

**DEVELOPMENT STANDARDS**

**CHAPTER 11 – UTILITIES**

**Sections:**

- 11.010 Placement of Utility Infrastructure.**
- 11.020 Alternative Energy Systems.**

**11.010 Placement of Utility Infrastructure.**

- A. Exemption for Regulated Public Utilities.  
 The provisions of this section shall not apply to distribution and transmission lines owned and operated as part of the statewide electrical network regulated by the California Public Utilities Commission (PUC). The authority for this exemption is set forth in the California Constitution, Article XII, Section 8, which vests exclusive regulatory authority over the distribution and transmission lines of these utilities in the California Public Utilities Commission. However, the County shall work with the PUC and applicant to cooperatively meet the standards set forth in Section F.
- B. Uses Permitted.  
 Underground facilities for the distribution of gas, water, sewer, telephone, television, communications and electricity shall be allowed in all designations.
- C. Definitions.  
 For the purposes of this section, the following definitions shall apply:  
  

**"Individual development"** means an individual development project, such as a single-family residence and/or Accessory Dwelling Unit, a garage, a single commercial use, one apartment building, or similar uses. It does not mean a subdivision, land division, condominium development, or development of more than one detached unit at the same time.

**"Overhead utility lines"** means utility distribution lines and service laterals that are installed above ground, either overhead, in an above-ground conduit, or in some other manner.

**"Subdivision"** means the division of any unit or units of improved or unimproved land as further defined in Section 02.1520 and the Mono County Subdivision Ordinance.

**"Utility"** means gas, water, sewer, telephone, television, communications and electricity.

**"Wireline"** is a general term that is used to describe a connection to the Internet that is provided via hardwire, as in the case of DSL, cable, or fiber-based technologies.
- D. Utility Distribution Lines to Individual Development.  
 Utility distribution lines to an individual development shall be installed underground, unless the applicant has obtained a Director Review permit with Notice for overhead installation, in the manner specified in Chapter 31, Director Review Processing. For projects that require a use permit, the application for overhead utility lines shall be processed as part of the use permit application.

Prior to considering issuance of a permit, planning staff shall work with the applicant to site and design the project in a manner that avoids or minimizes the use and impact of overhead lines. Consideration should be given to combining lines and co-locating with other applicable facilities whenever possible.

In granting a permit for overhead utility lines, the Community Development director (Director) or the Planning Commission (Commission) shall make at least one of the following findings in addition to the required Director Review or Use Permit findings, and shall also require anticipated impacts from all the findings be avoided, minimized, or mitigated to the extent possible:

1. The overhead line placement will not significantly disrupt the visual character of the area. In making this determination, the Director or the Commission shall consider the following:
  - a. In areas without a number of existing overhead lines in the immediate vicinity, would overhead lines create the potential for a significant cumulative visual impact; i.e., would allowing an overhead line be likely to result in future requests for additional overhead lines in the area? If so, it may be determined that an overhead line will have a significant impact on the visual character of the area.
  - b. Does the topography or vegetation in the area effectively screen the proposed lines? If so, then an additional line may not significantly disrupt the visual character of the area.
  - c. Are there other potential alignments that would have less visual impact?
  - d. Does the project reduce the overall number of overhead lines and poles in the area; are the lines co-located with existing facilities; and/or do design features such as height of lines, size, color, reflectivity, tension in line, or other features reduce visual impacts? If so, it may be determined that an overhead line will not have a significant impact on the visual character of the area.

The Director or the Commission may consider additional information pertaining to the visual character of the area that is deemed relevant to the application.

2. The placement of utility lines above ground is environmentally preferable to underground placement and does not create public health and safety impacts. In making this determination, the Director or the Commission shall consider the following:
  - a. Will underground placement disturb an environmentally sensitive area, including but not limited to the following: cultural resource sites, significant wildlife habitat or use areas, riparian or wetland areas, or shallow groundwater? If so, above-ground placement may be preferable;
  - b. Will overhead placement cause impacts to sensitive species, such as the Bi-State Distinct Population Segment of Greater Sage-Grouse, or other environmental impacts? If so, above-ground placement may not be preferable, or perch deterrents and other mitigations may be required (see policies in the Conservation/Open Space Element);
  - c. Will underground placement require disturbance of a waterway, including perennial, intermittent and seasonal streams? If so, above-ground placement may be preferable;
  - d. Will underground placement increase the utility line's exposure to environmental hazards, such as flood hazards, fault hazards or liquefaction? If so, above-ground placement may be preferable;
  - e. Are there other potential alignments that would avoid potential environmental impacts?; and

- f. Are there adequate provisions for long-term maintenance and fire-hazard mitigation? If so, above-ground placement may be acceptable.

