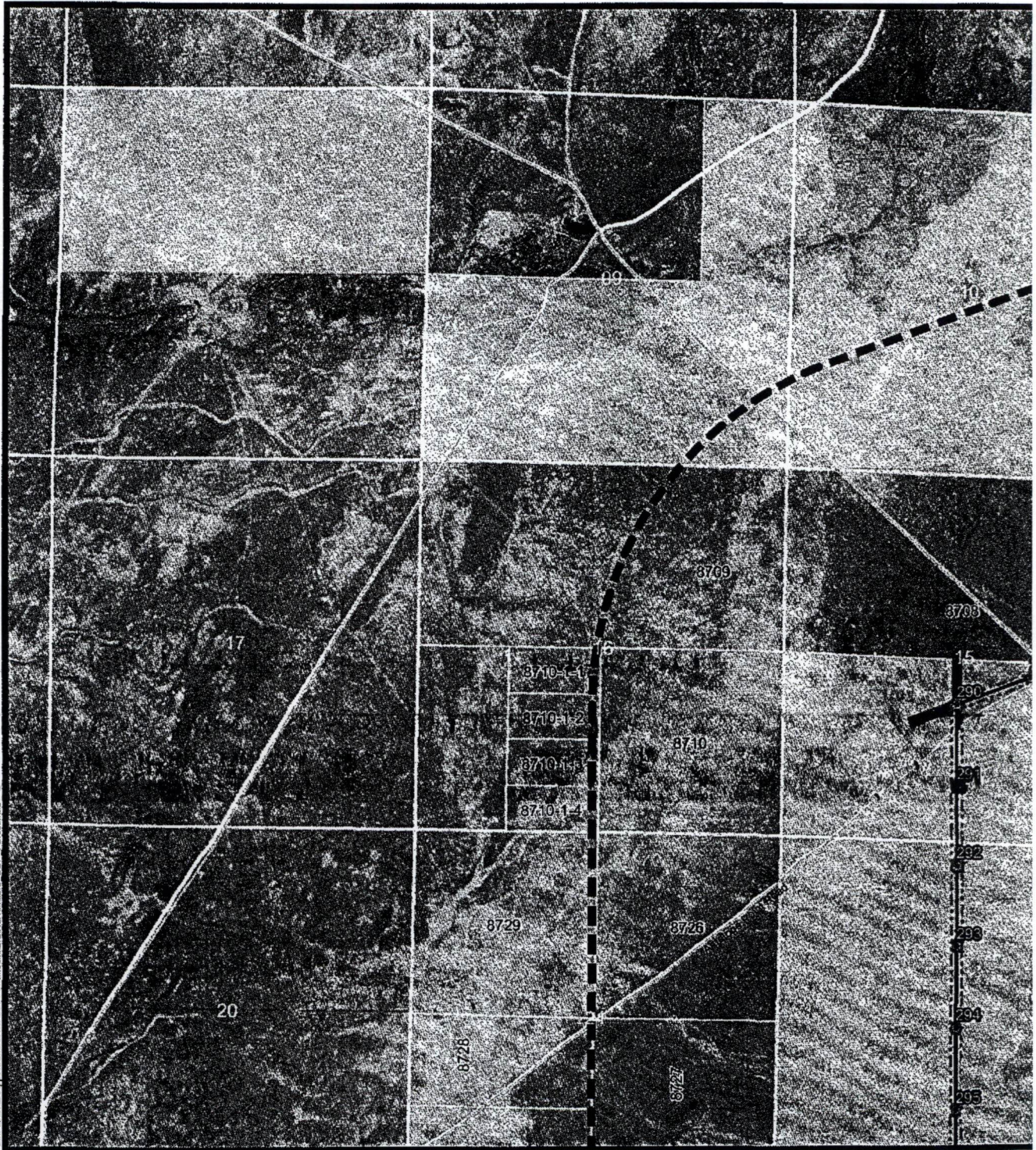
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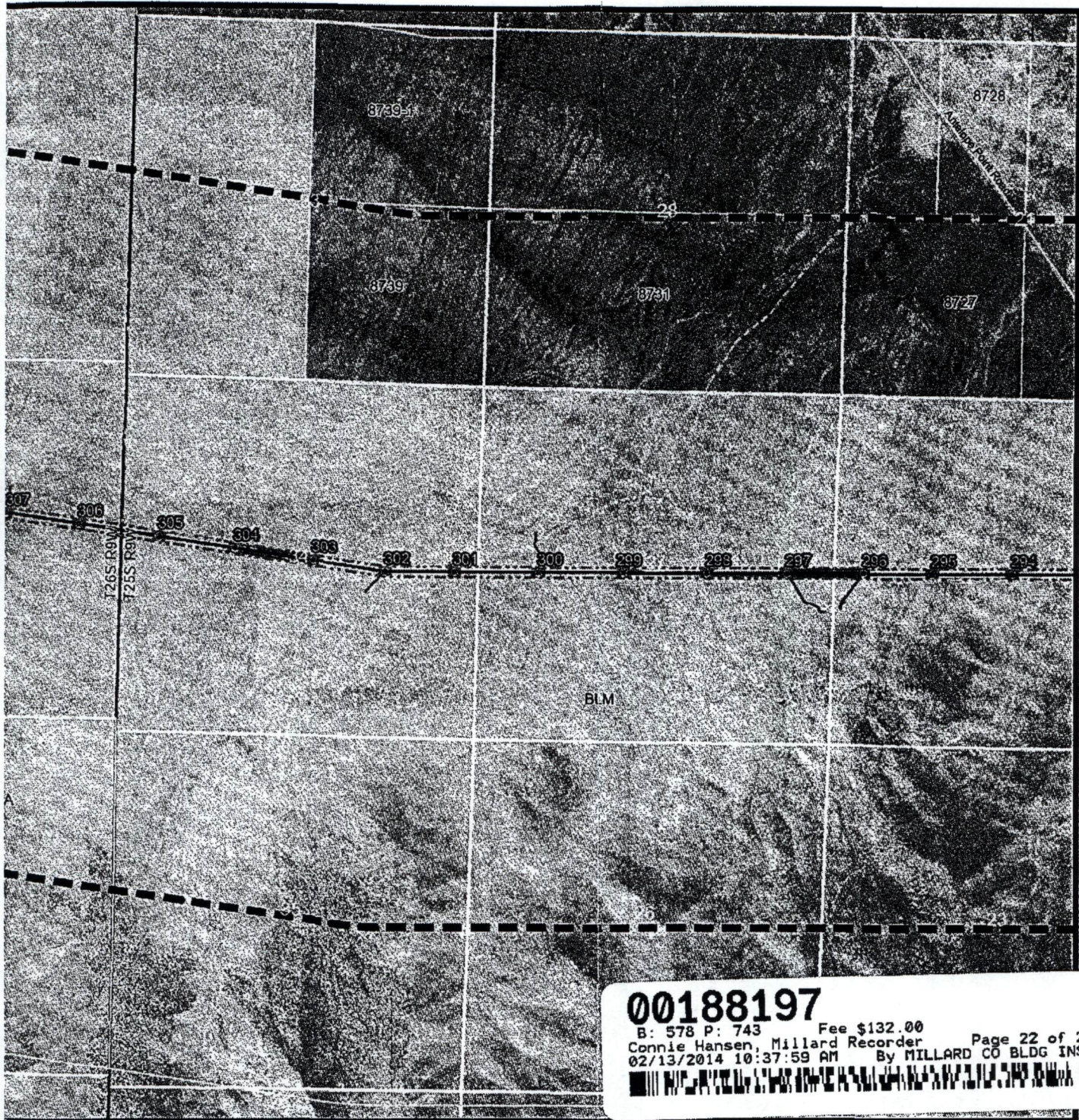
Imagery Date: 2009  
Source: NAIP  
Resolution: 1 Meter  
Projection: UTM  
Zone: 12  
Datum: NAD 83

