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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Planning Commission
Jim Egbert, Chair**

**FROM: Gabe Sevigny, Planner II
Beck Grimm, E.I. Engineer I
Craig Dossey, Executive Director**

**RE: Project File #: U-18-002
Project Name: Mountain View Electric Association Yoder Substation
Parcel No.: 1400000507**

OWNER:	REPRESENTATIVE:
Mark J. Kneis II 1625 North Yoder Road Yoder, CO 80864	Mountain View Electric Association, Inc. ATTN: David Waldner 11140 East Woodmen Road Falcon, CO 80831

Commissioner District: 4

Planning Commission Hearing Date:	11/20/2018
Board of County Commissioners Hearing Date:	N/A

EXECUTIVE SUMMARY

A request by Mountain View Electric Association, Inc., for approval of location to allow for a 69 kV electrical substation. The approval of location application is made pursuant to C.R.S. § 30-28-110 and Section 5.3.3 of the El Paso County Land Development Code (2018). The five (5) acre parcel, known as Tract M of The Mountain View Electric Exemption Plat, is zoned A-35 (Agricultural) and is located along the east side of North Yoder Road approximately one mile north of Highway 94.



A. REQUEST/WAIVERS

Request: A request by Mountain View Electric Association, Inc., for approval of location to allow a 69 kV electrical substation pursuant to C.R.S. § 30-28-110 and Section 5.3.3 of the El Paso County Land Development Code (2018).

Waiver(s): There are no waivers requested with the approval of location.

B. PLANNING COMMISSION SUMMARY

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

C. APPROVAL CRITERIA

Section 5.3.3.J, Approval of Location, Review Standards, of the Land Development Code (2018) states:

“The application for a public use, structure or utility is reviewed for conformity with the submittal and processing requirements included within this Code and Procedures Manual and for conformity with the adopted Master Plan.”

D. LOCATION

North:	A-35 (Agricultural)	Residential
South:	A-35 (Agricultural)	Residential
East:	A-35 (Agricultural)	Vacant
West:	A-35 (Agricultural)	Residential

E. BACKGROUND

The five (5) acre parcel is zoned A-35 (Agricultural) and is subject to approval by the Board of County Commissioners for a Subdivision Exemption Plat (EX-18-001) and the anticipated design and construction of the electrical substation on the parcel will require prior administrative approval of a site development plan (PPR-18-027). An Administrative Relief application (ADR-18-002) was approved on October 2, 2018, for the remaining 30.98 acres to legalize the parcel within the A-35 zoning district, which requires a minimum of 35 acres. The five (5) acre parcel proposed to be used for an electrical substation will be considered conforming with respect to lot size per

the Criteria of Approval under Section 7.2.2(E)(6)(c) of the El Paso County Land Development Code (2018).

The five (5) acre parcel was initially a part of a 35.98 acre parcel zoned A-35 (Agricultural), which was initially zoned in March 1999 via a County initiated rezoning. The applicant is proposing to construct a 69 kV electrical substation. This proposed substation is exempt from the requirements of the County's 1041 Regulations. Specifically, Section 5.104(4) of the 1041 Regulations states "A permit under this Chapter 5 is required to construct, locate, relocate, reconstruct, enlarge or upgrade any electric transmission line and appurtenant facilities used to transmit electricity at 115 kilovolts or more at any location within the unincorporated area of El Paso County." Since this proposed substation is to be operated at 69kV, it is not subject to the County's 1041 Regulations.

F. ANALYSIS

1. LAND DEVELOPMENT CODE ANALYSIS

The request for approval of location is reviewed for conformity with the requirements of the El Paso County Land Development Code (2018) and for conformity with the County Master Plan. Staff finds that the proposed use complies with Section 5.3.3 of the Land Development Code regarding approval of location and C.R.S. 30-28-110, with the conditions and notation.

