



**TOWN OF ERIE**  
Community Development Department – Planning Division  
645 Holbrook Street – PO Box 750 – Erie, CO 80516  
Tel: 303.926.2770 – Fax: 303.926.2706 – Web: [www.erieco.gov](http://www.erieco.gov)

**LAND USE APPLICATION**

*Please fill in this form completely. Incomplete applications will not be processed.*

STAFF USE ONLY		
FILE NAME:		
FILE NO:	DATE SUBMITTED:	FEES PAID:

**PROJECT/BUSINESS NAME:** Lazy Dog Substation

**PROJECT ADDRESS:** TBD

**PROJECT DESCRIPTION:** Application for a new electrical substation within the Town of Erie proposed to be developed by United Power and Tri-State Generation and Transmission Association, Inc.

**LEGAL DESCRIPTION** *(attach legal description if Metes & Bounds)*

Subdivision Name: See attached Exhibit A

Filing #: \_\_\_\_\_ Lot #: \_\_\_\_\_ Block #: \_\_\_\_\_ Section: 28 Township: 1N Range: 68W

**OWNER** *(attach separate sheets if multiple)*

Name/Company: United Power  
Contact Person: Steve Barwick  
Address: 500 Cooperative Way  
City/State/Zip: Brighton, CO 80603  
Phone: 303-637-1234 Fax: \_\_\_\_\_  
E-mail: sbarwick@UnitedPower.com

**AUTHORIZED REPRESENTATIVE**

Company/Firm: Same as owner  
Contact Person: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail: \_\_\_\_\_

**MINERAL RIGHTS OWNER** *(attach separate sheets if multiple)*

Name/Company: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_

**MINERAL LEASE HOLDER** *(attach separate sheets if multiple)*

Name/Company: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_

**LAND-USE & SUMMARY INFORMATION**

Present Zoning: Public Lands and Institutions  
Proposed Zoning: No change proposed  
Gross Acreage: 8 acres

Gross Site Density (du/ac): NA  
# Lots/Units Proposed: No change  
Gross Floor Area: NA

**SERVICE PROVIDERS**

Electric: United Power  
Metro District: \_\_\_\_\_  
Water (if other than Town): Town of Erie

Gas: None required  
Fire District: Mountain View Fire and Rescue  
Sewer (if other than Town): None required

**PAGE TWO MUST BE SIGNED AND NOTARIZED**

DEVELOPMENT REVIEW FEES			
<b>ANNEXATION</b>		<b>SUBDIVISION</b>	
<input type="checkbox"/> Major (10+ acres)	\$ 4000.00	<input type="checkbox"/> Sketch Plan	\$ 1000.00 + 10.00 per lot
<input type="checkbox"/> Minor (less than 10 acres)	\$ 2000.00	<input type="checkbox"/> Preliminary Plat	\$ 2000.00 + 40.00 per lot
<input type="checkbox"/> Deannexation	\$ 1000.00	<input type="checkbox"/> Final Plat	\$ 2000.00 + 20.00 per lot
<b>COMPREHENSIVE PLAN AMENDMENT</b>		<input type="checkbox"/> Minor Subdivision Plat	\$ 2000.00
<input type="checkbox"/> Major	\$ 3000.00	<input type="checkbox"/> Minor Amendment Plat	\$ 1000.00 + 10.00 per lot
<input type="checkbox"/> Minor	\$ 1200.00	<input type="checkbox"/> Road Vacation (constructed)	\$ 1000.00
<b>ZONING/REZONING</b>		<input type="checkbox"/> Road Vacation (paper)	\$ 100.00
<input type="checkbox"/> Rezoning	\$ 1700.00 + 10.00 per acre	<b>SITE PLAN</b>	
<input type="checkbox"/> PUD Rezoning	\$ 1700.00 + 10.00 per acre	<input type="checkbox"/> Residential	\$ 1400.00 + 10.00 per unit
<input type="checkbox"/> PUD Amendment	\$ 1700.00 + 10.00 per acre	<input type="checkbox"/> Non-Resl. (>10,000 sq. ft.)	\$ 2200.00
<input type="checkbox"/> Major PD Amendment	\$ 3700.00 + 10.00 per acre	<input type="checkbox"/> Non-Resl. (>2,000 sq. ft.)	\$ 1000.00
<input type="checkbox"/> Minor PD Amendment	\$ 500.00	<input type="checkbox"/> Non-Resl. (<2,000 sq. ft.)	\$ 200.00
<b>SPECIAL REVIEW USE</b>		<input type="checkbox"/> Amendment (major)	\$ 1100.00
<input checked="" type="checkbox"/> Major	\$ 1000.00	<input type="checkbox"/> Amendment (minor)	\$ 350.00
<input type="checkbox"/> Minor	\$ 400.00	<b>VARIANCE</b>	\$ 600.00
<input type="checkbox"/> Oil & Gas	\$ 1200.00	<b>SERVICE PLAN</b>	\$ 10,000.00
All fees include both Town of Erie Planning & Engineering review. These fees do not include referral agency review fees, outside consultant review fees, or review fees incurred by consultants acting on behalf of staff. See Town of Erie Municipal Code, Title 2-10-5 for all COMMUNITY DEVELOPMENT FEES.			

