

SECTION 875

ELECTRIC UTILITIES AND SERVICES

A. APPLICABILITY

The following procedure, which is intended to provide the County with a formal means of project review and comment, shall apply to all electric transmission facilities and electric utility facilities which are subject to approval by the California Public Utilities Commission or California Energy Commission, as such facilities are described below.

(Amended by Ord. T-053-320 adopted 6-7-94)

1. The provisions of this Division shall not be construed as to limit or interfere with the construction, installation, operation and maintenance of any use coming under the jurisdiction of the Public Utilities Commission or the California Energy Commission.

(Amended by Ord. 490.180 adopted 8-7-79; Amended by Ord. T-053-320 adopted 6-7-94)

2. This section shall not apply to projects otherwise subject to land use permitting authority of the County of Fresno. Such projects shall include, but are not limited to public utility business offices, service centers, and electric transmission lines associated with development projects under discretionary review by the County.

(Added by Ord. T-053-320 adopted 6-7-94)

B. DEFINITIONS:

1. Electric transmission facilities shall include both transmission and distribution substations and switching stations, and those lines which are designed, constructed and/or operated at 50 kv and above, and are intended to transmit electrical energy from:
  - a. The source of such energy to a transmission substation or an existing transmission line.
  - b. A transmission or distribution substation to another transmission or distribution substation.
  - c. An existing transmission line or substation to an energy user.

(Amended by Ord. T-053-320 adopted 6-7-94)

2. Electric utility facilities shall include, but are not limited to, the following types of uses:
  - a. Microwave and other telecommunications structures and facilities which serve as an integral part of the utility operations.
  - b. Electric generation facilities, except hydro-electric generation facilities subject to the jurisdiction of the Federal Energy Regulatory Commission.

(Added by Ord. T-053-320 adopted 6-7-94)

C. REVIEW OF ELECTRIC TRANSMISSION FACILITIES

The routes of proposed electric transmission facilities shall be submitted to the Director for County review either prior to filing an application with a State agency or prior to any property right acquisition or condemnation proceedings; or at least 100 days prior to construction.

(Amended by Ord. 490.180 adopted 8-7-79; Amended by Ord. T-053-320 adopted 6-7-94)

1. The following plans and information shall be submitted to the Director for review in accordance with the procedures specified in Section 875-E through G, below:
  - a. The location of the proposed route.
  - b. The width of proposed rights-of-way.
  - c. The location of existing rights-of-way and easements in the immediate vicinity of the proposed routes.
  - d. Description of facilities, average span length of towers and/or poles and number of three-wire circuits.
  - e. Approximate height of towers and/or poles.
  - f. Maximum designed operating voltage of the proposed facilities.
  - g. The location of the proposed substation or switching station, including a description of existing and proposed adjacent land uses and zoning.
  - h. Appropriate drawings of the proposed substation or switching station, showing all of the elements of the facility. Drawings should include a site plan, landscaping plans, sketches and elevations and/or sections as needed, and at the appropriate scale, to provide a thorough understanding of the spatial arrangement of the proposed facility.
  - i. The number and size of transformers or other electrical hardware at ultimate site development of the substation or switching station.
  - j. A description of the operational and maintenance requirements of the line or facility.
  - k. Other pertinent data. Much relevant information needed for consideration is included in, but may not be limited to environmental impact assessment summaries, and similar documents.

(Amended by Ord. T-053-320 adopted 6-7-94)

2. The submittal shall be accompanied by a filing fee as provided in Section 879 for the purpose of defraying the costs incidental to the review.

D. REVIEW OF ELECTRIC UTILITY FACILITIES

The location of proposed electric utility facilities shall be submitted to the Director for County review either prior to filing an application with a state agency or prior to property right acquisition or any condemnation proceedings; or at least 100 days prior to construction.

1. The following plans and information, as applicable, shall be submitted to the Director for review in accordance with the procedures specified in Section 875-E through H below:
  - a. The location of the proposed facility, including a description of existing and proposed adjacent land uses and zoning.
  - b. Appropriate drawings of the proposed facility, showing all of the elements of the facility. Drawings should include a site plan, landscaping plans, sketches and elevations, and/or sections as needed, and at the appropriate scale, to provide a thorough understanding of the spatial arrangement of the proposed facility.
  - c. Approximate height of towers and/or poles, both electrical and for telecommunications use.
  - d. Elevation view drawings of communication towers and/or poles with associated dishes, reflectors, antennae, etc.
  - e. A description of the operational and maintenance requirements of the facility.
  - f. Other pertinent data. Much relevant information needed for consideration is included in, but may not be limited to environmental impact assessment summaries, and similar document.
2. The submittal shall be accompanied by a filing fee as provided in Section 879 for the purpose of defraying the costs incidental to review.

(Section 875-D added by Ord. T-053-320 adopted 6-7-94)

E. ACTION BY THE DIRECTOR

1. The Director shall review the proposed electric transmission facility or electric utility facility for compatibility with all adopted plans, existing zoning and land use. The Director may, when in the public interest, recommend such modifications as deemed necessary to protect the health, safety and welfare.