2. ZONING COMPLIANCE

A public use or facility is permitted in any zoning district, subject to the approval of location process. The density and dimensional standards of the zoning district should be considered in the siting of the structures to ensure compatibility with surrounding land uses. The proposed 69 kV electrical substation is consistent with the A-35 (Agricultural) zoning district as a public utility that will be serving local customers. Setback requirements are 25 feet on all sides and the maximum building height is 40 feet. The concurrently reviewed Site Development Plan (PPR-18-027) and indicates setbacks of 156 feet on the south side, 136 feet on the east side, 133 feet on the north side, and 91 feet on the west side from the property lines to the 6 foot chain link fence.

The proposed site development plan shows a structure height of 23 feet. This will meet the zoning requirements of the A-35 (agricultural) zoning district of 30 feet.

3. POLICY PLAN ANALYSIS

The Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues, and provides a framework to tie

together the more detailed sub-area elements of the County master plan. Relevant policies are as follows:

Goal 6.1.B *Support growth and development in the unincorporated County in a manner which reasonably limits long term public costs, provides for the development of supporting infrastructure, preserves environmental quality, provides economic opportunities, and otherwise enhance the quality of life.*

Policy 6.1.4 *Encourage the logical timing and phasing of development to allow for the efficient and economical provision of facilities and services.*

Policy 12.4.1 *Ensure that electric, natural gas, petroleum and other facilities (generation, distribution, pipelines and storage) are located in a manner which is safe, environmentally sensitive and which does not unreasonably burden particular property owners with adverse impacts*

The approval of location will allow the construction and ongoing operation of a 69kV electrical substation. According to the applicant's letter of intent, the long distribution lines connecting the current substations to the distant customers are becoming overloaded, and warrant the need for a new substation to off-set the higher demand. A site development plan application (PPR-18-027) will need to be completed and administratively approved in order to ensure that the structure and uses are properly sited and screened. A Subdivision Exemption (EX-18-001) application is under concurrent review and is intended to legally create the parcel. An Administrative Relief (ADR-18-002) was approved administratively on October 2, 2018, to legalize the remaining 30.98 acres within the A-35 zoning district, which requires a minimum lot size of 35 acres.

4. SMALL AREA PLAN ANALYSIS

The subject property is not within a small area plan

5. OTHER MASTER PLAN ELEMENTS

The El Paso County Wildlife Habitat Descriptors (1996) identifies development of the property as having a low wildlife impact potential. The El Paso County Community Services Department, Environmental Division, was sent a referral and has no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies potential alluvial fan deposits and mesa gravel deposits in the area of the subject property. A mineral

rights certification was prepared by the applicant indicating that, upon researching the records with El Paso County, no severed mineral rights exist.

G. PHYSICAL SITE CHARACTERISTICS

1. HAZARDS

No hazards were identified in the review of the application.

2. WILDLIFE

The El Paso County Wildlife Habitat Descriptors (1996) identifies development of the property as having a low wildlife impact potential.

3. FLOODPLAIN

FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0875F shows the property is located within Zone X, an area determined to be outside of the 500-year floodplain.

4. DRAINAGE AND EROSION

The property is located within the Upper Pond Creek drainage basin (HOPO0600), which is an unstudied basin. No drainage or bridge fees are assessed with approval of location requests.

A grading and erosion control plan has been submitted with the site development plan. The plan calls for permanent and construction best management practices (BMPs) to prevent sediment and debris from affecting adjoining properties and the public stormwater system before, during, and after grading activities.

The site generally drains to the south. A drainage report has been submitted with the site development plan which concluded that there will be no negative impacts and the proposed use will not adversely affect the downstream or surrounding properties.

5. TRANSPORTATION

The site is accessed from Yoder Road via an existing access easement. A traffic impact study was not required since the proposed use of the utility substation is not anticipated to create an additional 100 average daily trips to the site.

I. SERVICES

1. WATER

There are no facilities proposed requiring water service. Landscaping, as depicted on the concurrently review site development plan, will be hand watered until established.

2. SANITATION

There are no facilities requiring sanitation services in association with the proposed unmanned electrical substation.

3. EMERGENCY SERVICES

The site is located within the boundaries of Tri-County Fire Protection District. The District was sent a referral and did not respond.

4. UTILITIES

Mountain View Electric Association, Inc., will own and operate the electrical substation. No other utilities are proposed for the site.

