

# HB0044S01 compared with HB0044

~~{deleted text}~~ shows text that was in HB0044 but was deleted in HB0044S01.

inserted text shows text that was not in HB0044 but was inserted into HB0044S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Stephen G. Handy proposes the following substitute bill:

## INTERSTATE ELECTRIC TRANSMISSION LINES

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephen G. Handy**

Senate Sponsor: \_\_\_\_\_

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### LONG TITLE

#### General Description:

This bill enacts language related to a conditional use application for a merchant electric transmission line ~~{as a conditional land use}~~.

#### Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ ~~{authorizes a county to adopt in a land use ordinance certain conditions for the approval of}~~ requires an applicant for a merchant electric transmission line ~~{as a conditional use}~~ to include a verification letter from the Office of Energy Development with the land use application.

#### Money Appropriated in this Bill:

None

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### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

**17-27a-506**, as last amended by Laws of Utah 2005, Chapter 245 and renumbered and amended by Laws of Utah 2005, Chapter 254

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **17-27a-506** is amended to read:

**17-27a-506. Conditional uses -- Merchant electric transmission line.**

(1) A land use ordinance may include conditional uses and provisions for conditional uses that require compliance with standards set forth in an applicable ordinance.

(2) (a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

(b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

(3) (a) As used in this Subsection (3):

(i) "In-state merchant generator" or "in-state merchant generation" means electric power that is generated in Utah and not provided to retail customers within the boundaries of Utah.

(ii) "Merchant electric transmission line" means a transmission line that does not provide electricity to retail customers within the boundaries of Utah.

(iii) "Significant useful transmission capacity" means an electric transmission capacity for use by an in-state merchant generator that is no less than 25% capacity of the merchant electric transmission line.

(b) ~~A county may adopt in a land use ordinance one or more of the following conditions for the approval of;~~ (i) An applicant filing a land use application for a conditional use for a merchant electric transmission line as a conditional use.

~~(i) a condition mitigating environmental, scenic, or wildlife impacts;~~

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~~—— (ii) a condition prohibiting approval of the land use application if development of the proposed merchant electric transmission line would exceed the number of approved electric transmission utility corridors for the county, whether the number of approved utility corridors is adopted in a land use ordinance or in a general plan;~~

~~—— (iii) a condition requiring that the land use applicant demonstrate} shall include a letter of verification from the Office of Energy Development verifying that the merchant electric transmission line ~~{will provide}~~ operator has reserved significant useful transmission capacity in the project described in the land use application.~~

(ii) To receive a letter of verification described in Subsection (3)(b)(i), an applicant shall submit to the Office of Energy Development copies of each signed transmission agreement for in-state merchant generation by the applicant.

(iii) The Office of Energy Development:

(A) shall review the agreements submitted by an applicant and determine whether the submitted agreements demonstrate that the applicant has significant useful transmission capacity; ~~{or}~~

~~(iv) a condition requiring that the land use applicant demonstrate that the construction, installation, and operation of the merchant electric transmission line will provide one or more of the following to the county:~~

~~—— (A) an economic benefit, as described in the land use ordinance; or~~

~~—— (B) anticipated tax revenue, at an amount or rate set in the land use ordinance.~~

### Legislative Review Note

~~—— as of 1-6-14 1:02 PM~~

Office of Legislative Research and General Counsel; B) after verifying that the applicant has significant useful transmission capacity, shall issue a verification letter to the applicant; and

(C) may charge a fee, in accordance with Section 63J-1-504, for the cost of reviewing the agreements or issuing a verification letter.

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(iv) A county may not consider a land use application for a conditional use described in Subsection (3)(b)(i) unless the application includes a verification letter from the Office of Energy Development.