

Use Permit 22-010/Olson Overhead Power

*Planning
Commission*

*Staff:
April Sall*

*December 15,
2022*

Project Location



Project Description

- **Location:** 162 Wunderlich Way
- **Land Use Designation:** Rural Residential (RR)
- **Parcel Size:** 7.94 acres
- **UP for Overhead Power lines (11.010)**
 - upgraded from a Director Review

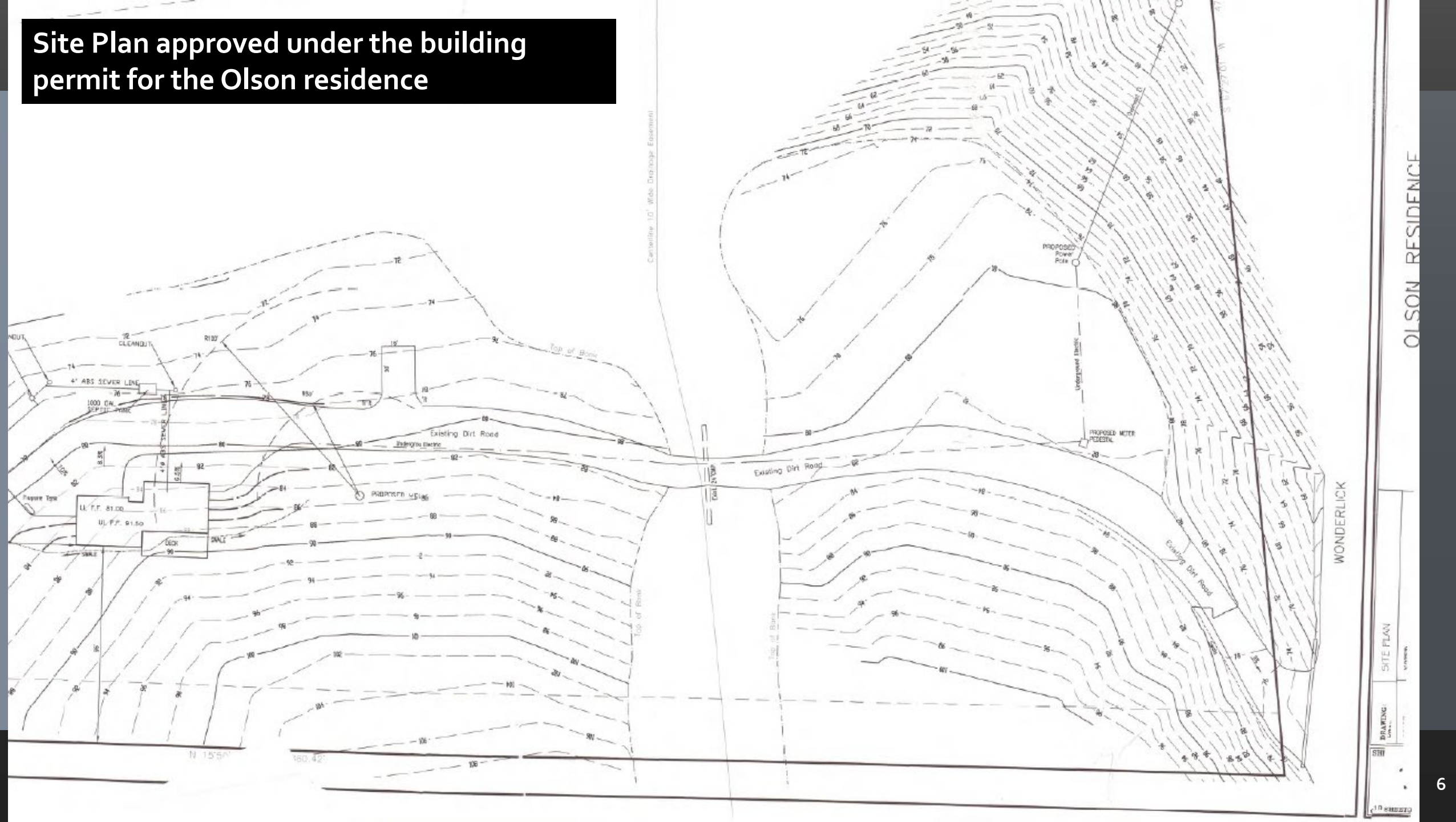
Background

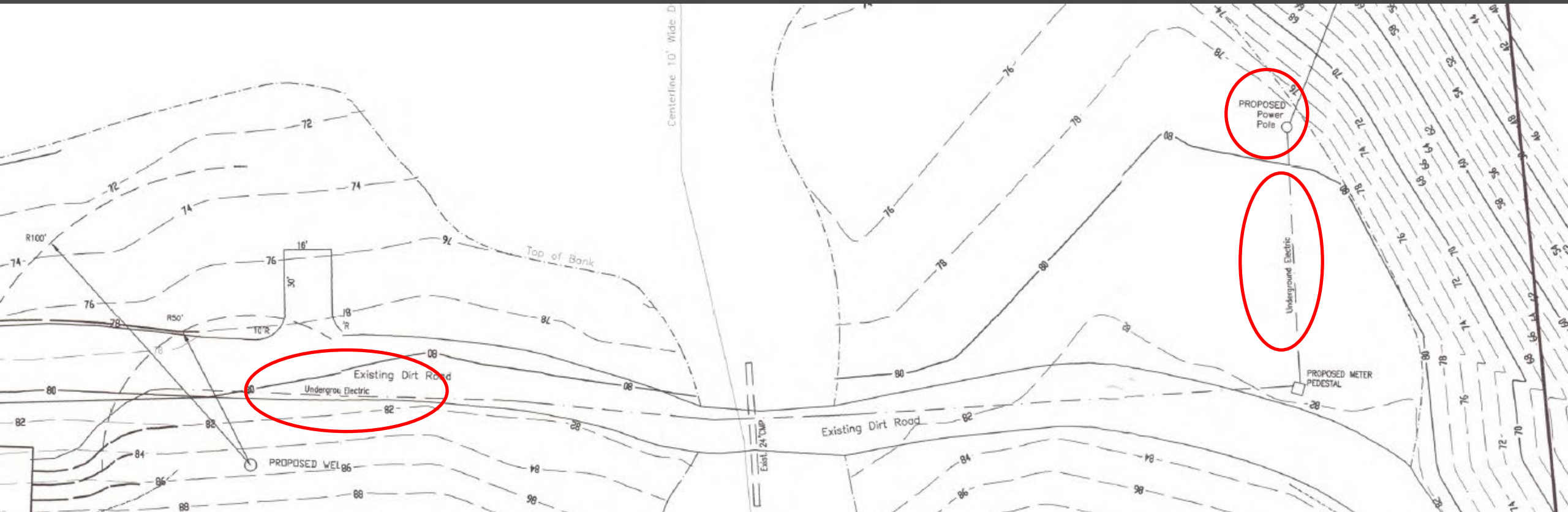
- **2019 complaint about unpermitted overhead power**
- **Mono County General Plan (MCGP) allows overhead power via a Director's Review Permit (Chapter 11.010)**
 - *D. Utility Distribution Lines to Individual Development.*
 - *Utility distribution lines to an individual development shall be installed **underground**, unless the applicant has obtained a Director Review permit with Notice for overhead installation...*
- **A building permit was approved for the SFR, and the approved site plan indicated one new overhead pole and then ~520' of undergrounded line**
- **Planning plan check condition to underground all utilities**

