

## **RESOLUTION NO. 2019-01**

**A RESOLUTION OF THE LASSEN MUNICIPAL UTILITY DISTRICT  
MAKING FINDINGS THAT (1) THE SKEDDADLE SUBSTATION/NV ENERGY  
INTERCONNECTION PROJECT CONSTITUTES AN ELECTRICAL  
TRANSMISSION FACILITY, AND (2) THERE IS NO FEASIBLE  
ALTERNATIVE TO THE PROJECT LOCATION, RENDERING COUNTY OF  
LASSEN ZONING ORDINANCES INAPPLICABLE PURSUANT TO  
GOVERNMENT CODE SECTIONS 53091 AND 53096, AND PUBLIC UTILITIES  
CODE SECTION 12808.5**

**WHEREAS**, the Lassen Municipal Utility District (“District”) is a municipal utility district organized under California’s Municipal Utility District Act (Public Utilities Code § 11501, *et seq.*) which provides retail electrical service to its customers, and wheels wholesale power for power producers, located within Lassen County, California;

**WHEREAS**, Government Code section 53091, subdivisions (d) and (e), expressly exempt from county and city building and zoning ordinances the construction of certain facilities for the production, generation or transmission of electrical energy by a local agency, such as the District;

**WHEREAS**, the District desires to construct the Skedaddle Substation/NV Energy Interconnection Project, which includes certain facilities, such as: a 60 kV substation, an overhead line to connect to existing District lines, and a connection line to the 345kV transmission line owned by NV Energy;

**WHEREAS**, the proposed District facilities will improve reliability of deliveries of electric power as compared to the existing connection to PG&E;

**WHEREAS**, the District’s proposed connection line to the proposed substation exceeds 100,000 volts such that an exemption under Government Code section 53096 is necessary because the more general exemption under Government Code section 53091 does not apply to high voltage substations receiving power in excess of 100,000 volts;

**WHEREAS**, the District’s proposed facilities potentially trigger additionally requirements under Public Utilities Code section 12808.5 with respect to the District’s proposed line facilities;

**WHEREAS**, in order to satisfy the public notice and hearing requirements under Government Code section 53096 and Public Utilities Code section 12808.5, the District provided notice of public hearing at least 10 days prior to the public hearing to all property owners within 300 feet of the location of the proposed District facilities, in

addition to posting notice of the public hearing in a conspicuous place at the proposed substation facility site. A true and correct copy of the Notice of Public Hearing is attached as Exhibit 'A' and incorporated herein.

**WHEREAS**, District representatives were unable to identify any other sites owned by the District with sufficient space suitable for the purpose of installing the proposed District facilities. The District does not own any other property that has the acreage and necessary components for a successful interconnection project. The proposed site for the project facilities is a prime location for the substation and associated lines based on economic, environmental, social and technological factors.

**WHEREAS**, in light of the above, the District seeks to make formal findings that the proposed project facilities will be directly utilized by the District for the transmission of electrical energy and there is not a feasible alternative to the location of the proposed facilities, and, as such, the facilities are exempted from the County of Lassen and any other county or city zoning and building requirements under sections 53091 and 53096 of the Government Code, and section 12808.5 of the Public Utilities Code.

**WHEREAS**, the District received, considered and responded to all comments from the public, as well as any interested persons or agencies, at the required public hearing in this matter.

**WHEREAS**, all other legal prerequisites to the adoption of this Resolution have occurred.

**NOW THEREFORE, BE IT RESOLVED,**

1. That the matters set forth in the recitals to the Resolution are true and correct statements.
2. The District finds and determines that the project constitutes facilities for the transmission of electrical energy, and therefore meets the criteria for exemption from: (1) County of Lassen building ordinances under Government Code section 53091(d); and (2) County of Lassen zoning ordinances under Government Code sections 53091(e), 53096, and, to the extent applicable, Public Utilities Code section 12808.5.
3. The District finds it is not feasible to install the proposed facilities at any other locations other than the proposed location identified in Exhibit 'B', attached hereto and incorporated herein. This determination is based on the District's report attached as Exhibit 'C' hereto and incorporated herein.

4. Based on the above findings, the District determines that there is no feasible alternative to the location of the Skedaddle Substation/NV Energy Interconnection Project, by, at least, four-fifths vote, and thus County of Lassen zoning ordinances, including but not limited to, Upland Conservation District-Geothermal Combining District ordinances (Lassen County Code, Chapter 18.68, *et seq.*) are rendered inapplicable to the Skedaddle Substation/NV Energy Interconnection Project.
5. The District directs staff to provide the County of Lassen with a copy of this Resolution within 10 calendar days of the District's adoption.

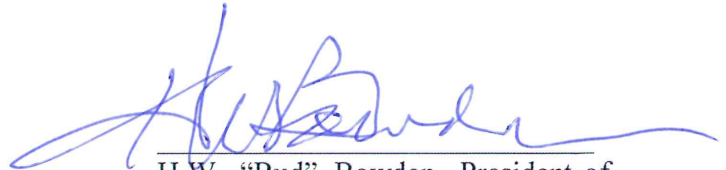
The foregoing Resolution was duly and regularly **passed and adopted** by the Board of Directors of the Lassen Municipal Utility District at a regular meeting of said Board duly noticed and held on the 26 day of March, 2019, as follows:

AYES: 5

NOES: 0

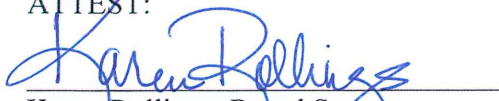
ABSENT: 0

ABSTENTIONS: 0




H.W. "Bud" Bowden, President of  
the Board of Directors of the Lassen  
Municipal Utility District

ATTEST:



Karen Rollings, Board Secretary,  
Lassen Municipal Utility District

APPROVED AS TO FORM



Eugene Chittock, General Counsel