**General Reference Features Source Information**

Existing Transmission Line: EPG, 2009; Pipeline: EPG, 2006  
Transmission Line and Ancillary Facilities: Pike/Shaw, 2011  
Municipal Boundary: AGRC, 2011; County Boundary: ESRI, 2008  
Parcel Databases: Pike/Shaw, 2010; PLSS: BLM, 2006  
Land Jurisdiction: BLM State Office Utah as modified by EPG, 2011  
POWERmap, powermap.platts.com  
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**Legend**

- |  |                                     |  |                                    |
|--|-------------------------------------|--|------------------------------------|
|  | Proposed Transmission Line          |  | Pulling and Tensioning Yard        |
|  | Proposed Fiber Optic Line           |  | Laydown Yard                       |
|  | Proposed Regeneration Facility      |  | Structure Work Area                |
|  | Proposed Transmission Structures    |  | Staging Area                       |
|  | Right-of-Way                        |  | Power Plant                        |
|  | Study Area (two-mile-wide corridor) |  | 138kV Transmission Line (Existing) |
|  | Existing Road: No Improvements      |  |                                    |
|  | Existing Road: To Be Improved       |  |                                    |
|  | New Road                            |  |                                    |



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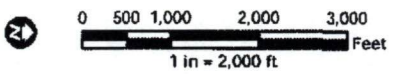
B: 578 P: 743 Fee \$132.00 Page 22 of 25  
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**SIGURD TO RED BUTTE NO. 2  
 345kV TRANSMISSION PROJECT**  
 Millard County  
 Attachment 3 - Parcel Map  
 Panel 6 of 6

