

## LETTER OF INTENT

May 23, 2018

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

**RE: Letter of Intent**

Mountain View Electric Association, Inc.  
Project EA 17205 – Yoder Substation

Dear Ladies and Gentlemen:

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

- A subdivision exemption, pursuant to Section 7.2.2E of the El Paso County Land Development Code, from a parcel of land currently owned by Mark Kneis, II;
- Administrative relief for the remaining property after grant of the subdivision exemption, as the remaining property will comprise less than 35 acres
- Utility location for an electrical substation pursuant to Section 5.3.3
- Minor Site Development Plan, pursuant of Section 7.2.2 of the El Paso County Land Development Code

Mountain View is a Colorado cooperative electric utility rendering retail electric service in eight counties in eastern Colorado, including major portions of El Paso County. Mountain View holds a Certificate of Public Convenience and Necessity from the Colorado Public Utilities Commission for its service territory.

Mountain View owns and operates a 69kV transmission line, located one mile north of State Highway 94, and running between its Ellicott Substation and its Rush Substation. The five acre project site is located north of this transmission line and immediately adjacent to the County's reserved section line road right of way; and is approximately 775 feet east of the center line of Yoder Road.

Accompanying the Petition are exhibits that relate to this request. These exhibits are listed on page 8 of this letter.

### **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.

### **ALTERNATIVES**

In making the decision to select the project described herein, Mountain View considered a number of alternatives. All alternatives that involved bringing in transmission lines from other sources were immediately eliminated as uneconomic and unacceptable from a siting and environmental stand point where the primary concern is to avoid construction of a new transmission line corridors.

The alternative of increasing distribution line capacity is only a temporary solution to the problem of load growth in the area, and will eventually result in the need for new substation capacity as the rebuilt distribution lines continue to see increasing electrical load. A new substation in the Yoder area is the best solution since: 1) a substation can be located adjacent to existing transmission lines, 2) location of a new substation source between Ellicott and Rush will allow distribution lines to be shorter, and hence carry lower levels of electric load per section; 3) a new substation will allow more consumers to receive loop service, decreasing the length of time of electrical outages due to damage to Mountain View's distribution system caused by storms or other causes.

Given the constraint of using the existing corridor, the only remaining question was the choice of location along the corridor. The proposed site was chosen since it was near the midpoint between the Ellicott and Rush Substations and was on property adjacent to Yoder Road, an all-weather road.

Finally, the no action alternative is not a viable option. Failure to upgrade Mountain View's system in the area will result in less reliable electric service and increased operational costs for the citizens of this portion of El Paso County, and could even lead to eventual moratoriums on new loads in the future. Mountain View's policy is to plan for the future and to obtain location approval and construct necessary substation facilities before development occurs.

### **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 6<sup>th</sup> P.M. The site is located in unplatted Tract G as shown on the Exemption Survey Plat, Exhibit C, that was recorded on January 16, 2008 at Reception No. 208900014, 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

## A driveway access permit must be submitted.

approval by the County of this Application. The proposed site is square, approximately 467 feet on a side, adjacent to the east boundary of said Tract G, and whose south line is thirty feet north of the South Line of said Section 3. 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. A proposed exemption plat of this site is attached hereto as Exhibit C, and a copy of the Title Commitment for the site is attached hereto as Exhibit B.

Mountain View has determined that coal on the proposed substation property was reserved by the United States Government at the time of original patent of the land in 1913, and is presently in the control of the US Bureau of Land Management.

All of said Tract G is zoned RR3, and so location approval for the substation will be required. Following purchase of the property, the substation land would become subject to Mountain View's mortgage to the Rural Utilities Service of the United States Department of Agriculture and the National Rural Utilities Finance Corporation. The site will automatically become subject to this mortgage, because of the all-after-acquired property clause contained therein, upon transfer of the land from Mr. Kneiss.

zoning is A-35

### 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. As shown on the Site Plan, Exhibit A attached hereto, 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. Disturbed areas outside the chain link fence will be restored by grading and seeding with native grasses. Lighting is shown on the Illumination Plan, Exhibit J. The plan shows lighting around the substation site perimeter and will only be used at night in emergency situations.

While the existing transmission line that will serve the substation is constructed and operated at 69kV, the new substation construction will be installed for 115kV operation, anticipating future upgrade of the transmission line, but it will initially be operated at 69kV until such time as the transmission line is rebuilt for the higher voltage. The proposed substation will be low profile, with the tallest structures and mass being the transformers and the control house. The take-off structures between the transformers and the existing transmission line, and the structures supporting the lightning protection wires, will be higher; however their mass will be less significant. The elevation drawings on Exhibit E show the height of these features.

The SWMP was never submitted.