The undersigned is fully aware of the request/proposal being made and the actions being initiated on the referenced property. The undersigned understand that the application must be found to be complete by the Town of Erie before the request can officially be accepted and the development review process initiated. The undersigned is aware that the applicant is fully responsible for all reasonable costs associated with the review of the application/request being made to the Town of Erie. Pursuant to Chapter 7 (Section 7.2.B.5) of the Unified Development Code (UDC) of the Town of Erie, applicants shall pay all costs billed by the Town for legal, engineering and planning costs incurred by staff, including consultants acting on behalf of staff, necessary for project review. By this acknowledgement, the undersigned hereby certify that the above information is true and correct.

Owner: \_\_\_\_\_

Date: \_\_\_\_\_

Owner: Barwick

Date: 1/15/2019

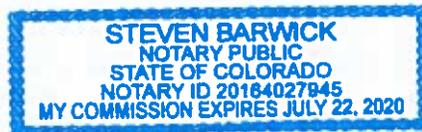
Applicant: Robert Maxwell

Date: 1/15/2019

STATE OF COLORADO )

County of ADAMS ) ss.

The foregoing Instrument was acknowledged before me this 15 day of JANUARY, 2019, by ROBERT MAXWELL.



My commission expires: 7/22/2020.

Witness my hand and official seal.

Steven Barwick  
Notary Public

**EXHIBIT "A"**  
**(SPECIAL WARRANTY DEED)**

**PROPERTY DESCRIPTION**

ALL OF THAT PARCEL OF LAND KNOWN AS TRACT A OF FRONT RANGE LANDFILL MINOR SUBDIVISION PLAT, ACCORDING TO THE MAP OR PLAT THEREOF FILED FOR RECORD IN THE OFFICE OF THE WELD COUNTY CLERK AND RECORDER AT RECEPTION NUMBER 3722553. SAID TRACT A IS LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 28, TOWNSHIP 1 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF ERIE, COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHEAST CORNER OF SAID SECTION 28, AS MONUMENTED BY A 2 INCH ALUMINUM CAP MARKED "PLS 25937"; THENCE ALONG THE NORTH LINE OF SAID NORTHEAST ONE-QUARTER OF SECTION 28, SOUTH 89°23'50" WEST, A DISTANCE OF 933.46 FEET; THENCE SOUTH 00°36'10" EAST, DEPARTING THE NORTH LINE OF SAID NORTHEAST ONE-QUARTER OF SECTION 28, A DISTANCE OF 40.00 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF SAID TRACT A, SAID NORTHWEST CORNER ALSO BEING ON THE SOUTH LINE OF A 40.00 FOOT RIGHT-OF-WAY DEDICATED ON SAID MINOR SUBDIVISION PLAT AND THE **POINT OF BEGINNING**;

THENCE NORTH 89°23'50" EAST, ALONG THE NORTH LINE OF SAID TRACT A, A DISTANCE OF 833.41 FEET;

THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, AN ARC LENGTH OF 47.15 FEET, A CENTRAL ANGLE OF 90°02'41", AND A CHORD BEARING AND DISTANCE OF SOUTH 45°34'50" EAST, 42.44 FEET;

THENCE SOUTH 00°33'29" EAST, ALONG THE EAST LINE OF SAID TRACT A, SAID LINE ALSO BEING THE WEST LINE OF A 70.00 FOOT RIGHT-OF-WAY DEDICATED ON SAID MINOR SUBDIVISION PLAT, A DISTANCE OF 863.36 FEET;

THENCE SOUTH 89°23'50" WEST, ALONG THE SOUTH LINE OF SAID TRACT A, A DISTANCE OF 863.43 FEET;

THENCE NORTH 00°33'29" WEST, ALONG THE WEST LINE OF SAID TRACT A, A DISTANCE OF 893.38 FEET TO THE **POINT OF BEGINNING**.

