



CITY OF SACRAMENTO

24

CITY MANAGER'S OFFICE

RECEIVED

FEB 28 1980 Marty Van Duyn

PLANNING DIRECTOR

CITY PLANNING DEPARTMENT
915 "I" STREET
CITY HALL - ROOM 308
SACRAMENTO, CALIF. 95814
TELEPHONE (916) 449-5604

February 28, 1980

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Ordinance adding Section 29 to Zoning Ordinance No. 2550-4th Series, relating to high voltage transmission facilities (M-428)

SUMMARY

This proposed ordinance would implement Section 12808.5 of the State Public Utilities Code and Section 53091 and 53096 of the State Government Code which authorizes the City to approve or disapprove proposed facilities operating at 100,000 volts or more. The procedural rules set forth for the proposed Transmission Facilities Permit would assure that sufficient information is provided in a timely manner to allow the City to make a reasonable and informed decision on the submitted applications.

The Planning Commission recommends the adoption of the attached ordinance.

BACKGROUND INFORMATION

The purpose of this ordinance is to implement Section 12808.5 of the State Public Utilities Code and Sections 53091 and 53096 of the State Government Code which authorizes local agencies to review and approve the location and construction of facilities for the transmission of electrical energy operating at 100,000 volts or more, such as substations, transmission lines, poles and accessory structures.

This ordinance would add Section 29 to the City Zoning Ordinance authorizing the City to require a transmission facilities permit for proposed major transmission facility location and construction in any zone. It specifies the information to accompany the permit application and the procedures for processing an application. The policies for evaluation of proposals were prepared by a citizens advisory committee and adopted by SMUD.

The draft ordinance authorizes a filing fee to defray advertising and processing costs.

APPROVED
BY THE CITY COUNCIL

MAR 4 1980

OFFICE OF THE
CITY CLERK

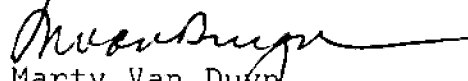
VOTE OF COMMISSION

At its regular meeting of January 24, 1980 the Planning Commission voted 8 ayes, 1 absent to recommend approval of the ordinance.

RECOMMENDATION

The staff and Planning Commission recommend adoption of the attached ordinance.

Respectfully submitted,


Marty Van Duyn
Planning Director

FOR TRANSMITTAL TO CITY COUNCIL:


Walter J. Slipe, City Manager

MVD:TM:bw

March 4, 1980
All Districts

Attachment
M-428

SACRAMENTO CITY PLANNING COMMISSION

MEETING DATE July 24, 1980
 ITEM NO. 7 FILE NO. P-
M-428

REZONING TENTATIVE MAP
 SPECIAL PERMIT AIR DETERMINATION
 VARIANCE EXT. OF PERMIT
 SUBD. MOD. OTHER Grand Grand
Andromeda

Recommendation:
 Favorable
 Unfavorable Petition Correspondence

~~REZONING~~ SMUD Transmission facilities
of 6200 North St. Ave.

PROPOSERS

NAME ADDRESS

John Ferrara, Mingo Engineering Dept, SMUD-6201 A Street, Arto.

OPPOSERS

NAME ADDRESS

MOTION NO. _____

	YES	NO	MOTION	2ND
Augusta	✓			
Flores	<u>absent</u>			
Fong	✓			
Goodin	✓			
Hunter	✓			✓
Muraki	✓			
Simpson P	✓		✓	
Simpson S	✓			
Silva	✓			

MOTION:

- TO APPROVE
- TO DENY
- TO APPROVE SUBJECT TO COND. & BASED ON FINDINGS OF FACT IN STAFF REPORT
- INTENT TO APPROVE SUBJ. TO COND. & BASED ON FINDINGS OF FACT DUE _____
- TO RECOMMEND APPROVAL with committee & FORWARD TO CITY COUNCIL
- TO RATIFY NEGATIVE DECLARATION
- TO CONTINUE TO _____ MEETING
- OTHER _____

EXHIBITS: A. Site Plan
 B. Floor Plan
 C. Elevation
 D. Landscaping

City Planning Commission
Sacramento, California

Members in Session:

SUBJECT: Ordinance adding Section 29 to Zoning Ordinance No. 2550-4th Series, relating to high voltage transmission facilities (M-428)

SUMMARY

This proposed ordinance implements Section 12808.5 of the State Public Utilities Code and Section 53091 and 53096 of the State Government Code which authorizes the City to approve or disapprove proposed facilities operating at 100,000 volts or more. The procedural rules set forth for the proposed Transmission Facilities Permit would assure that sufficient information is provided in a timely manner to allow the City to make a reasonable and informed decision on the submitted applications.