5. METROPOLITAN DISTRICTS

The property is not located within a metropolitan district.

6. PARKS/TRAILS

Parkland dedication or fees in lieu of dedication are not required for location of approval requests.

7. SCHOOLS

Land dedication or fees in lieu of dedication are not required for location of approval requests.

I. APPLICABLE RESOLUTIONS

Approval Page 9
Disapproval Page 10

J. STATUS OF MAJOR ISSUES

There are no major outstanding issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission find that the request meets the criteria for approval outlined in 5.3.3 of the El Paso County Land Development Code (2018), staff recommends the following conditions and notations:

CONDITIONS OF APPROVAL

1. No substantial expansion, enlargement, or modification of the site development plan, shall be allowed except upon reevaluation and public hearing as specified in the El Paso County Land Development Code.
2. The applicant shall seek approval from the Planning and Community Development Department of a site development plan within ninety (90) days of approval unless otherwise administratively extended by the Planning and Community Development Department Director.
3. The applicant shall seek approval from the Planning and Community Development Department of a Subdivision Exemption Plat within ninety (90) days of approval unless otherwise administratively extended by the Planning and Community Development Department Director.
4. The proposed use shall comply with all requirements of the El Paso County Land Development Code and all County, State, and federal regulations except for those portions varied by this action.

NOTATION

1. Approval of location requests are not forwarded to the El Paso County Board of County Commissioners for consideration. Pursuant to C.R.S. § 30-28-110, the final El Paso County action occurs at the Planning Commission.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified six (6) adjoining property owners on October 22, 2018, for the November 20, 2018 hearing. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Site Plan