THE TOTAL AREA OF THE ABOVE DESCRIBED PARCEL IS 17.704 ACRES (771,178 SQUARE FEET) OF LAND, MORE OR LESS.

**NOTES:**

1. THIS DESCRIPTION WAS PREPARED WITH THE BENEFIT OF A TITLE COMMITMENT ISSUED THROUGH THE OFFICE OF ....., ORDER NUMBER ....., DATED ..... FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS OF WAY, OR TITLE OF RECORD.
2. BEARINGS SHOWN HEREON ARE BASED ON GPS OBSERVATIONS AND/OR THE ONLINE POSITIONING USER SERVICE OFFERED BY THE N.G.S. AND PROJECTED TO "COLORADO COORDINATE SYSTEM OF 1983 NORTH ZONE" (C.R.S. 38-52-105 & 106).
3. DISTANCES SHOWN HEREON ARE IN US SURVEY FEET GROUND. THE COMBINED FACTOR USED TO OBTAIN THE GRID DISTANCES IS 0.99971527.
4. THE BASIS OF BEARINGS FOR THIS SURVEY IS THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 28, TOWNSHIP 1 NORTH, RANGE 68 WEST OF THE 6TH P.M., SAID LINE BEING MONUMENTED ON THE NORTH BY THE NORTHEAST CORNER OF SAID SECTION 28, BEING A FOUND 2 INCH ALUMINUM CAP MARKED "PLS 25937" AND ON THE SOUTH BY THE EAST ONE-QUARTER CORNER OF SAID SECTION 28, BEING A FOUND 3.25 INCH ALUMINUM CAP ILLEGIBLY MARKED AND BEARS SOUTH 00°33'29" EAST.

PROJ. NO. 176018  
 PREPARED BY: H. LAWRENCE SINCO  
 DATE PREPARED: 06/04/19  
 FOR AND ON BEHALF OF ACKLAM, INC..  
 195 TELLURIDE ST., SUITE 7, CO 80601  
 303.659.6267  
 FRONT\_RANGE\_LANDFILL\_1ST\_AMEND\_DESC.docx  
 PRINTED: 6/4/2019 10:32:00 AM Lawrence Sinco

REVISIONS			
NO.	DATE	BY	DESCRIPTION

# LAZY DOG SUBSTATION PROJECT



**SPECIAL REVIEW USE APPLICATION: SRU-001054-2019**  
**Town of Erie - Weld County, Colorado**

Submitted To:



Submitted By:



*August 2019*

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**Lazy Dog Substation Project  
Special Review Use Application**

<b>Special Review Use Application User's Guide Submittal Requirements</b>	
<b>Information</b>	<b>Location in Permit Package</b>
1) Completed Application	Front of Binder
2) Application Fee	Previously Provided
3) Proof of Ownership	Section 4 Appendix A
4) Notarized Letter of Authorization from Landowner(s)	Section 5
5) Copies of Special Agreements, Conveyances, Restrictions, or Covenants	Section 6
6) Written Narrative <ul style="list-style-type: none"> <li>a) General project concept and purpose of the request;</li> <li>b) Proposed development time-line;</li> <li>c) How the proposal relates to the existing land-use of the subject property and the zoning and land-use of adjacent properties, including statements describing areas of compatibility and conflict and the mitigation measures utilized;</li> <li>d) How the proposal complies with the Town's Comprehensive Master Plan and approval criteria of the Municipal Code Title 10 -UDC; and</li> <li>e) A description regarding the status of mineral rights and the substance of any existing or proposed covenants, special conditions, grants of easements, or other restrictions applying to the proposed subdivision.</li> </ul>	Section 3
7) A Management/Operational Plan <ul style="list-style-type: none"> <li>a) The number of clients, boarders, parishioners, animals etc.;</li> <li>b) The hours of operation, whether the use is seasonal and the number of days per week;</li> <li>c) Number of employees;</li> <li>d) The required outside storage, parking and loading area; and</li> <li>e) The permit requirements from County, State or Federal agencies.</li> </ul>	Section 7
8) Site Plan Exhibits	Section 8 Appendix B
9) Development Reports/Studies/Plans <ul style="list-style-type: none"> <li>a) Assessment of Impact Report</li> <li>b) Phase III Drainage Report and Plan</li> <li>c) A Traffic Impact Study or narrative, if required</li> <li>d) Photo simulations, materials samples, and substation elevations</li> </ul>	Section 9
10) Additional Information	Section 10