The staff recommends that the Commission approve this report, and any additional comments it desires, and recommend adoption of the attached draft ordinance by the City Council.

BACKGROUND INFORMATION

The purpose of this ordinance is to implement Section 12808.5 of the State Public Utilities Code and Sections 53091 and 53096 of the State Government Code which authorizes local agencies to review and approve the location and construction of facilities for the transmission of electrical energy operating at 100,000 volts or more, such as substations, transmission lines, poles and accessory structures.

This draft ordinance would add Section 29 to the City Zoning Ordinance authorizing the City to require a transmission facilities permit for proposed major transmission facility location and construction in any zone. It specifies the information to accompany the permit application and the procedures for processing an application. The policies for evaluation of proposals were prepared by a citizens advisory committee and adopted by SMUD.

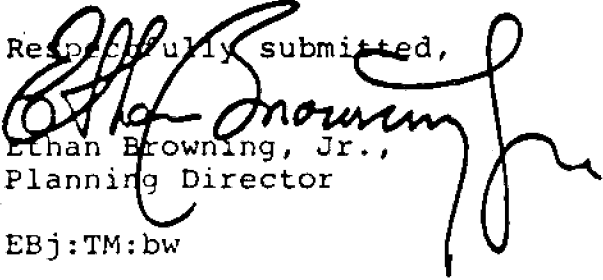
The draft ordinance authorizes a filing fee to defray advertising and processing costs. The specific amount would be established by a resolution after adoption of this ordinance, as processing costs could vary, depending upon the adopted procedure.

The draft ordinance was reviewed by the SMUD staff, and their comments are attached to this report. The City staff is evaluating these comments and will respond at the public hearing.

RECOMMENDATION

The staff recommends that the Commission approve this report and draft ordinance, with any additional modification that the Commission may deem appropriate, and recommend adoption of the draft ordinance by the City Council.

Respectfully submitted,


Ethan Browning, Jr.,
Planning Director

EBj:TM:bw

Attachments



CITY PLANNING COMMISSION

January 7, 1980

RECEIVED

Mr. Ethan Browning, Director
Sacramento City Planning Commission
City Hall, Room 308
915 "I" Street
Sacramento, CA 95814

✓ Mr. Toku Masuda
Planning Department
City of Sacramento
915 "I" Street, Room 308
Sacramento, CA 95814

Gentlemen:

We would like to offer some brief final comments for your review prior to the Planning Commission's consideration of the proposed ordinance implementing the Gualco bills.

On page 2, C.2., "filing and investigation fee" is undefined and we would appreciate clarification as to its scope. We believe the City is basically a "responsible agency," and we note that the Gualco legislation does not provide for either a permit requirement or fee. Public Utilities Code Sec. 12808.5 (AB 243), which applies to transmission lines, includes a legislative finding that "...the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not place any financial burden on local government." Government Code Sec. 53091 (AB 242), which applies to substations, allows payment of fees by local agencies required to comply with "building ordinances and zoning ordinances" (emphasis added) and then goes on to state that building ordinances shall not apply to transmission facilities (which include substations). Sec. 53091, therefore, does not authorize the fee in the present ordinance. Government Code Sec. 6103 and 6103.7 do not appear to authorize such a fee either. We, therefore, request that you reconsider the fee requirement.

On page 2, 3., we interpret "certified" pursuant to CEQA to mean after adoption by the Board of Directors but prior to issuance of a final Notice of Determination.

On page 2, 3.a., "demand" should be changed to "requirements" for clarification.

On page 3, 3(e), we suggest including the words "readily available to the District" after "any other information." The District intends to fully cooperate with the City in providing information regarding projects subject to

M-436 + M-437

1-24-80

Items 31 + 32

Ethan Browning
Toku Masuda

page 2

January 7, 1980

review, but the present wording is open-ended and could present future difficulties.