Some cut and fill work will be required to level the five acre developed area. In addition, a detention pond will be constructed on the property to the south of the fenced substation. This is all shown on the Grading, Erosion & Sediment Control Plan, attached here to as Exhibit F. Of a total developed area of 220,000 square feet, less than 400 square feet will be covered by building, scattered foundations or other impervious material. The rocky surface of the remainder of the substation area will aid in the absorption of rainwater. After completion of the substation, any storm water runoff will flow into the small detention pond as shown on Exhibit A. The project will prepare and implement a Grading, Erosion & Sediment Control Plan and a Stormwater Management Plan F as required by the Colorado Department of Public Health and Environment to address all construction activities. The plan will detail the Best Management Practices (silt fencing, straw bales) to be used to prevent siltation from stormwater runoff from impacting open waters. The Substation Drainage Report, showing the small detention pond, is attached hereto as Exhibit G.

The substation will be unattended, and will have no water or sewage requirements other than for irrigation of landscaping in accordance with the Landscape Plan, Exhibit H. The substation will not be lit except during emergency maintenance conditions shown in the Lighting Plan, Exhibit J.

Mountain View will construct a gravel access road connection to Yoder Road. After the substation is in operation, it will be unmanned, with a two-man crew visiting twice a month to inspect equipment and do necessary maintenance. The only other times personnel would be at the site would be for annual equipment maintenance and occasionally for electrical service problems. The substation will not be lighted at night, except when there are maintenance personnel present. While at the substation company vehicles will be parked in the driveways outside the fenced gates as shown on Exhibit A.

### **SUBSTATION CONSTRUCTION**

The substation should take between three and six months to construct. The normal sequence of substation construction is:

- Grading and fencing
- Foundation installation
- Steel erection and building erection
- Placement of transformers and circuit breakers on foundations
- Installation of electrical bus work
- Completion of control wiring and testing

### **CONSTRUCTION STAGING AREAS**

Mountain View plans on using land owned by Mountain View within the 5 acre parcel, both inside and outside the substation fence as the staging area for substation construction. These areas will be fenced and locked gates will be install. At the completion of construction, any staging area outside the substation fence will be regraded, if needed, and reseeded with approved seed mix.

### **ACCESS ROADS AND GATES**

Yoder Road will be used for construction and maintenance of the substation as shown on Exhibit F, followed by a gravel access road in the county section-line right-of-way adjacent to the existing transmission line corridor. All construction and maintenance vehicles will follow designated routes to access the line.

### **CONSTRUCTION SAFETY**

All contractors will be responsible for developing, obtaining and implementing OSHA and Mountain View safety requirements, including traffic flagging and signs required by the County and State Highway Departments and wildfire prevention.

### **IMPACTS ARE MINIMIZED**

MVEA is a Rural Utility Service (RUS) borrower, and as a borrower, MVEA is responsible for complying with various RUS standards and practices. Therefore, for certain project types, MVEA must draft and submit a Borrower's Environmental Report (BER) to RUS for review, consideration, and approval. The BER specifically identifies various resource categories which are to be considered and or evaluated; to determine overall affect the Project will have on local and or regional resources. For the proposed Yoder Substation Project, the following resource categories and discussion topics are being evaluated and or addressed, respectively:

- Overall purpose and need for Project and detailed Project description and characterization of Project area,
- Discussion and determination of any other Connected Actions, if relevant,
- Description of current and general land use, and if relevant, discussions on neighboring or local Formerly Classified Lands; which are managed and or operated under the jurisdictional control of other state or federal land management agency,
- Description of and discussion on the affects the Project will pose to potential Federal Emergency Management Agency (FEMA) regulated floodplains, United States Army Corps of Engineers (USACE) jurisdictional wetlands and other waters of the U.S., under Section 404 of the Clean Water Act (CWA), State Historic Preservation Office

(SHPO) Section 106 cultural resources; within a surrounding 0.5 mile wide area of potential effect, State (Colorado Parks and Wildlife) and federal (U.S. Fish & Wildlife Service) Threatened, Endangered and Proposed Species and associated Critical or suitable Habitats; including detailed discussions on the Preble's meadow jumping mouse (*Zapus hudsonius preblei*), other fish and or wildlife resources protected by Migratory Bird Treaty Act (MBTA), 16 U.S.C. 703–712 or the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c), and local vegetation and habitat types, and

- Other resource categories considered and or evaluated will include affects towards air quality, water quality Section 401 of the CWA, visual aesthetics, transportation, noise, radio and television interference, human health and safety, and socioeconomic and community resources.