El Paso County Parcel Information

File Name: U-18-002

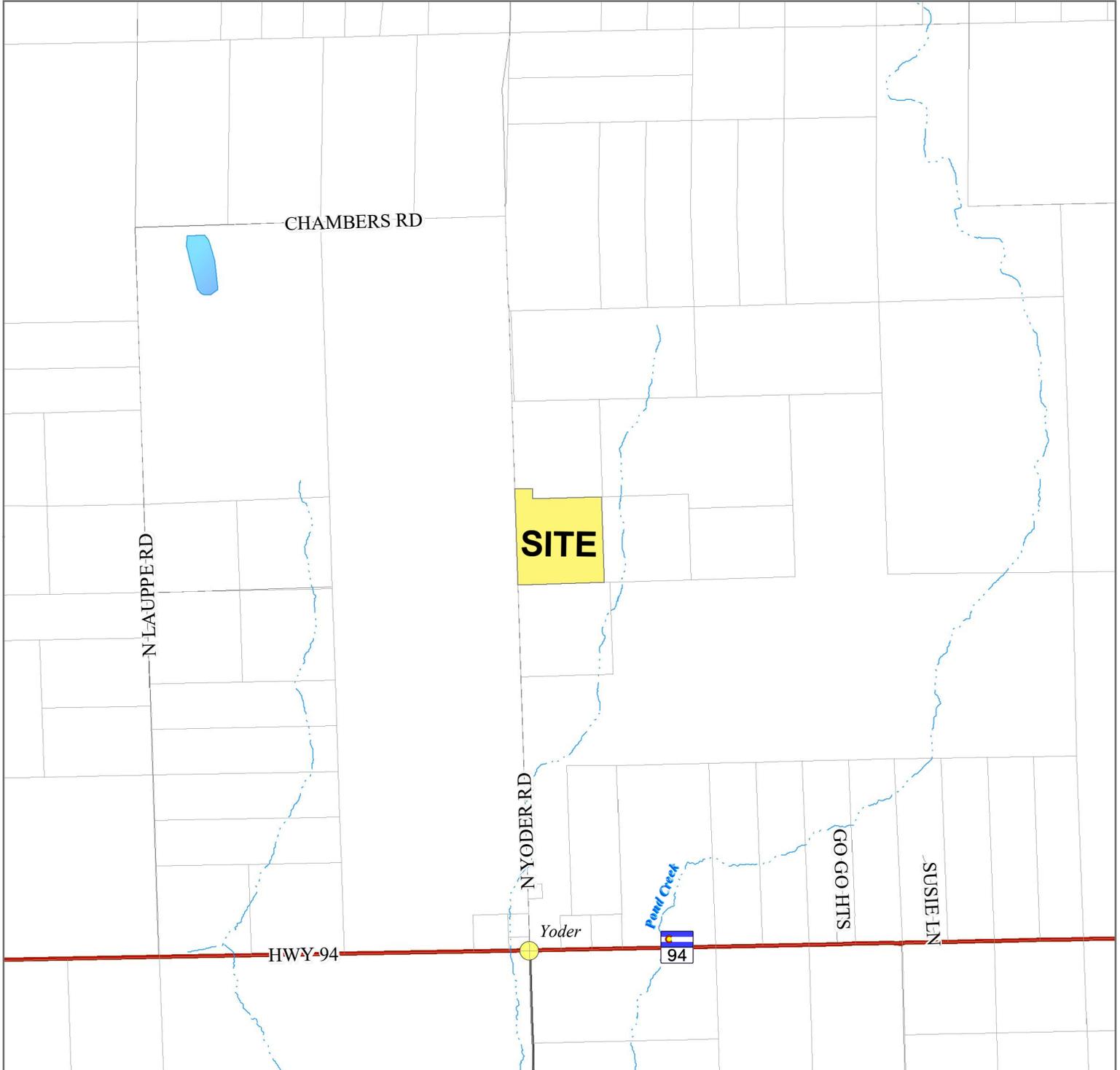
PARCEL	NAME
140000507	KNEIS MARK J II

Zone Map No.: --

ADDRESS	CITY	STATE
1625 N YODER RD	YODER	CO

ZIP	ZIPLUS
80864	9815

Date: October 16, 2018



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W. Garden of the Gods Rd.
 Colorado Springs, CO 80907
 (919) 520-6600



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LETTER OF INTENT

October 3, 2018
El Paso County Planning & Community
2880 International Circle
Colorado Springs, CO 80903

RE: Letter of Intent

Mountain View Electric Association, Inc.
Project U 182 – Yoder Substation

Dear Ladies and Gentlemen:

This Letter of Intent is submitted in support of a request for approval of:

- Utility location for an electrical substation pursuant to Section 5.3.3

NEED FOR THE PROJECT

All of southeastern El Paso County is served with electricity from either Mountain View's Ellicott Substation or its Rush Substation. The long distribution lines connecting these substations to the distant consumers are becoming overloaded, and it is increasingly difficult to maintain proper electrical voltage levels at the point of use of the electricity. The area is continuing to be subdivided, including into 35 acre parcels, so the electrical needs of the area will continue to grow in the future as these parcels are developed. Mountain View has determined that the best plan to assure sufficient electrical service to the area in the future is the development of additional substation capacity east of Ellicott.

THE PROPOSED SUBSTATION PROPERTY

Mountain View proposes to purchase a five acre substation site from Mark Kneiss II in the Southwest quarter of Section 3, Township 14 South, Range 61 West of the 6th P.M. The site is located in the southeast corner of parcel number 1400 00 0507, approximately 775 feet east of Yoder Road and approximately one mile north of Colorado Highway 94. Mountain View has a contract with Mr. Kneiss to purchase the site, conditional on approval by the County of this Application. Mountain View proposes that access to the site would be by a gravel access road from Yoder Road adjacent to the South Line of said Section 3.

ACCESS ROADS AND GATES

Yoder Road will be used for construction and maintenance of the substation, followed by a gravel access road in the county section-line right-of-way adjacent to the existing transmission line corridor. A driveway access permit will be obtained prior to any construction. All construction and maintenance vehicles will follow designated routes to access the line.

LANDSCAPING

MVEA is requesting an Alternative Landscaping Plan that is less than the El Paso land development code 6.2.2(D)(b) requires because:

A. The subject parcel is abutted on two sides by properties that are used for residential (west and north) and by properties used for agriculture on two sides (east and south). All abutting properties are zoned agriculture.