November 2011

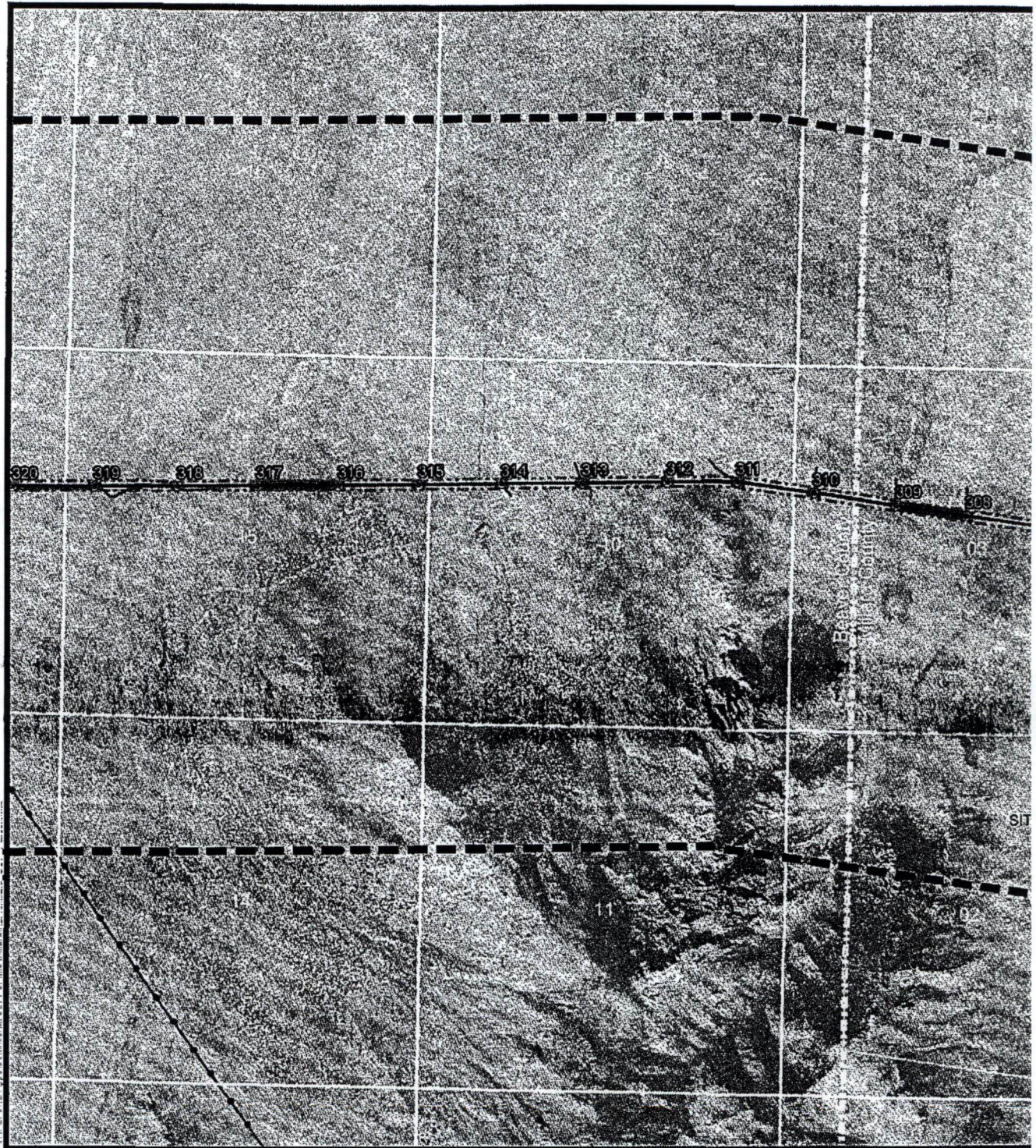
- Pipeline
- County Boundary
- Parcels
- Townships
- Sections
- Interstate Highway
- State Highway
- Millard County Roads (Class B)
- Bureau of Land Management
- Indian Reservation
- Private
- State of Utah Trust Lands
- U.S. Forest Service



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Continued on Panel 5 of 6



**Aerial Imagery Source Information**

Imagery Date: 2009  
Source: NAIP  
Resolution: 1 Meter  
Projection: UTM  
Zone: 12  
Datum: NAD 83

**General Reference Features Source Information**

Existing Transmission Line: EPG, 2009; Pipeline: EPG, 2006  
Transmission Line and Ancillary Facilities: Pike/Shaw, 2011  
Municipal Boundary: AGRC, 2011; County Boundary: ESRI, 2008  
Parcel Databases: Pike/Shaw, 2010; PLSS: BLM, 2006  
Land Jurisdiction: BLM State Office Utah as modified by EPG, 2011  
POWERmap, powermap.platts.com  
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**Legend**

- Proposed Transmission Line
- Proposed Fiber Optic Line
- Proposed Regeneration Facility
- Proposed Transmission Structures
- Right-of-Way
- Study Area (two-mile-wide corridor)
- Existing Road: No Improvements
- Existing Road: To Be Improved
- New Road
- Pulling and Tensioning Yard
- Laydown Yard
- Structure Work Area
- Staging Area
- Power Plant
- 138kV Transmission Line (Exist)

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

28

29

30

31

32

33

34

SECTION 3 T26S R6W

4 THRU 6

SECTION 1 T26S R7W

2 THRU 4

SECTION 19 T25S R7W

20

21

22

26 THRU 36

SECTION 2 T26S R9W

3 THRU 4

SECTION 7 T25S R8W

13 THRU 28

36

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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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