(Amended by Ord. T-053-320 adopted 6-7-94)

2. The Director shall prepare a report of all findings, including support for recommended modifications. Support for recommended modifications, based upon the premise that the location should provide the greatest public good and least private injury, shall give consideration to the following factors:
  - a. Community values.
  - b. Recreational and park areas.
  - c. Historical and aesthetic values.
  - d. Influence on environment
3. The Director's report shall be completed not less than ten (10) nor more than forty (40) days after filing of the plans and data.

(Amended by Ord. T-053-320 adopted 6-7-94)

4. The Director shall take the following action for projects involving electric transmission facilities which are designed, constructed and/or operated at 50 kv and above, (except for those facilities described in E-5 below) and for those electric utility facilities involving generation plants:

The Director's report shall be presented to the Planning Commission not less than ten (10) nor more than forty (40) days after completion of the Director's report. Following the Commission hearing, the Director's report shall be presented to the Board of Supervisors as specified in Section 875-H below.

(Added by Ord. T-053-320 adopted 6-7-94)

5. The Director shall take the following action as appropriate for projects involving electric transmission facilities which are constructed to provide 50 kv to 200 kv operating voltage service to an individual customer, and electric utility facilities, except electric generation plants:
  - a. Not more than ten (10) days after completion of the Director's report, written notice shall be given to all affected property owners, as specified in 875-F.2 below, indicating that the report represents the official position of the County and that the project report will be submitted to the California Public Utilities Commission or Energy Commission unless a request for a hearing is received within fifteen (15) days following the date of mailing the written notice.
  - b. If there is no request for a hearing, the report shall be submitted to the California Public Utilities Commission or Energy Commission not more than ten (10) days following the close of the hearing request period.
  - c. If a request for a hearing is received within the prescribed period, the Director shall forward the project report to the Planning Commission not less than ten (10) nor more than forty (40) days after the date of the filing of the request for hearing. Following the Commission hearing, the Director's report shall be presented to the Board of Supervisors as specified in Section 875-H below.

(Added Section 875-E.5 by Ord. T-053-320 adopted 6-7-94)

#### F. NOTICE OF PUBLIC HEARING

1. Notices shall be mailed not less than ten (10) days before the date set for the hearing.

(Amended by Ord. T-053-320 adopted 6-7-94)

2. Mailed notices shall be sent to owners of property, the nearest boundaries of which are within three hundred (300) feet of the proposed centerlines of the proposed electric transmission line corridors or from the edge of the site proposed for development. Notices shall be mailed to the owners as shown on the latest equalized assessment roll or parcel number index.

(Added by Ord. 490.180 adopted 8-7-79; Amended by Ord. T-053-320 adopted 6-7-94)

#### G. COMMISSION PUBLIC HEARING AND ACTION

1. The Commission shall, not less than (10) days, after the legal notice of a public hearing on a proposed electric transmission facility or electric utility facility hold said public hearing.

(Amended by Ord. T-053-320 adopted 6-7-94)

2. The Commission shall consider the proposal, the Director's recommendations, and all testimony given and shall make recommendations. The recommendations shall include the basis for modifications not previously supported by the Director.
3. The Commission actions shall be announced in a resolution not later than thirty (30) days after the conclusion of the hearings. Such resolution shall be filed with the Board of Supervisors and a copy thereof shall be mailed to the proponent of the electric transmission facility or electric utility facility.

(Amended by Ord. T-053-320 adopted 6-7-94)

#### H. BOARD OF SUPERVISORS PUBLIC HEARING AND ACTION

1. The hearing date shall be set by the Clerk of the Board for not less than fifteen (15) nor more than forty (40) days after filing of the Commission resolution with the Board of Supervisors. Notice shall be made pursuant to Section 875-F.

(Amended by Ord. T-053-320 adopted 6-7-94)

2. The Board shall, not less than ten (10) days after the legal notice of public hearing, hold said public hearing.
3. The Board may indicate agreement with any one or all of the proposed electric transmission facility or utility facility locations; may identify changes in proposed transmission facility or utility facility locations necessary for the protection of the public health, safety, and welfare; or may indicate opposition to any one or all of the proposed transmission facility or utility facility locations.

(Amended by Ord. T-058-320 adopted 6-7-94)

4. Action by the Board of Supervisors shall be announced by resolution. Copies of the resolution shall be mailed to the proponent of the electric transmission facility or electric utility facility and to the California Public Utilities Commission, or the lead regulatory agency, not later than (10) days following completion of the hearing.

(Amended by Ord. T-053-320 adopted 6-7-94)

5. It is intended that the provisions of this Section not be the type of review subject to requirements of California Government Code, Sections 65920 et. seq.

(Added by Ord. 490.180 adopted 8-7-79)

#### I. CREATION OF LOTS OR PARCELS FOR ELECTRIC UTILITY USE

The creation of lots or parcels which are substandard as to lot area or lot dimension for public utility use shall be allowed in any zoning district, subject to the provisions of Sections 855-A-2 and 855-B.3 and the California Government Code.

(Amended by Ord. 490.180 adopted 8-7-79; Amended by Ord. T-053-320 adopted 6-7-94)