Background Continued

- **Applicant requested power from Liberty Utilities:**
 - Two new overhead power poles were installed
 - Applicant undergrounded from the 2nd new pole to the residence (~180 feet)
- **The applicant submitted a Use Permit in 2021, then withdrew it**
- **The applicant submitted a UP again in Oct 2022 for financial hardship (under 11.D.3.) after collecting bids from a contractor and Liberty Utilities to underground the lines**
 - Upgraded to Use Permit due to controversy per requirements in MCGP 31.010

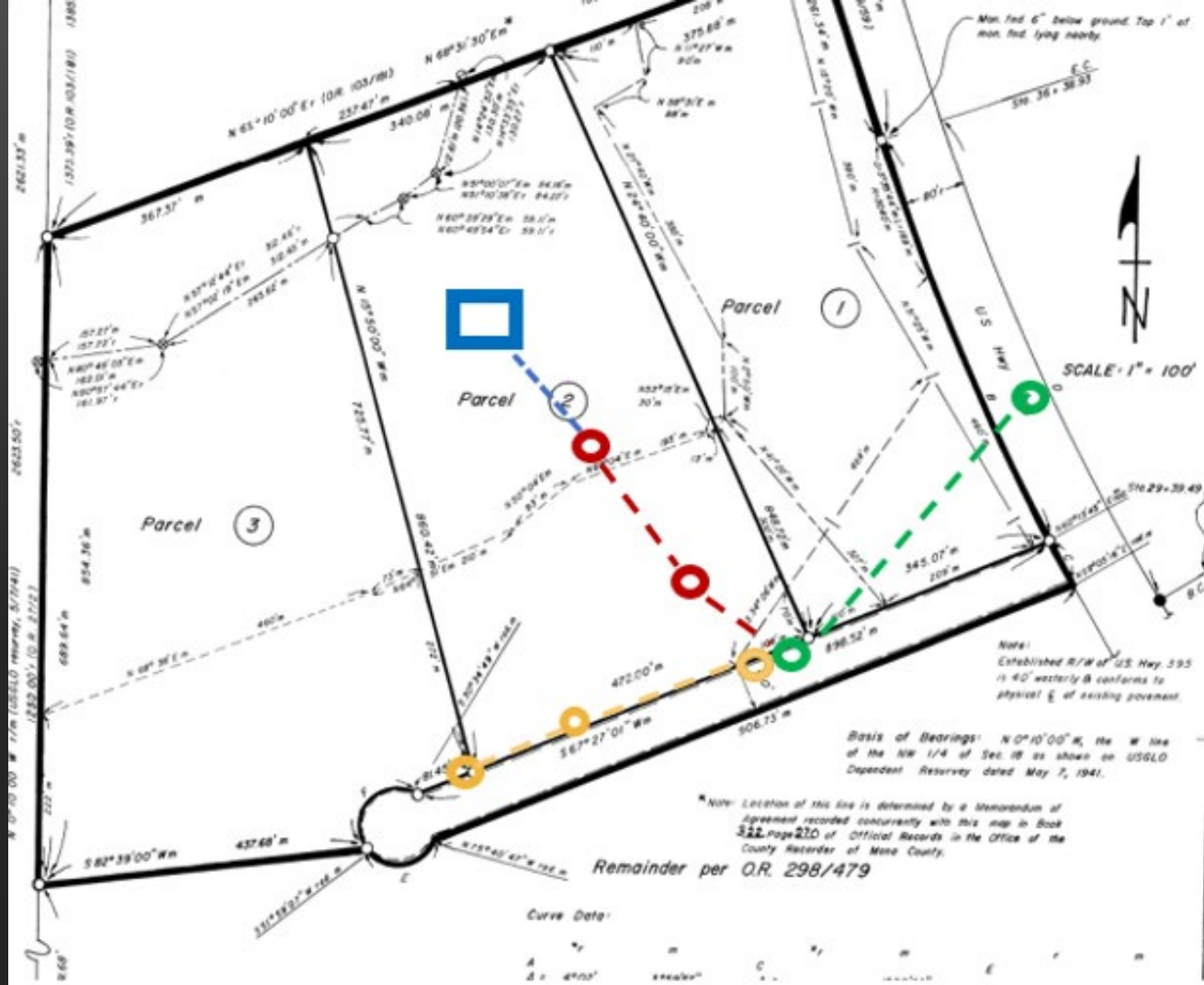
Site Plan approved under the building permit for the Olson residence