The Director or the Commission may consider additional information pertaining to the environmental sensitivity of the area that is deemed relevant to the application.

3. The installation of underground utilities would create an unreasonable financial hardship on the applicant due to the unique physical characteristics of the property. In making this determination, the Director or the Commission shall consider the following:

- a. Is the cost of the line to be installed excessive?
- b. Will the installation of underground utilities require trenching under a stream bed?
- c. Will the installation of underground utilities require unreasonable trenching or blasting through rock?
- d. Are there alternate alignments that would eliminate or significantly lessen the financial hardship?

The Director or the Commission may consider other site specific financial hardships deemed relevant to the application.

4. The exclusive purpose of the overhead line is to serve an agricultural operation.

For the purposes of this section, agricultural operations are defined as use of the land for the production of food and fiber, including the growing of crops and grazing of livestock. Above-ground utility lines may be permitted for agricultural uses such as pumps and similar uses.

- a. Impacts to sensitive species, such as the Bi-State Distinct Population Segment of Greater Sage-Grouse shall be avoided, minimized, or mitigated consistent with policies in the Conservation/Open Space Element.

E. Utility Distribution Lines for Subdivisions.

Utility distribution lines for all subdivisions and land divisions shall be installed underground, unless a specific hardship can be demonstrated (see #3 above). If a specific hardship can be demonstrated, overhead installation may be allowed subject to approval of a variance (see Ch. 33, Variance Processing).

Subdivisions may be required to underground the feeder distribution line to the subdivision. An assessment district, or a similar mechanism, may be established for this purpose as a condition of the tract map approval.

F. Utility Distribution Lines for All Other Communication Infrastructure

All other types of utility distribution lines shall be installed underground, unless the applicant has obtained a Director Review Permit with Notice for overhead installation, in the manner specified in Chapter 31, Director Review Processing. For projects that require a use permit, the application for overhead utility lines shall be processed as part of the use permit application. Projects located in the County right of way shall also require an encroachment permit from the Public Works Department.

Prior to considering issuance of a permit, planning staff shall work with the applicant to site and design the project in a manner that avoids or minimizes the use and impact of overhead lines. Consideration should be given to combining lines and co-locating with other applicable facilities whenever possible. If

overhead installation is necessary, all of the criteria in Section 11.010D 1-4 shall be evaluated to provide justification, at least one finding must be made, and anticipated impacts shall be avoided, minimized, or mitigated to the extent possible. In addition, the following requirements shall be applied:

1. Within Scenic Highway corridors, a variance (see Ch. 33, Variance Processing) and/or deviation authorization from the California PUC is required prior to approval of overhead construction; and
2. In County rights of way other than Scenic Highway corridors, a use permit must be obtained prior to allowing overhead construction.

G. Use Permit.

Other utility (municipal, private, and if applicable, public utilities not regulated by the PUC) distribution lines, transmission lines and corridors, towers, electrical substations, repeater stations, pumping stations, and uses accessory thereto, including microwave facilities, may be allowed in all districts subject to first securing a use permit, in the manner specified in Chapter 32, Use Permit Processing.

H. Exceptions.

In the event that any regulations of the Public Utilities Commission or any other agency of the state with jurisdiction over utilities conflicts with the provisions of land use designations and the land development regulations, the regulations of the state shall apply, to the extent that the same are conflicting.

I. Locational Requirements.

Whether or not a utility is subject to any permitting requirements as delineated in subsections A to G, above, all new utility distribution lines, transmission lines, corridors, rights of way, towers, electrical substations, repeater stations, pumping stations, cell/communication towers and uses accessory thereto, including microwave facilities, shall comply with the policies of this General Plan and applicable area or specific plans.

