

**TOWN OF ERIE
BOARD OF TRUSTEES MEETING
Tuesday, December 10, 2019**

SUBJECT: **PUBLIC HEARING**

1. Special Review Use

Resolution No.19-__: A Resolution Of The Board Of Trustees Of The Town Of Erie Approving A Special Review Use For An Electrical Substation Facility.

2. Site Plan

Resolution No. 19-__: A Resolution Of The Board Of Trustees Of The Town Of Erie Approving A Site Plan For An Electrical Substation.

PURPOSE: Consideration of a Special Review Use and Site Plan applications for an electrical substation

CODE REVIEW: Erie Municipal Code, Title 10

DEPARTMENT: Planning and Development

PRESENTER: Christopher C. LaRue, Senior Planner

STAFF RECOMMENDATION:

1. Special Review Use

Staff finds the Special Review Use application for the electrical substation facility in compliance with the Special Review Use Approval Criteria and recommends the Board of Trustees approve the Resolution with following conditions:

- a. The recordation of the Minor Subdivision shall occur before the Special Review Use comes into effect.
- b. The applicant shall comply with the requirements of their Construction Logistics Plan.

2. Site Plan

Staff finds the Site Plan for the electrical substation facility in compliance with the Site Plan Approval Criteria and recommends the Board of Trustees approve the Resolution with the following conditions of approval:

- a. The Special Review Use for the electrical substation facility shall be approved before approval of the Site Plan Amendment comes into effect.
- b. The recordation of the Minor Subdivision shall occur before the Special Review Use comes into effect.
- c. The applicant shall make technical corrections to the Site Plan and related documents as directed by Town staff.

PLANNING COMMISSION RECOMMENDATION:

A public hearing was held on November 20, 2019 for both the Special Review Use and Site Plan applications. The Planning Commission voted to recommend approval of both applications to the Board of Trustees. A condition was added to the Special Review Use to require a construction logistics plan, which has been submitted to staff and is contained within exhibit d of the attachments.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

Applicant: United Power (Steve Barwick)
500 Cooperative Way
Brighton, CO 80603

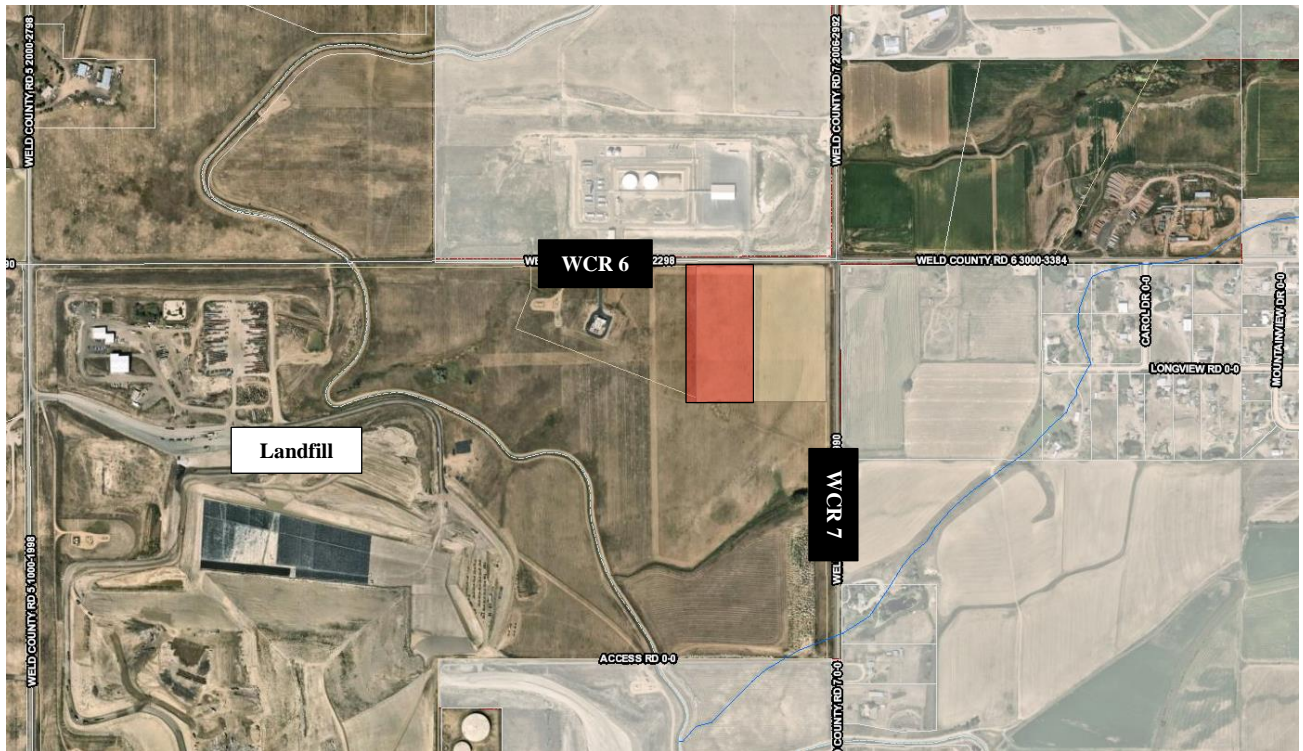
Existing Conditions:

Zoning: Public Lands & Institutions (PLI)
Project Size: 8.0 Acres
Existing Use: Vacant ground

Location:

The property is generally located southwest of the WCR 6 and WCR 7 intersection. The property is also northwest of the landfill. The site is highlighted in red below:





Adjacent Land-Use/Zoning:

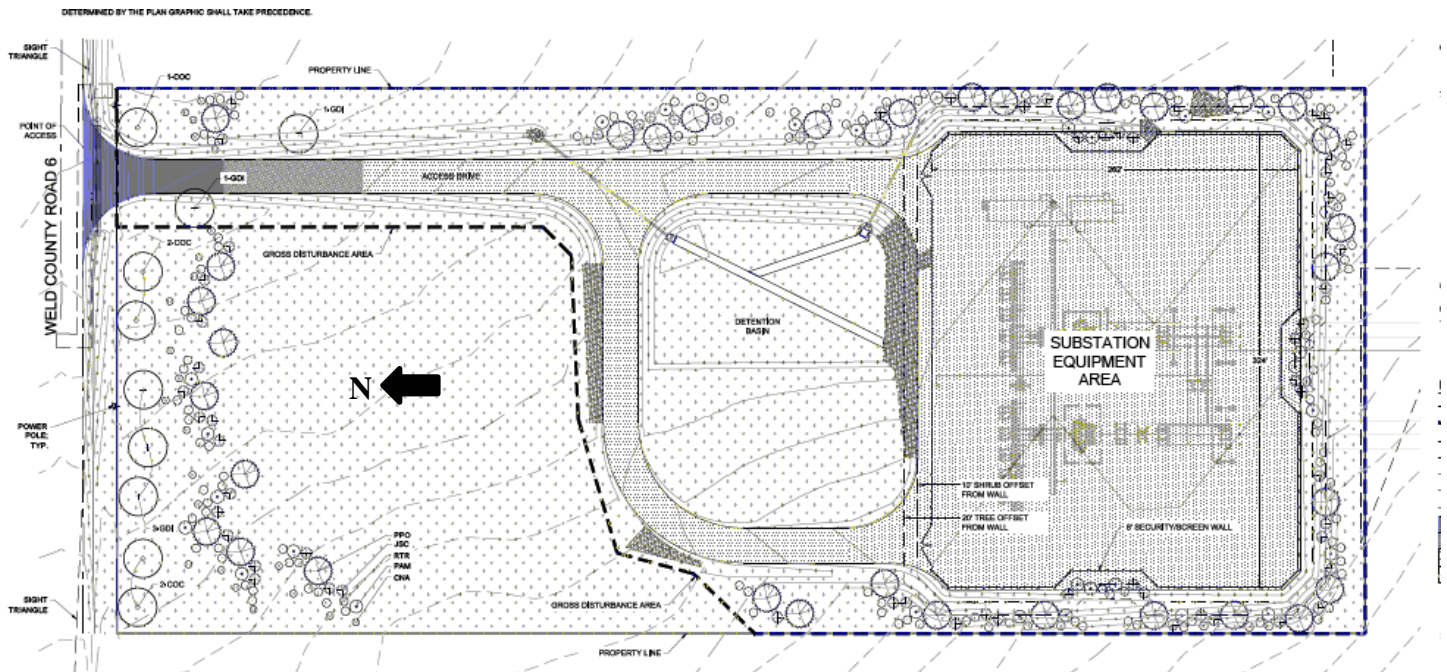
| | ZONING | LAND USE |
|-------|---------------------------------|-----------------|
| NORTH | A-Agricultural (Weld County) | Oil and Gas Hub |
| EAST | PLI-Public Lands & Institutions | Vacant |
| SOUTH | PD | Landfill owned |
| WEST | PD | Landfill owned |

PROJECT INFORMATION:

United Power, in coordination with Tri-State Generation and Transmission Association, Inc., is proposing to construct and operate a new electric substation (Lazy Dog Substation) on a parcel owned by United Power located near the southwestern corner of the intersection of Weld County Road 6 and Weld County Road 7. The substation site would be accessed from Weld County Road 6, which is approximately 0.15 of a mile west of Weld County Road 7. The Project would serve the growing electrical needs of the Town and the surrounding area. The applicant identified the subject property as being the best location for the Lazy Dog Substation based on the availability of an open parcel, compatibility with surrounding uses, and proximity to the load center where the electric power will be delivered to consumers.