Olson approved site plan for building permit (BP 17-052)

Parcel Map Exhibit : The As-Built Project



- New overhead power line extension
- New Power poles
- Pre-existing/ original power poles
- Undergrounded line from last/2nd new pole to house
- New Residence/ Olson
- Wunderlich overhead poles approved by PC in March 2021

Aerial Map Exhibit

Two red arrows are the two new poles w/overhead line installed





Wunderlich Way

View from Highway 395 showing Wunderlich and Olson poles

Photo from the Olson driveway of the 2 new power poles (Feb 2021)



Olson
residence and
both poles
(view looking N)



Parcel Topography



Parcel Topography





Overhead line stretching across the drainage toward Olson residence

Parcel Topography



**View of both poles looking
SE across the drainage
(from pole where the
undergrounding begins)
(Oct 2019)**



Application Processing/ Noticing

Requirements:

- Chapter 31 Use Permit noticing - 300'
- Published notices are available in print or online.
- Land Development Technical Advisory Committee:
 - Accepts all development applications for processing.
 - Reviews draft conditions of approval prior to PC meetings.

October 17th– LDTAC Application Acceptance UP 22-010

November 30th– Public hearing notices mailed to 300' buffer

December 3rd– The Sheet published hearing notice

November 28th– LDTAC reviewed draft Conditions of Approval for UP 22-010

Public Comments: 3 received (2 opposed and 1 in favor)

CEQA

- The project qualifies for a categorical exemption under California Environmental Quality Act (CEQA) Guideline 15303(d), New Construction or the Conversion of Small Structures.
 - The exemption allows for construction of new facilities and water main, sewage, electrical, gas, and other utility extension of reasonable length to serve new construction.

MCGP Chapter 11 Utilities

MCGP 11.010D: At least one of the following findings must be made in addition to the Use Permit Findings, and anticipated impacts from all findings must be addressed.

1. The overhead line placement will not significantly disrupt the visual character of the area.
2. The placement of utility lines above ground is environmentally preferable to underground placement and does not create public health and safety impacts.
3. The installation of underground utilities would create an unreasonable financial hardship on the applicant due to the unique physical characteristics of the property.
4. The exclusive purpose of the overhead line is to serve an agricultural operation – *this finding cannot be made for any alternative.*

Required Findings:

A. MCGP Chapter 11: Utilities (Findings)

MCGP Chapter 11 Utilities

MCGP 11.010D: At least one of the following findings must be made in addition to the Use Permit Findings, and anticipated impacts from all findings must be addressed.

1. The overhead line placement will not significantly disrupt the visual character of the area.
2. The placement of utility lines above ground is environmentally preferable to underground placement and does not create public health and safety impacts.
- 3. The installation of underground utilities would create an unreasonable financial hardship on the applicant due to the unique physical characteristics of the property.**
4. The exclusive purpose of the overhead line is to serve an agricultural operation – *this finding cannot be made for any alternative.*

Required Findings:

A. MCGP Chapter 11: Utilities (Findings)

Required Findings:

B. UP Findings MCGP LUE §31.010

1. *All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*
2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*
2. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area on which the property is located because:*
4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*

Findings: Staff Recommendation

Chapter 11
Findings:
Staff
Recommendation

1. The overhead line placement will not significantly disrupt the visual character of the area. (MCGP LUE §11.010.D.1)

- Although the poles and lines may be visible in the local vicinity, the overall impact of a single 180' overhead line is minimal to unnoticeable in the whole of the valley viewshed.
- Overhead power lines currently exist in the area and subdivision.
- No proliferation: Serves a single residence and adjacent properties are already developed or this line is not appropriately located to service those properties.
- ***This finding can be made.***

Chapter 11
Findings:
Staff
Recommendation

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-f MCGP LUE §11.010.D.2)*

The Commission may determine this finding cannot be made because:

- No blue line stream, delineated wetland, or other known environmentally sensitive habitat is disturbed.
- The approved alignment would have followed the installed driveway and thus minimized additional crossings of the drainage. Therefore, underground placement per the approved site plan is preferable.