On page 3, 4(a) and 4(d), both contain language to the effect that a permit is to be filed "and accepted as complete" by the City. The quoted language could result in indefinite delays. The statute simply provides that within 60 days of SMUD's submittal to the City, the City shall hold a public hearing and adopt a resolution approving or disapproving the project or approving an alternative. We request that you delete the quoted language from 4(a) and (d).

On page 3, paragraph 4(b) should include "a one-fourth page advertisement" to track the statutory requirement.

On page 4, we recommend that paragraph 6(c) read "Preference should be given to locate substations on other than local or collector streets."

Thank you for your consideration of the above.

Sincerely,



John Ravera, Manager
Engineering Department

JR/vc

ORDINANCE NO. 4319 FOURTH SERIES

AN ORDINANCE ADDING SECTION 29 TO THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SACRAMENTO, ORDINANCE NO. 2550, FOURTH SERIES, RELATING TO HIGH VOLTAGE TRANSMISSION FACILITIES

SECTION 1.

Section 29 is hereby added to the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, to read as follows:

Section 29. High Voltage Transmission Facilities.

A. PURPOSE

It is the intent of this Section to implement with a single procedure Section 12808.5 of the California Public Utilities Code and Sections 53091 and 53096 of the California Government Code which authorizes the City to review and to approve or disapprove the location and construction of facilities for the transmission of electrical energy, operating at 100,000 volts or more, such as substations, transmission lines and poles, and accessory structures, by the Sacramento Municipal Utility District (SMUD). It is the purpose of this section to provide for these facilities in the City's communities in the most compatible and least obtrusive manner, while insuring that electrical energy is made available to every part of the City. The procedural rules set forth herein are designed to insure that sufficient information is provided in a timely manner to allow the City to make a reasonable and informed decision on applications submitted.

B. DEFINITIONS

For purposes of this Section, the following definitions shall apply:

1. Direct impact shall mean interference with the use or enjoyment of a person's property, real or personal, such as visual impacts, noise impacts, and interference with antenna reception.
2. Feasible shall mean capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

APPROVED
BY THE CITY COUNCIL

MAR 4 1980

OFFICE OF THE
CITY CLERK

3. High voltage transmission facilities shall mean electrical transmission lines, poles, and accessory structures operated at the electrical potential of 100,000 volts or greater, and substations where at least one of the transmission lines connecting with the facility is operated at the electrical potential of 100,000 volts or greater.
4. SMUD shall mean the Sacramento Municipal Utility District.
5. Substation shall mean a facility which transforms electrical energy to a lesser voltage for the purposes of subregional or localized distribution, or which functions as a transition point from overhead to underground electrical transmission lines, or which acts as the point of convergence for two or more transmission lines.

C. PROCEDURE

1. Location

High voltage transmission facilities may be located in any zone subject to the provisions of this Section.

2. Permit Required

A transmission facilities permit is required to construct and locate a high voltage transmission facility in any zone. Application for a transmission facility permit shall be filed with the Planning Commission and shall be subject to a filing and investigation fee: transmission line fees to be the same as Special Permit fees. Substation fees to be the same as Rezoning fees. (See adopted City Planning Department Fee Schedule.)

3. Information to Accompany Permit Application

An application for a transmission facility permit shall be accompanied by plans and the environmental document prepared and certified pursuant to the California Environmental Quality Act, Public Resources Code Section 21000 et seq., sufficient in detail to allow the Planning Commission and the City Council to determine the exact nature and extent of the use. The application shall include at a minimum the following information:

- (a) the expected electrical requirements, as determined by SMUD, of the areas within the District which will be affected by the project;
- (b) the locations and capacities of the high voltage transmission facilities proposed, together with a description of basic technical and design concepts that favor the selection of the chosen locations and a list of feasible alternative sites;

(c) an assessment of the type and magnitude of the direct impacts of the proposed project and of each alternative;

(d) mitigation measures:

(i) the measures to be implemented by SMUD to compensate for or mitigate the direct impacts of the project;

(ii) where any portion of a proposed project is adjacent to residentially zoned or residentially used property, a discussion of feasible routing alternatives;

(e) any other information the planning director deems necessary to allow the Planning Commission and City Council to determine the exact nature and extent of the proposed project and any impacts of the project.