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# Introduction

United Power, Inc. (United Power), in coordination with Tri-State Generation and Transmission Association, Inc. (Tri-State), is proposing to construct and operate a new electric substation (Project, 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 (Figure 1). This Special Review Use Application permit package has been prepared per the requirements of Chapter 7 Section 13 from Title 10—Unified Development Code (UDC) and the Town of Erie’s Special Review Use User’s Guide.

To meet requirements for the Special Review Use process, United Power and Tri-State representatives attended a pre-application conference with the Town of Erie on February 12, 2018. Additional meetings were held with the Town of Erie on July 18, 2018, and September 10, 2018, to further discuss the project and associated permitting requirements. Based on the materials submitted to satisfy the pre-application meeting, and discussion during the two additional meetings, the Town of Erie provided preliminary comments on the Project. Town of Erie comments have been incorporated into the site design represented in this application package.

United Power and Tri-State submitted a Site Plan, Special Use Review and Minor Subdivision permit applications in accordance with Chapter 7 Section 12 from Title 10—Unified Development Code on January 30, 2019. United Power and Tri-State received the completeness review for all three concurrent permit applications from the town of Erie on February 15, 2019, and subsequently submitted the agency referral packets on February 22, 2019. United Power and Tri-State received a first round of referral agency comments on April 12, 2019 and additional comments from the Town of Erie on April 25, 2019 and May 9, 2019 and submitted responses and a new set of three permit applications on June 5, 2019. United Power and Tri-State received a second round of Town of Erie comments on July 17, 2019 and July 18, 2019 and additional referral agency comments on July 19, 2019. Town of Erie and referral agency comments have been incorporated into the site design and application package. Responses to these comments are included in this application package behind the cover letter.

Appendices provided with the Special Review Use permit application are listed in Table 1.

**Table 1:**  
**List of Appendices Included with the Special Review Use Application**

Appendix	Supplemental Information Provided
Appendix A	Proof of Ownership and Title Commitment
Appendix B	Site Plan Exhibits
Appendix C	Phase III Drainage Report, Construction Plan, and Operation and Maintenance Plan
Appendix D	Geological Report
Appendix E	Assessment of Impact Report
Appendix F	Biological Resources Report and Raptor Nest Survey Report
Appendix G	Alternative Equivalent Compliance
Appendix H	Substation Photo Simulations, Material Samples and Elevations

## **1. Completed Application**

The Town of Erie Special Review Use application is included as part of the permit package, located in the front of the binder.

## **2. Application Fee**

The \$1,000.00 application fee for the Special Review Use application was paid to the Town of Erie with the initial application submittal on January 30, 2019.

## **3. Written Narrative**

### **3a. General Project Concept and Purpose of the Request**

United Power and Tri-State are proposing to construct and operate a new electric substation that would be located on an approximate 8-acre parcel owned by United Power. The parcel is located near the southwestern corner of the intersection of Weld County Road 6 and Weld County Road 7 (the northeast quarter of Section 28, Township 1 North, Range 68 West; Figure 1). The Project would serve the growing electrical needs of the surrounding area. The Project would be located entirely within the jurisdiction of the Town of Erie (Erie) in Weld County, Colorado. United Power purchased the land from the Town of Erie, and the parcel was subdivided into the current United Power parcel (146728101004) and to the east, a Town of Erie parcel (146728101005). The Project parcel was identified 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 Project would include the following components: 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 (Western) Erie-Terry Street 115-kilovolt (kV) transmission line (Appendix B, Site Plan). The transmission interconnection would require that Western remove a single transmission structure (Structure 29-7) and install two new structures (29-7A, 29-7B) along the Erie-Terry Street transmission line to provide a source of electricity to the substation (Figure 1). The proposed tap transmission lines connecting to the existing Erie-Terry Street transmission line would be 115-kV and owned by Western. The substation would be built on property owned by United Power, and the new transmission structures would be placed within the existing Western right-of-way for the Erie-Terry Street transmission line. The substation site would be accessed from Weld County Road 6, which is approximately 0.15 mile west of Weld County Road 7. The site is currently grassland; no buildings are present on the site.