B. The subject parcel is located in a sparsely populated area.

C. Water resources are scarce in the area and we intend not to drill a well thus requiring tree water to be hauled in by truck.

D. Screen trees will be installed only in locations which most benefit existing neighbors located to the west and to the north.

Mountain View proposes to purchase a five acre substation site from Mark Kneiss II in the Southwest quarter of Section 3, Township 14 South, Range 61 West of the 6th P.M.

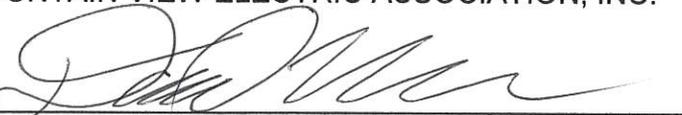
THE SUBSTATION

Since the substation site is immediately adjacent to Mountain View's existing 69kV transmission line, no additional transmission lines to serve the substation will be needed other than the short connecting spans to be located on Mountain View's property. The currently proposed substation will cover one acre, 180 feet by 240 feet. It will be surrounded by a six-foot high chain link fence with an additional foot of barbed wire above the chain link. The area within the chain link fence will be rocked and kept weed-free to maintain safety and to provide a neat and clean appearance.

SUMMARY

Mountain View believes that approval of this request complies with all requirements of the El Paso County Land Development Code, and that it is a benefit to the owners of the land in question and those of neighboring properties. Mountain View request approval of the Subdivision Exemption.

Respectfully submitted,
MOUNTAIN VIEW ELECTRIC ASSOCIATION, INC.

By: 
David J. Waldner, Manager of Engineering

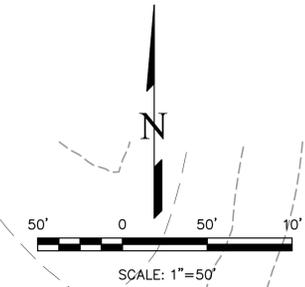
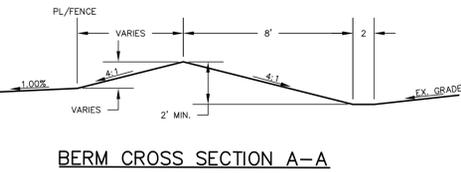
This Association is an equal opportunity provider and employer.