The electrical substation, including the screen wall and landscaping, would be located on the south side of the 8-acre parcel. Components of the project would include the following: substation yard and equipment, driveway and access road, detention basin and swales, a screen wall, landscaping, and the addition of high voltage electrical equipment and facilities to connect into the existing Western Area Power Administration's 115-kilovolt (kV) transmission line to the south. Underground distribution lines would exit the substation on the northern and eastern sides of the substation and proceed to Weld County Road 6 and Weld County Road 7, respectively, to connect into United Power's existing distribution system. Within the screen wall would be electrical equipment including transformers, circuit breakers, protective equipment, electrical equipment enclosures, and space for parking service vehicles and substation equipment.

Below is the site plan and landscaping/screening plan for the site:



SITE SPECIFIC DEVELOPMENT INFORMATION:

The project proposal consists of a Site Plan and Special Review applications consisting of the following:

1. Site Plan / Special Review - ~86,339 square feet of substation yard/equipment area. Both applications require approval by the Board of Trustees.

Development Data:

- Gross site area 8 acres
- Substation yard/equipment footprint 95,122 SF

- Access Road 30,292 SF
- Landscaped area 89,066 SF
- Existing vegetation (native grass) 97,108SF

Setbacks:

The proposed substation exceeds all the setback requirements of the PLI zone district.

Access:

Access would be to Weld County Road 6. After the Planning Commission hearing, the applicant provided a construction logistics plan. This plan restricts the haul/construction routes from I-25 to Erie Parkway to County Road 7 and then County Road 6 into the site. The plan also restricts hauling from I-25 to Highway 7 to Sheridan Parkway / County Road 4 / County Road 5 to County Road 6 into the site. No construction traffic is permitted on County Road 6 between County Road 7 and the I-25 frontage road, or on County Road 7 between Highway 7 and County Road 6.

Lighting:

Emergency lighting would be installed within the substation yard and would only be activated in the event of an outage or other repair-related event during nighttime hours. The lighting would be mounted on static masts and light poles and would be full cut-off and directed downward toward equipment. The lights would only be turned on when utility personnel are at the site performing maintenance and the lights would be turned off after repairs are completed.

Screening and Landscaping:

The screen wall is designed as a solid decorative block wall, 8-feet-tall, in colors complimentary to the surrounding environment. A mix of deciduous and evergreen trees and shrubs would be used throughout the proposed substation site to provide a variety of colors, textures, and heights to blend the design into the surrounding area. Planting pockets are proposed on the west, south, and east sides of the wall. Additional plant material would be installed in the open space north of the electrical substation, and trees would be planted along the northern property line adjacent to Weld County Road 6. The detention basin would be located north of the electrical substation.

Alternative Equivalent Compliance (AEC)

Alternative Equivalent Compliance (AEC) for the height of the screen wall and planting pocket requirements is being requested for the Lazy Dog Substation Project. Screen wall maximum height is addressed in the Erie Unified Development Code (UDC) Section 10.6.4 Landscaping Requirements, Subsection H.5.a, regarding maximum height of fences and walls. The requirement for planting pockets is addressed in UDC Section 10.6.4, Subsection G.10.a.

To provide additional screening of the electrical equipment and provide security for the substation facility, the screen wall is proposed to be 8 feet tall, an alternative to the standard 6 feet. The additional height provides further screening of the site. Eight feet is also the industry standard for security of substations. Staff has no concerns with this AEC request.

To comply with Section 10.6.4G of Erie's UDC, planting pockets would be installed every 150 feet along the east, south, and west sides of the screen wall to break up continuous runs of the screen wall. Planting pocket requirements cannot be met for the northern side of the screen wall. The proximity of the detention basin to the substation facility's northern screen wall prevents the planting pocket design on the wall and planting of vegetation adjacent to the screen wall. The detention pond cannot be moved north because that would create an issue with added depth for the distribution feeder being buried. Burying the lines deeper could impair functionality and create loss of energy that could be directed into the grid. In addition, vacant area to the north is anticipated to one day allow necessary expansion of the substation. Finally, the substation is located over 600 feet from the adjacent road and the views will be blocked by planned landscaping. Staff has no concerns with this AEC request.