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. The location and required permits and approvals for the underground distribution lines would be processed under United Power's franchise agreement with the

Town of Erie. United Power does not anticipate that any of the design components or landscaping on the northern and eastern sides of the substation would be affected by the location of the underground distribution lines.

Western has evaluated interconnection to the Project through a Categorical Exclusion under the National Environmental Policy Act. The interconnection would include a new tap that would connect the transmission line into the substation, and structure modifications along the existing transmission line. Western installed the interconnection facilities located within their existing easement in early 2019 so that the modifications are in place to support construction of the Project.

### **3b. Proposed Development Time-Line**

The Project schedule is subject to permitting approvals. Project construction is expected to last for 6 months with an anticipated in-service date of November 2019, provided that all applicable permits have been received by May 2019. An anticipated schedule is as follows:

- Permitting: January 2018–Summer 2019
- Engineering: January 2018–Summer 2019
- Construction: Fall 2019–Spring 2020
- In Service Date: Spring 2020
- Project Close-Out: Spring/Summer 2020

The dates provided above are no guarantee of performance and are derived from available information at the time of this application submittal; they are to be used for information purposes only and are subject to change.

### **3c. Relationship of Proposal to Existing Land Use of Subject Property and Adjacent Properties**

The Project's relationship to existing and surrounding land use is addressed in Sections 3.d.1 and 3.d.4.

### **3d. Compliance with Municipal Code Title 10—UDC and Special Review Use Approval Criteria (1–8)**

#### **1. Consistency with Town's Comprehensive Master Plan and All Applicable Provisions of the Municipal Code Title 10—UDC and Applicable State and Federal Regulations**

The Project would adhere to Erie's Comprehensive Master Plan. The parcel of land to be used for the Project is designated as Public/Quasi Public (P/QP) land use on the comprehensive plan map (Erie 2016; Figure 2). This land use category is designated for facilities needed for essential public services, including electrical substations. Because it would be part of a larger system that provides electricity to local customers of United Power, the Project would provide an essential service to the community at large, and this intended use would be consistent with Erie's intended and designated use.

The Project complies with all applicable development and design standards set forth in the Municipal Code Title 10—UDC (Erie 2018), including but not limited to the provisions in Chapter 2, Zoning Districts; Chapter 3, Use Regulations; Chapter 4, Dimensional Requirements; and Chapter 6, Development and

Design Standards. Per the Community Development Department—Planning Division request, United Power and Tri-State are also seeking Alternative Equivalent Compliance (UDC Section 10.6.1.C) for the height of the screen wall and planting pocket requirements, the details of which are presented in Appendix G.

According to UDC Section 10.11.3, the Project qualifies as a major utility facility in that it is “a service that is necessary to support development within the immediate vicinity and that involves significant structures...Examples include electric transformer stations, gas regulator stations, telephone exchange buildings, and well, water, and underground utility boxes, and sewer pumping stations.” Chapters 2 and 3 of the UDC establish zoning districts and permitted land uses within Erie, respectively. Chapter 4 of the UDC includes the dimensional standards applying to development in the districts. The Project lies within the Public Lands & Institutions (PLI) Zone District (Figure 3) which, according to UDC Section 10.2.5, has a purpose of providing “areas for the development of public or quasi-public facilities or private facilities of a non-commercial character, including churches, schools, libraries, and cultural facilities”. The substation would be a private facility and can be considered a “passive” use of land, exhibiting non-commercial characteristics. The project is located in a Public/Quasi Public Land Use (P/QP) District (Figure 2). Per Table 3.1 of the UDC, the Project requires a Special Review Use prior to development. A Site Plan permit package will be submitted concurrently with this Special Review Use permit package. Setback requirements set forth in Chapter 4 of the UDC would be exceeded on all sides of the property as depicted on the Site Plan (Appendix B). As outlined in the Special Review User’s Guide and in compliance with the development and design standards set forth Chapter 4 and 6, a Special Review Use has been developed as presented herein.

