



February 5, 2019

Nina Ruiz
Project Manager
El Paso County Dev Services Department
2880 International Circle
Colorado Springs, CO 80910-6107

Dear Ms. Ruiz:

Mountain View Electric Association, Inc. (MVEA) has these comments about the following:

Project Name: McCune Ranch, Preliminary Plan

Project Number: SP186

Description: Approval is being requested to develop approximately 766 acres with commercial and residential lots along with open spaces and road right of ways. This proposed development is located north of Hodgen Road and west of Meridian Road in Section 13, 14 and 24, Township 11 South, Range 65 West along with Section 19, Township 11 South, Range 64 West.

Mount View Electric Association, Inc. (MVEA) is opposed to the McCune Ranch Preliminary Plan (as presently configured) in light of the uncertainty that El Paso County has created with respect to Appendix B of Chapter 5 of the County Land Use Code.

MVEA owns and operates existing electric distribution lines within deeded easements adjacent to the existing ROWs for Hodgen Road and Meridian Road and within 105-feet of centerline off each road. Each road is also classified as a minor arterial in the County's 2040 transportation plan. The County has taken the position that under the County Land Use Code, distribution facilities may not be constructed, upgraded, or improved within 105-feet of the centerline of minor arterials, such as these two roads. Although MVEA disputes this interpretation of the County Land Use Code (and further maintains that this interpretation violates state law), as a consequence of the uncertainty created by the County, MVEA cannot support the current development plan for McCune Ranch because it includes so-called "preservation rights of way" which contemplate the expansion of these roadways over MVEA's existing vested easements and do not account for the potential need to relocate MVEA's facilities if such expansion does occur.

This Association is an equal opportunity provider and employer.



Page Two: McCune Ranch

If the County ever moves to expand the existing roadways, the County will be required to pay for the relocation of MVEA's existing distribution lines and new utility rights of way will need to be established through what is proposed to be McCune Ranch. Similarly, if the County's interpretation of the County Land Use Code is correct, then MVEA may be required to complete such relocation whenever it is necessary for MVEA to upgrade or otherwise improve these existing distribution lines. In either scenario, the cost of relocation will be substantially increased (if not rendered impossible) by the construction of any improvements within this expanded area.

To account for either possibility, the proposed development should be reconfigured at the outset to ensure that such relocation (at the County's sole expense) will be physically possible if the roadways are expanded in the future. Specifically, MVEA requires: (1) a deeded 20-foot wide easement running parallel to and 105 feet north of the centerline of Hodgen Road; and (2) a deeded 20-foot wide easement running parallel to and 105 feet west of the centerline of Meridian Road. MVEA still maintains that the County would be required to bear the expense of any relocation of its distribution facilities necessitated by the expansion of either roadway, but the reservation of these vested easements for the benefit of MVEA will at least ensure that such relocation is even possible.

Finally, as noted in the McCune Ranch application materials, MVEA has issued a "will serve" letter for this development. However, it must be noted that that letter is merely a pro forma filing that confirms that the proposed development is within MVEA's service territory and that service is technically possible. That letter should not be interpreted as a letter of support from MVEA. Given the issues discussed above, MVEA opposes the current land use proposal.

If additional information is required, please contact our office at (719) 495-2283.

Sincerely,



David Waldner
Engineering Manager