



Pursuant to Utah County Ordinance No. 2000-08,
the following decision of the Utah County Board of
Adjustment is recorded relative to the subject property.

ENT 2678:2010 PG 1 of 5
RODNEY D. CAMPBELL
UTAH COUNTY RECORDER
2010 Jan 12 3:14 pm FEE 0.00 BY SS
RECORDED FOR UTAH COUNTY COMMUNITY DEVEL

ACTION BY BOARD OF ADJUSTMENT

Appeal No. 1484

Applicant: Rocky Mountain Power

CONDITIONAL USE

When the Board of Adjustment acts under its power to hear and decide requests for conditional use, the Board shall comply with all the rules and standards of the Utah County Land Use Ordinance as found in Section 7-20.

The request of **Rocky Mountain Power** for a conditional use for an electric power transmission line of 345 kV and over, in the Mining and Grazing (M&G-1) and Planned Community (PC) Zones, located in southwest Utah County in multiple sections in T11S R1W, T11S R2W, T10S R2W, T9S R2W, T8S R2W, T8S R3W is **granted** based on the following motion:

Motion: That the Utah County Board of Adjustment adopt Appeal #1484 pursuant to the zoning administrator's findings and conditions:

Findings:

1. **Section 3-37-A-4** of the Utah County Land Use Ordinance lists electric power and distribution lines of 345 kV and over within a new transmission corridor as a conditional use in any zone, subject to approval by the Board of Adjustment.
2. A complete application was submitted November 20, 2009 as per **Section 7-20-A**.
3. The application is for a conditional use which the Board is empowered to approve as per **Section 7-20-B**.
4. The application appears to meet the requirements of **Section 7-20-C-1**, which requires the proposed conditional use to not degrade the public health, safety, or welfare. It would not appear to have any obvious negative effects on the public health, safety, or welfare. An electric power transmission line of 345 kV and over is a permitted conditional use in the M&G-1 and PC Zones. The proposal appears to be providing additional capacity to serve the growing electrical demand of the region. The application also indicates the project will improve reliability and operational flexibility of the electrical system.

In addition, the application includes a Plan of Development (POD) which addresses such issues as reclamation, revegetation and weed management, storm water pollution protection and management, cultural resource monitoring and mitigation, plant and wildlife species conservation measures, and other associated issues.

5. The application appears to meet the requirements of **Section 7-20-C-2**, which requires the proposed conditional use to meet the general purposes and intent of the ordinance, as specified in Section 1-2. Specifically, it would promote efficient and economical utilization of facilities (Section 1-2-C), and facilitate adequate provision for electrical service (Section 1-2-E).
6. The application appears to meet the requirements of **Section 7-20-C-3**, which requires the proposed conditional use to be consistent with the "characteristics and purposes" stated for the zoning district involved and the adopted general plan. This conditional use would appear to be consistent with the purposes and intent of the M&G-1 and PC Zones, including:
 - Providing a location for certain types of uses which are not compatible with urban development
 - Facilitating investment in infrastructure for economic and community development

In addition, the Utah County General Plan states that public or privately owned utilities and utility corridors should be allowed in all areas of the county to provide the needed public uses for growth and development (Chapter 1, Objective 11-G, Utah County General Plan, 2006).

7. The application appears to meet the requirements of **Section 7-20-C-4**, which requires the proposed conditional use be compatible with the public interest and with the characteristics of the surrounding area. The expansion and increased capacity and reliability of an electric transmission line serves a valid public interest and this application appears to fill that role.

In addition, the application includes a Plan of Development (POD, referenced above) and an Environmental Impact Statement that address issues and proposed mitigation measures that would be of concern to the characteristics of the surrounding area.

8. The application appears to meet the requirements of **Section 7-20-C-5**, which requires the proposed conditional use to be shown to not adversely affect local property values. There appears to be no evidence that this conditional use would adversely affect local property values due to the remoteness of the proposed location of the transmission corridor.

In addition, the application indicates affected property owners will be compensated at full market value for right-of-way acquisition. The application did not include any appraisals, however it did include a summary of the process for determining the property value impacts and associated involvement of the Utah State Property Rights Ombudsman for any potential eminent domain proceedings.

9. The application appears to meet the requirements of **Section 7-20-C-6**, which requires the proposed conditional use to comply with all of the terms and requirements of the ordinance. Analysis of each applicable section of the ordinance are as follows:

Section 3-37-B-1 states that no minimum area is required for a public facility (electric power transmission line).

Section 3-37-B-2 requires that only walled and/or roofed structures of a public facility meet the setback standards of the zone. The application does not indicate any walled or roofed structures as part of the proposal. Regardless, any such structure would be required to meet the setbacks required for the zone and would be monitored through the permitting process.

Sections 3-37-B-3 and 5-7-G state that utility line structures shall have no maximum height.

10. The application appears to meet the requirements of **Section 7-20-C-7**, which requires the proposed conditional use to be shown to **not** result in a situation which is cost ineffective, administratively infeasible, or unduly difficult for the provision of essential services. The un-manned nature of the transmission line limits the essential services required.

Conditions:

1. That the Board finds that the conditional use meets the standards found in Section 7-20-C(1) through (7) of the Utah County Land Use Ordinance to the extent required in Section 7-20-D;
2. That permits be obtained for all applicable structures and uses that meet all applicable zoning, building, and fire-safety requirements;
3. That the proposed project be constructed and used consistent with the submitted "Plan of Development", "Environmental Impact Statement", and "Reclamation, Revegetation, and Weed Management Plan";
4. That the approval termination date be January 7, 2012, at which point the applicant must have submitted an application for a Zoning Compliance Permit for the transmission line;
5. That utilization of approval of this appeal nullify any approval of Appeal #1485.

IF PERMIT NOT OBTAINED WITHIN ONE (1) YEAR, THIS APPROVAL IS VOID

The decision of the Utah County Board of Adjustment may be appealed to the Fourth District Court within 30 days from the date this Action Report is filed with the Utah County Recorder.

| Vote Record: | AYE | NAY | ABSTAINED |
|----------------------------|-----|-----|-----------|
| James Brady, Chair | X | | |
| Don Olsen, Vice-Chair | X | | |
| Randy Christiansen, Member | X | | |
| Rose Blakelock, Member | X | | |
| Ernie Parkin, Member | X | | |

I, Christina Sutton, certify the voting record shown above to be true and correct, and a copy of this Action Report was recorded and filed in the Utah County Community Development Department on the 12th day of January, 2010.



Christina Sutton, Secretary
UTAH COUNTY BOARD OF ADJUSTMENT

EXHIBIT 'A'

LEGAL DESCRIPTION: 250 foot wide easement located in multiple sections in T11S R1W, T11S R2W, T10S R2W, T9S R2W, T8S R2W, T8S R3W.