Chapter 11
Findings:
Staff
Recommendation

3. The installation of underground utilities would create an unreasonable financial hardship on the applicant due to the unique physical characteristics of the property. Consider: excessive cost, streambeds, trenching & blasting, alternate alignments, etc. §11.010.D.3

The Commission may determine this finding cannot be made because:

- The undergrounding cost should have been included in the original build.
- The only relevant increased cost is \$21,000+ to remove and repave the existing driveway to follow the originally proposed alignment.

Use Permit
Findings:
Staff
Recommendation

1. All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:

- The land use designation of Rural Residential (RR) allows for residential uses and all other parcel development standards comply (pending utilities findings).
- If the Commission determines that one of the four findings under Chapter 11 can be made, then UP finding 1 can be made.

Use Permit
Findings:
Staff
Recommendation

2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*

No change to traffic – the roads are adequate for the use.

3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area on which the property is located because:*

- The area is a residential area, and the original electrical services to this neighborhood were via overhead utilities.
- The new overhead lines are not a significant visual impact in the whole of the valley viewshed and overhead utilities already exist in the area.
- The overhead line extension will not result in proliferation of additional overhead lines.

Use Permit
Findings:
Staff
Recommendation

4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*

- The Commission may determine that this finding can be made for the Approved Building Permit because the appropriate finding can be made under §11.010.D. The project is consistent with Mono County General Plan policies, including:

Policy 4.A.5. Encourage the use of alternative energy and communications innovations.

- This is a policy and not a regulatory requirement, therefore overhead lines and conventional electrical connections are not in conflict.

Policy 4.B.1; "Maintain and enhance scenic resources in the Antelope Valley."

- The overall impact of a single ~150' overhead line on the viewshed of the entire valley is minimal to unnoticeable. There are also some existing overhead power lines in the area and in the subdivision.
- The property has a land use designation of Rural Residential (RR). The existing use is for a single-family residence.

Findings: Alternative 1 As-Built Project

Chapter 11
Findings:
Alternative 1
(as-built project)

1. The overhead line placement will not significantly disrupt the visual character of the area. (MCGP LUE §11.010.D.1)

- Although the poles and lines may be visible in the local vicinity, the overall impact of a single ~330' overhead line is minimal to unnoticeable in the valley viewshed.
- Overhead power lines currently exist in the area and subdivision.
- No proliferation: Serves a single residence and adjacent properties are already developed or this line is not appropriately located to service those properties.
- ***This finding can be made.***

Chapter 11
Findings:
Alternative 1
(as-built project)

2. The placement of utility lines above ground is environmentally preferable to underground placement and does not create public health and safety impacts. (See a-f MCGP LUE §11.010.D.2)

- The Commission may determine this finding can be made because the current overhead line alignment spans a steep drainage with a spring-fed water source; therefore, overhead placement may be preferable to undergrounding.

Chapter 11
Findings:
Alternative 1
(as-built project)

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?*
- Undergrounding cost estimate = ~**\$121,000+ to \$143,000+**
 - Trenching and laying conduit = \$75,000-\$89,000
 - Pull line = ~ \$15,000 minimum
 - Install new vaults = ~\$3,800
 - The cost represent ~21%+ of the total cost of the home

The finding for financial hardship could be made.