MVEA YODER SUBSTATION

EL PASO COUNTY

SITE PLAN

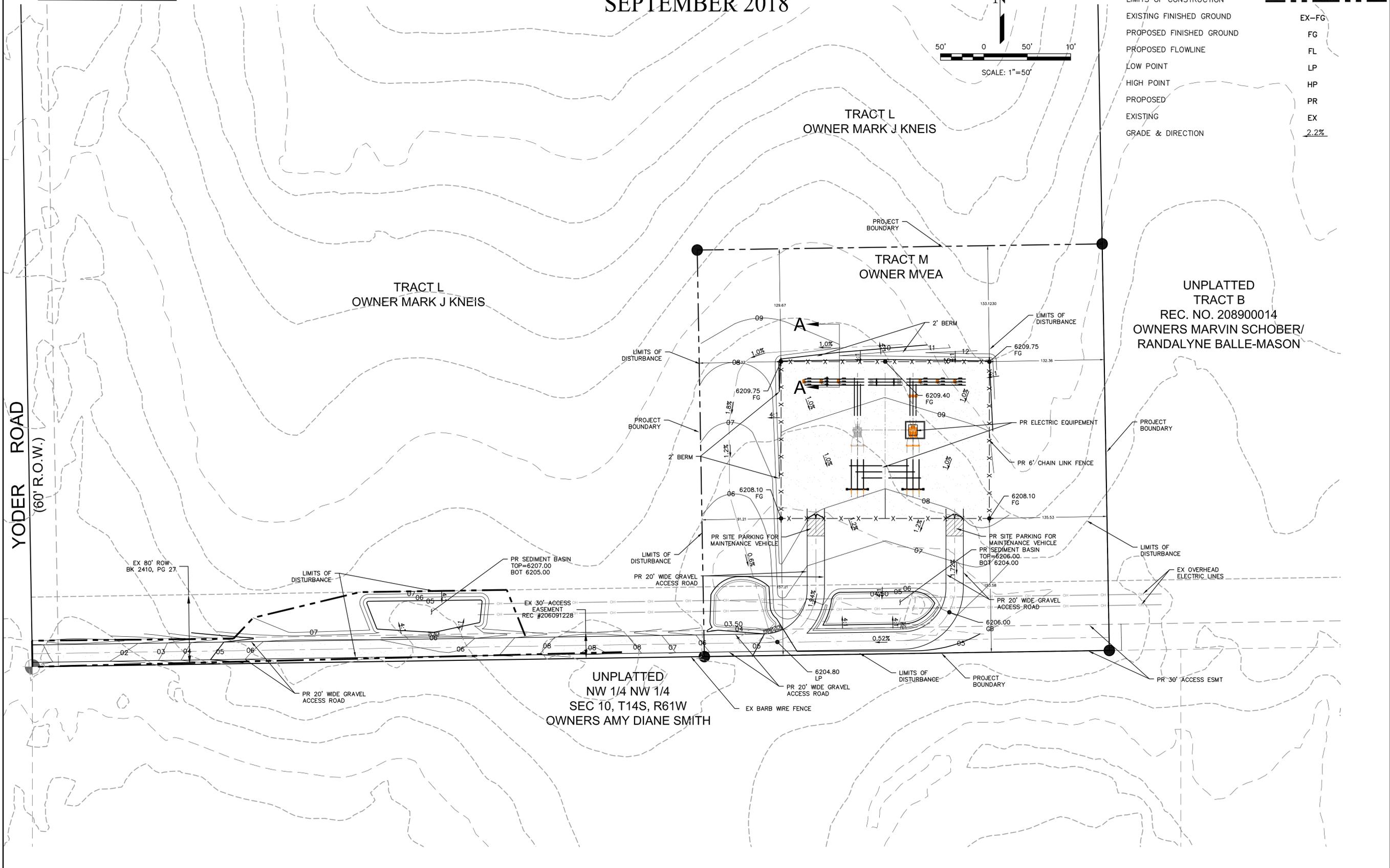
SEPTEMBER 2018



LEGEND

EXISTING CONTOURS - MINOR	---	6132
EXISTING CONTOURS - MAJOR	---	6130
PROPOSED CONTOURS - MINOR	---	6132
PROPOSED CONTOURS - MAJOR	---	6130
LIMITS OF CONSTRUCTION	---	---
EXISTING FINISHED GROUND	---	EX-FG
PROPOSED FINISHED GROUND	---	FG
PROPOSED FLOWLINE	---	FL
LOW POINT	---	LP
HIGH POINT	---	HP
PROPOSED	---	PR
EXISTING	---	EX
GRADE & DIRECTION	---	2.2%

YODER ROAD
(60' R.O.W.)



REVISIONS	NO.	DESCRIPTION	DATE
UNTIL SUCH TIME AS THESE DRAWINGS ARE APPROVED FOR THE PROJECT BY THE REVIEWING AGENCIES, TERRA NOVA ENGINEERING, INC. APPROVES THEIR USE ONLY FOR THE PROJECT AND FOR THE PURPOSES STATED BY WRITTEN AUTHORIZATION.			

PREPARED FOR:
MVEA
 ATTN: DAVID WALDNER
 11140 E. WOODMAN RD.
 PEYTON, CO 80931
 719-495-2283


 Terra Nova
 Engineering, Inc.
 Professional Civil Engineer No. 1115

721 S. 2900 STREET
 COLORADO SPRINGS, CO 80904
 OFFICE: 719-635-6422
 FAX: 719-635-6426
 www.tnaseinc.com

MVEA YODER SUBSTATION
 SITE PLAN

DESIGNED BY QNA
DRAWN BY QNA
CHECKED BY
H-SCALE 1"=50'
V-SCALE NA
JOB NO. 1802.00
DATE ISSUED 9/18/18
SHEET NO. 1 OF 1