J. Cellular and Wireless Towers

Towers erected for the purposes of providing communications through wireless or cellular technologies are permitted in all land use designations subject to a use permit. These towers shall exhibit substantial compliance with the following, unless such substantial compliance would result in an effective prohibition of the provision of wireless communication facilities, or in unreasonable discrimination against a provider of wireless communication facilities, as defined in the Telecommunications Act of 1996, or in non-compliance with any other applicable federal laws:<sup>12</sup>

1. Visual mitigations strategies included in the Mono County Design Guidelines;
2. Cellular and wireless towers shall bond for the reclamation of the site in the event that the infrastructure has not been utilized for a period of three years. Infrastructure shall be removed within one year of abandonment;
3. Towers shall be sited only when there is an identified service provider who has proved a need for the facility;
4. Facilities shall be co-located to minimize the number of towers, and new sites shall include capacity for additional providers to utilize the facility;

---

<sup>12</sup> E.g., Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012.

5. New sites shall reference the County's inventory of shadow areas and coverage gaps, when available, and provide coverage maps/data demonstrating a reduction in areas without coverage;
6. Height shall be mitigated by siting towers on high ground but below ridgelines or hilltops. The impacts of increased height through a proposed modification<sup>13</sup> shall also be evaluated. Heights greater than 60' may be allowed in Public Facilities (PF) land use designations subject to the following use permit finding, but in no case shall the height exceed 80':
  - a. The additional height shall not result in substantial detrimental effects on the enjoyment and use of surrounding properties.

In addition, at least one of the two following findings must be made in the use permit, and in no case shall additional height be granted above the minimum necessary to provide for the finding:

- b. The increased tower height is necessary to provide line-of-sight and service coverage that significantly reduces shadow areas and coverage gaps as demonstrated by coverage maps/data; and/or
  - c. The increased tower height is necessary to support multiple carriers on one tower with adequate line-of-sight and service coverage as demonstrated by coverage maps/data.
7. Perch deterrents and other sensitive-species mitigations shall be required consistent with policies in the Conservation/Open Space Element; and
8. Cell tower operators shall be required to verify compliance with the FCC's RF Emission Standards.

K. Installation of Conduit and Wireline Infrastructure

Conduit and wireline for the purposes of providing communications infrastructure are permitted in all land use designations, and shall be installed underground and co-located with existing facilities or utilize existing wireline unless a Director Review permit or Use Permit has been obtained. Projects located in the County right of way shall also require an encroachment permit from the Public Works Department. New conduit and wireline infrastructure shall be subject to the following requirements in addition to the applicable permit:

1. Evidence of need for new conduit or wireline infrastructure shall be demonstrated. Applicants should reference the County's communication infrastructure database, when available.
2. New conduit in the County right of way shall contain tracer wire, or be mapped with GPS, or have accurate georeferenced as-built digital drawings, or be otherwise locatable using standard devices or means. Data must be submitted to the County at completion of construction.
3. New wireline infrastructure shall be placed in existing underground conduit before installing new conduit or overhead lines. Overhead lines shall be subject to Section F.
4. All new, large-scale, commercial underground infrastructure shall be filed with the Underground Service Alert (USA).
5. Sites shall be reclaimed and all infrastructure removed within 180 days of abandonment or cessation of use.

---

<sup>13</sup> Ibid.

L. Commercial Communication Infrastructure on Private Property

A Director Review permit (Ch. 31, Director Review Processing) must be secured prior to locating commercial communication infrastructure on private property for reasons other than personal consumption by the property residents.

**11.020 Alternative Energy Systems.**

Alternative Energy Systems are accessory uses that generate power for no less than 80% on-site consumption. Systems that generate power beyond this threshold for sale, or for off-site consumption, may be permitted through use permit.

A. Solar Thermal and Solar Photovoltaic

Solar thermal and solar photovoltaic systems are permitted in accordance with the California Solar Rights Act, through the issuance of a ministerial building permit.

The systems must comply with all structural, plumbing and electrical requirements of the current version of the California Building Code.

Ground-mounted systems are considered structures for the purposes of determining setbacks and lot coverage.

B. Wind Energy Systems

Wind systems are permitted in Mono County pursuant to Chapter 20.05 of the Mono County Code pertaining to Small Wind Energy Systems.