The substation transformer will contain mineral oil. An oil containment system will be placed around the transformer to prevent oil leaks and spills from reaching the surrounding environment. Erosion will be controlled by the ability of the substation's rocky ground surface to absorb rainwater and snow melt. There will be no significant runoff except during heavy storm and rainfall events, at which time the runoff will be similar to existing conditions; and any such runoff will flow naturally to the southeast into the detention pond as shown in Exhibit A. The substation access road will be gravel surfaced, and the road will be maintained to provide minimal impact to runoff.

The substation site is located in a sparsely populated area, and should not pose a significant visual intrusion. The substation will be secured by a gated fence. The gates in the chain link fence will be padlocked at all times unless a Mountain View employee is inside the fence performing maintenance. The use of barbed wire atop a six-foot high chain link fence will deter most potential casual trespassers, and DANGER-HIGH VOLTAGE signs (Exhibit I) will be placed on the chain link fence on all four sides of the substation.

Some soils will be disturbed during the construction process. Following the completion of construction, compacted soils will be loosened and leveled. All disturbed soils will be regraded and reseeded with native grasses to stabilize soils and minimize soil erosion.

Mountain View recognizes the public concern over the possible health effects caused by electric and magnetic fields ("EMF"). While primary exposure to magnetic fields is through normal exposure from the natural environment, such as appliances and devices in the home and at work, Mountain View realizes that there is also concern over the magnetic fields created by electric utility facilities. Even though the majority of current scientific evidence concludes that there is no link between magnetic fields and health effects, Mountain View has adopted, as corporate policy, programs that assure that our electric facilities are designed, constructed and operated in such a manner as to minimize, to the extent prudent and practicable, the amount of EMF that is created. Since the electrical loads in the area will be served by the existing transmission line, whether or not the substation is built, there would be no increase in EMF along the

transmission corridor with or without the substation. EMF levels from the substation itself should be negligible, if even measurable, outside the 5 acre substation site.

### **LAND OWNER CONTRACTS**

A written notice of the filing of the request for Utility Location, Minor Site Development Plan, Subdivision Exemption and Administrative Relief for the remainder of Tract G, together with Notification Letter, Site Map and Exemption Survey Play was sent to all adjacent landowners, as required by the County, by certified mail, return receipt requested, on May 07, 2018. A list of the landowners receiving this notice, is attached.

### **COMPLIANCE WITH REGIONAL LONG RANGE PLANS**

#### **El Paso County Policy Plan**

The proposed substation is not located in an area covered by any regional comprehensive plan. One goal and four policies in the El Paso County Policy Plan relate to siting of electric utility facilities.

**“Goal 7.5 – Allow for those ... transmission lines and related facilities which provide benefit to County residents in a manner which balances considerations of economics, equity and environmental sensitivity and provide for the equitable compensation to private landowners for impacts caused by these facilities.”**

**“Policy 7.5.1 – Encourage the multiple use of utility sites and corridors where feasible and appropriate.”**

**“Policy 12.4.1 – Ensure that electric ... facilities ... are located in a manner which is safe, environmentally sensitive and which does not unreasonably burden particular property owners with adverse impacts.”**

**“Policy 12.4.2 – Encourage burial of electric transmission and distribution lines where the cost of the activity will provide the maximum visual benefit to the most people.”**

**“Policy 12.4.5 – Encourage the use of existing easements for utility installation in order to reduce negative impacts in other areas”**

This project is solely for the benefit of El Paso County residents in the area of southeast El Paso County.

Location of the substation in the proposed location maximizes the use of existing easements and transmission lines, and locates the facility on a safe site with a minimum of environmental issues. Property owners are not burdened with adverse impacts, since the substation is being located adjacent to an existing transmission line and away from existing residences. Burial of a substation is always economically impractical, and in this instance would provide a visual benefit to very few people because of its remote location, away from heavily traveled roads.

## CRITERIA FOR APPROVAL

This proposal meets the criteria set forth in the Land Development Code for the exemption for subdivision regulations. The proposed application conforms to the requirements of Sections 5.3.3, 7.2.2 of the Land Development Code, and will be consistent with master plan documents. The exemption is not within the definitions of a subdivision set forth in C.R.S. 30-28-101.

## 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 Utility Location permit, Subdivision Exemption and Administrative Relief, and its proposed Exemption Plat.

Respectfully submitted,

MOUNTAIN VIEW ELECTRIC ASSOCIATION, INC.

By: \_\_\_\_\_

David J. Waldner, Manager of Engineering

### **Exhibits to the Application:**

- Exhibit A: Site Plan
- Exhibit B: Title Report
- Exhibit C: Exemption Survey Plat
- Exhibit D: Detention Basin Agreement
- Exhibit E: Elevation Drawings
- Exhibit F: Grading, Erosion & Sediment Control Plan
- Exhibit G: Drainage Report
- Exhibit H: Landscaping Plan
- Exhibit I: Danger-High Voltage Sign
- Exhibit J: Lighting Plan