Chapter 11
Findings:
Alternative 1
(as-built project)

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: (b-d)*

- There are no blue-line streambeds along the path of underground trenching for this project, however the existing drainage with spring-fed above-ground water and riparian vegetation would need to be crossed.
- The project should not require blasting through rock or unusual trenching; however, the soil type is rocky and gravelly from alluvial fan deposits
- Lastly, the as-built alignment is the most direct path available, with trenching occurring from Wunderlich Drive to the residence in a direct line.

Use Permit
Findings:
Alternative 1
(as-built project)

1. All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:

- The property has a land use designation of Rural Residential (RR) which allows for residential uses and all other parcel development standards comply (pending utilities findings).
- If the Commission determines that one of the four findings under Chapter 11 can be made, then UP finding 1 can be made.

Use Permit
Findings:
Alternative 1
(as-built project)

2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*

No change to traffic – the roads are adequate for the use.

3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area on which the property is located because:*

- The area is a residential area, and the original electrical services to this neighborhood were via overhead utilities.
- The new overhead lines are not a significant visual impact in the whole of the valley viewshed and overhead utilities already exist in the area.
- The overhead line extension will not result in proliferation of additional overhead lines.

Use Permit
Findings:
Alternative 1
(as-built project)

4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*

- The Commission may determine that this finding can be made for Alternative 1 because the appropriate finding can be made under §11.010.D. Residential (RR). The existing use is for a single-family residence.
- The findings under 11.010.D.3 provides for the required findings to allow for the installation of an overhead line. The overhead power lines would result in a financial hardship if they were required to be installed underground.
- The project is consistent with Mono County General Plan policies, including:

Policy 4.A.5. Encourage the use of alternative energy and communications innovations.

- This is a policy and not a regulatory requirement, therefore overhead lines and conventional electrical connections are not in conflict.

Continued Use
Permit Finding
(4) : *Alternative 1*
(*as-built project*)

4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*

Policy 4.B.1; "Maintain and enhance scenic resources in the Antelope Valley."

- The overall impact of a single ~350' overhead line on the viewshed of the entire valley is minimal to unnoticeable. There are also some existing overhead power lines in the area and in the subdivision.
- The property has a land use designation of Rural Residential (RR). The existing use is for a single-family residence.

Findings: Alternative 2 Complete Undergrounding

Chapter 11

Findings:

Alternative 2

(denial of UP/ complete undergrounding)

1. The overhead line placement will not significantly disrupt the visual character of the area. (MCGP LUE §11.010.D.1)

- New overhead lines are installed.
- Overhead poles/lines are not reduced.
- The overhead lines are located on a bluff and silhouetted against the sky from certain viewpoints.
- The line is not co-located with existing facilities.

This finding cannot be made.

Chapter 11

Findings:

Alternative 2

(denial UP/ complete undergrounding)

2. The placement of utility lines above ground is environmentally preferable to underground placement and does not create public health and safety impacts. (See a-f MCGP LUE §11.010.D.2)

The Commission may determine this finding cannot be made because:

- No blue line stream, delineated wetland, or other known environmentally sensitive habitat is disturbed.
- The approved alignment would have followed the installed driveway and thus minimized additional crossings of the drainage. Therefore, underground placement is preferable.

Chapter 11

Findings:

Alternative 2

(denial UP/ complete undergrounding)

3. The installation of underground utilities would create an unreasonable financial hardship on the applicant due to the unique physical characteristics of the property.

This finding cannot be made. The cost of undergrounding the line is the cost of development in Mono County.

4. (Agricultural) Not applicable

Use Permit
Findings:
Alternative 2
(denial UP/ complete
undergrounding)

1. All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:

- If none of the findings in MCGP LUE §11.D. can be made, then this finding cannot be made and the project should be denied.

2. The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:

- The overhead lines does not change the primary land use of a single-family residence, and therefore no new impacts to streets and highways are expected.

Use Permit Findings:

Alternative 2

(denial UP/ complete undergrounding)

3. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area on which the property is located because:

- If the visual and fire hazard findings under MCGP LUE §11.010.D. cannot be made, then this finding cannot be made and the project should be denied.