4. Hearings

(a) Within 30 days after an application for a transmission facilities permit is filed and accepted as complete, the Planning Commission shall hold a public hearing thereon. The procedural requirements for the hearing shall be governed by Section 18 of this ordinance; provided, that said hearing may be initiated only by the permit applicant.

(b) Mailed notice of the hearing shall be provided at least 10 days prior to the hearing to the owners of all property within 300 feet of the property subject to the permit; provided, that if such mailed notice would result in notice to more than 250 persons, as an alternative to such mailed notice, notice may be given by placing an advertisement in a newspaper of general circulation within the area affected by the proposed facilities.

(c) The Planning Commission shall recommend approval, approval of an alternative or disapproval of the permit and transmit said recommendation to the City Council.

(d) Upon receipt of a recommendation of the permit from the Planning Commission, the City Council shall set the matter for hearing and give notice thereof as provided in Paragraph C-4-b of this Section. The hearing shall be conducted within 60 days of the date the application and environmental document was filed and accepted as complete; and the City Council shall adopt a resolution approving, approving an alternative or disapproving the permit.

5. Review Criteria and Findings

The Planning Commission and the City Council shall evaluate applications for transmission facilities permits in accordance with intent and purpose statement contained in subsection A of this Section and any applicable land use plans and policies adopted by the City Council. Any decision of the City Council on a transmission facilities permit application shall be based on findings concerning:

(a) The consistency of the proposed facilities with the City's general plan and applicable redevelopment and specific plans.

(b) Whether there are feasible alternatives to the proposal.

(c) Such other factors related to the public health, safety, and welfare as are included within the policies set forth below for assessing transmission facilities permits.

6. Policies

The City of Sacramento hereby adopts the following policies for reviewing transmission facilities permit applications:

(a) To discourage within the City lattice towers along new transmission lines right-of-way or along portions of existing right-of-way utilized for expansion of the transmission system.

(b) To incorporate into a project mitigation measures appropriate to the site of a particular project and each transmission line segment of a project whenever feasible, such as undergrounding or rerouting transmission lines to reduce visual impacts and antenna reception interference, reducing the number of poles or towers used for a project, using landscaping to screen or soften the visual impacts of projects, and incorporating sound attenuation measures into projects.

(c) To locate substations on other than local or collector streets.

(d) The following routing preferences are hereby adopted:

(i) Preference shall be given to the location of transmission lines in the rank order specified below:

a. Within existing SMUD transmission rights-of-way or rights-of-way anticipated for other projects proposed pursuant to this Section.

b. Adjacent to railroads or adopted freeway routes.

c. Along or adjacent to major arterial streets where existing or planned uses are commercial or industrial.

d. Adjacent to or through existing or planned commercial, industrial or agricultural uses.

e. Along arterial streets where residential uses designated in an adopted plan are RD-2 or greater density.

f. Through areas where land uses in an adopted plan are predominantly commercial, but include residential uses.

g. Through residential areas, including side and rear yards, irrespective of density.

(ii) Preference shall be given to the location of substations in the following rank order:

a. Areas designated for industrial or commercial land uses in an adopted plan.

b. Undeveloped areas designated for residential use in an adopted plan.

c. Areas designated Agricultural-Urban Reserve in an adopted plan.

d. Sites designated for residential use in an adopted plan and surrounded by existing residential uses.

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK



CITY OF SACRAMENTO

OFFICE OF THE CITY CLERK

815 F STREET
CITY HALL ROOM 203

SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 448-5426

LORRAINE MAGANA
CITY CLERK


March 5, 1980

John Ravera, Manager
Engineering Department
Sacramento Municipal Utility District (SMUD)
6201 S Street
P. O. Box 15830
Sacramento, CA 95813

Dear Mr. Ravera:

On March 4, 1980, the City Council adopted the enclosed ordinance adding Section 29 to the Comprehensive Zoning Ordinance of the City, Ordinance No. 2550, Fourth Series, relating to high voltage transmission facilities. (M-428)

Sincerely,


Jaci Pappas
Acting City Clerk

Encl.

JP:HO'

cc: Planning Department

Item No.24