

EXHIBIT 1

33 Hideaway Lane- Director’s Review Application for Overhead Power Lines

11.010 Placement of Utility Infrastructure.

- 1. 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.

- 2. Uses Permitted.
Underground facilities for the distribution of gas, water, sewer, telephone, television, communications and electricity shall be allowed in all designations.

- 3. 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

hardware, as in the case of DSL, cable, or fiber-based technologies.

- 4. 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.

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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: **(This is the last lot to be developed on this cul-d-sac. All adjacent homes in the vicinity have overhead lines thus this project would not disrupt the visual character)**
 - 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); **(No)**
 - 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

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f. Are there adequate provisions for long-term maintenance and fire-hazard mitigation? If so, above-ground placement may be acceptable. **(Yes. The proposed line is a straight 40' run crossing a dirt road, a driveway and connecting to the house. Fire hazard mitigation is fully attainable and accessible)**

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:
 1. Is the cost of the line to be installed excessive? **(Yes. Trenching and blasting of granite would be required due to the existing geology)**
 2. Will the installation of underground utilities require trenching under a stream bed?
 3. Will the installation of underground utilities require unreasonable trenching or blasting through rock? **(Yes)**
 4. Are there alternate alignments that would eliminate or significantly lessen the financial hardship? **(No)**

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.

5. 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.

6. 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

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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.