4. The proposed use is consistent with the map and text of the Mono County General Plan because:

- This finding cannot be made if findings under §11.010.D. cannot be made, and overhead lines are potentially inconsistent with the following General Plan policy:
 - Policy 4.B.1: *"Maintain and enhance scenic resources in the Antelope Valley."*
 - Allowing additional overhead power lines may impact the scenic resources from specific viewpoints and properties, as two of the poles are silhouetted from US 395 because of the topography of the parcel.

Recommendation

1. Require undergrounding per the approved building permit site plan and allow one overhead pole.

Other Options

2. Make the determination that undergrounding the two poles and overhead line as built would be an unreasonable financial hardship on a single property owner and approve the project as built. (MCGP 11.010 D3)
3. Deny Use Permit 22-010 and require the property owner to place the entire line underground.

Recommended Actions

1. Find that the project qualifies as a Categorical Exemption under CEQA guideline 15303 and instruct staff to file a Notice of Exemption;

And

2. Make the required findings contained in the staff report to:
3. Approve or modify one of alternatives presented.

Questions and Discussion

Thank you *(end)*



- More pics?

Discussion:

*MCGP Chapter 11:
Utilities, 11.010D*

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?

§11.010.D.3 Findings:

This use permit is proposed under the finding for financial hardship, which requires the following findings (§11.010.D.3):

a. Is the cost of the line to be installed excessive?

- Cost estimate for undergrounding utilities to this home site is ~ \$121,000 total cost if costs
- The estimate includes approximately \$75,000-\$89,000 for trenching and laying conduit provided by Cruz Construction and a cost of approximately \$19,000+ to Liberty Utilities to pull x00 feet of new line

(§11.010.D.3):
Findings: 3.c-d

b. Will the installation of underground utilities require trenching under a stream bed?

The Commission may determine this finding can be made because the current overhead line placement spans a steep drainage with a spring-fed water source and water has been seen flowing above ground on several site visits (see parcel topography description above and Figures 5 and 6), and therefore overhead placement may be preferable to undergrounding. The placement of overhead lines is not expected to cause any impacts to sensitive species such as the Bi-State Sage Grouse (BSSG), as the site is not within an identified BSSG habitat area.

c. Will the installation of underground utilities require unreasonable trenching or blasting through rock?

No, however the trench would cross a drainage and the soil type is rocky and gravelly from alluvial fan deposits for the top three to four feet.

d. Are there alternate alignments that would eliminate or significantly lessen the financial hardship?

No, the proposed route is the most direct path available, with trenching occurring alongside Wunderlich Drive, a private road.

Required Use Permit Findings:

1.

1. All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:

- The property has a land use designation of Rural Residential (RR) which allows for residential uses
- In addition to the required Use Permit finding, overhead utilities require one of the four findings (see Discussion above for the list of options) to be made pursuant to Chapter 11 Development Standards – Utilities.

Required Use
Permit
Findings: 2-3

2. The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:

The overhead lines does not change the primary land use of a single-family residence, and therefore no new impacts to streets and highways are expected.

3. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area on which the property is located because:

The area is a residential neighborhood, and the original electrical services to this neighborhood were via overhead utilities. The addition of two new poles is not viewed as a significant visual impact since the existing area already has overhead utilities.

the overhead line extension will not proliferate additional overhead lines to other properties.

Required Use Permit Findings: 4

4. The proposed use is consistent with the map and text of the Mono County General Plan because:

The property has a land use designation of Rural Residential (RR). The existing use is for a single-family residence. This use permit analysis and the findings under 11.010.D.3 provides for the required findings to allow for the installation of an overhead line. The overhead power lines would result in a financial hardship if they were required to be installed underground.

The proposed use is consistent with the General Plan, the Antelope Valley Area policies, and Countywide land use policies.