Special Review Use Analysis:

The Special Review Use was reviewed for conformance with Municipal Code, Title 10, Section 7.13.C.9, Approval Criteria. Staff finds the Special Review Use for the electrical Substation in compliance with the Special Review Use Approval Criteria as listed below.

- a. The proposed use is generally consistent with the Town's Comprehensive Master Plan and all applicable provisions of this UDC and applicable State and Federal regulations;

The Comprehensive Plan designates this property as Public/Quasi Public. This land use category anticipates facilities for essential public services such as electrical substations, water and wastewater facilities, and other similar uses. Staff finds this project proposal is consistent with the Comprehensive Plan.

- b. The proposed use is generally consistent with the purpose and intent of the zoning district in which it is located;

The purpose described in the Public Land & Institutions zone district section of the Code states these areas are for the development of public or quasi-public facilities or private facilities of a non-commercial character. The proposed electrical substation has been determined to be a non-commercial project. In addition, the use is classified as a Major Utility Facility which is permitted within the PLI zone district by Special Review Use. The substation is a vital component of the electrical infrastructure and provides necessary services to the Erie community.

- c. The proposed use is generally consistent with any applicable use-specific standards set forth in Section 3.2;

There are no applicable use-specific standards for an electrical substation. The proposed site development is consistent with the Use Regulations and Dimensional Standards of Title 10.

- d. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);

The proposed electrical substation is compatible with the adjacent uses. The long term anticipated impact of the facility is the potential visual impact however, in this case the visual impact will be largely mitigated by the proposed eight-foot

screening wall and landscaping associated with the PSCo power substation. The facility will be located on the southern portion of and well away from the road. Directly to north is the existing oil and gas hub. Southwest of the site is an existing landfill. There are no residential uses within the immediate vicinity of the subject site.

- e. Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent reasonably practicable;

Significant adverse impacts are not anticipated for this use.

- f. Facilities and services (including sewage and waste disposal, water, gas, electric, police and fire protection, and streets and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development;

Necessary utilities and services are readily available on the site.

- g. Adequate assurances of continuing maintenance have been provided; and

The proposed power substation will undergo continued maintenance and upkeep.

- h. Any significant adverse impacts on the natural environment will be mitigated to the maximum extent reasonably practicable.

Adverse impacts on the natural environment are not anticipated.

Site Plan Analysis:

The Site Plan was reviewed for conformance with Municipal Code 10.7.12.F.9 Approval Criteria. Staff finds the Site Plan in compliance with the Site Plan Approval Criteria as listed below.

- a. The Site Plan is generally consistent with the Town's Comprehensive Master Plan;

The Comprehensive Plan designates this property as Public/Quasi Public. This land use category anticipates facilities for essential public services such as electrical substations, water and wastewater facilities, and other similar uses. Staff finds this project proposal is consistent with the Comprehensive Plan.

- b. The Site Plan is generally consistent with any previously approved subdivision plat, planned development, or any other precedent plan or land use approval as applicable;

The proposed project requires an amendment to the existing Site Plan for the property. The applicant has properly amended that plan. In a separate application, the applicant is subdividing the property into two lots through a Minor Subdivision. The substation will be placed on Lot 1, which is zoned PLI, and is 8 acres in size

- c. The Site Plan complies with all applicable development and design standards set forth in this Code, including but not limited to the provisions in Chapter 2, Chapter 3, Chapter 4, and Chapter 6;

The site plan generally complies with the development and design standards of the Code. The Site Plan demonstrates installation of an 8' high wall and substantial landscaping along the perimeter of the wall and site.

- d. Any significant adverse impacts reasonably anticipated to result from the use will be mitigated or offset to the maximum extent practicable; and

Adverse impacts are not anticipated. The Site Plan demonstrates installation of an 8' high masonry textural wall, and substantial landscaping along the perimeter of the wall and site.

- e. The development proposed on the Site Plan and its general location is or will be compatible with the character of surrounding land uses.

The proposed electrical substation is compatible with the adjacent uses. The long term anticipated impact of the facility is the potential visual impact however, in this case the visual impact will be largely mitigated by the proposed screening and landscaping.

Neighborhood Meeting:

As required by the Municipal Code a Neighborhood Meeting was held on April 1, 2019. The required notice for the Neighborhood Meeting was provided.

Public Notice:

Notice of this Public Hearing has been provided as follows:

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|--------------------------------------|-------------------|
| Published in the Times Call: | November 20, 2019 |
| Property Posted as required: | November 22, 2019 |
| Letters to Adjacent Property Owners: | November 22, 2019 |

Public Comments:

No written public comment has been received for these applications. Two members of the public provided testimony at the Planning Commission hearing. Concerns expressed during the public testimony included construction traffic routes construction traffic safety, and lighting.