Federal, State, and County Requirements that may apply to the Project have been addressed in Section 7.e.

## **2. Consistency with the Purpose and Intent of the Zoning District in which Proposed Use Is Located**

The Project area zoning category is Public Lands & Institutions (PLI), which is designated for the development of Public/Quasi Public (P/QP) facilities or private facilities of a non-commercial character (UDC §10.2.5C). United Power is a not-for-profit electric cooperative, owned by the customer-members, and is governed by a member-elected board of directors. United Power is a rural electric cooperative that provides electric service to homes and businesses in the northern front range of Colorado. The Project would be used to bolster United Power’s existing electric system in the area.

## **3. Consistency with Use-Specific Standards in Section 3.2 of the Municipal Code Title 10—UDC**

There are no use-specific standards for the development of an electrical substation included in Section 3.2 of the Erie Municipal Code Title 10.

## **4. Compatibility with Adjacent Uses**

Substations are common throughout Colorado’s Front Range and are generally compatible with a variety of land uses, including commercial, industrial, agricultural uses, and residential uses that require the electrical power substations distribute.

The land uses shown on the Comprehensive Plan, Land Use Plan Map (Erie 2015) surrounding the Project are designated as Industrial (I), Landfill (LF), and Public/Quasi-Public (P/QP) (Figure 2). The proposed parcel is designated P/QP, and the substation would be located east of the Denver Regional Landfill and south of the Erie Landfill Gas to Energy Project (Figure 1). The Project use, therefore would be compatible with the surrounding areas.

Use of the proposed parcel as a substation would be compatible with surrounding land uses because the substation can be considered a “passive” use of land. The substation would not cause increased vehicle traffic. The substation would be an unstaffed facility and would be monitored remotely; no parking is proposed outside the screen wall. Visits from utility personnel would be limited to emergencies or maintenance activities.

#### Scale

Given its design and landscaping features, the Project would be consistent with the surrounding low-density development setting. The footprint of the proposed substation would be 1.89 acres and situated on the southern portion of the 8-acre parcel, setback from Weld County Road 6 and Weld County Road 7. The screen wall surrounding the substation facility would be approximately 8 feet high; heights would vary somewhat around the perimeter depending on the surrounding existing and proposed grades.

The static mast and the wires that protect the substation from lightning strikes would be between 40 and 50 feet in height. The height of the static masts is mandated by the National Electric Safety Code and substation design standards to protect the substation equipment from lightning strikes.

#### Site Design

The electrical substation, inclusive of the screen wall and landscaping, would be located on an 8-acre parcel. Within the screen wall would be electrical equipment including transformers, circuit breakers, protective equipment, electrical equipment enclosures, and space for parking service vehicles and mobile substation equipment. The screen wall is designed as a solid decorative block wall, 8-feet-tall, in colors complimentary to the surrounding environment. Planting pockets are proposed on the west, south, and east sides of the wall in accordance with Chapter 6 Section 4 from Title 10—Unified Development Code (UDC). Additional plant material would be installed in the open space north of the electrical substation, and deciduous 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. The Landscape Plan is provided in Appendix B and has been designed in accordance with Chapter 6 Section 4 from Title 10—Unified Development Code (UDC).

#### Operating Characteristics

The facility would be fenced and locked to prevent public access. The substation would be visited one to two times per month on average for inspections and maintenance. The Project represents a passive use and would not have any permanent employees on site.

#### Traffic Generation

Traffic impacts are addressed in Section 3.d.5.

### Lighting

Emergency lighting would be installed within the substation yard. This lighting would only be activated in the event of an outage or other repair-related event at the substation during nighttime hours. The lighting would be mounted on static masts and light poles and would be 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.

Section A of the Photometric Plan drawing includes details and cut sheets for all lighting proposed at the substation. The Photometric Plan has been updated to include details of the light pole, full cut-off lighting, and aiming angle per Section 10.6.10 of the UDC, and a note has been added to the sheet (Appendix B, Site Plan).

Additional lighting impacts are addressed in Section 3.d.5.

### Noise

Noise impacts are addressed in Section 3.d.5.

### Odor

Odorous impacts are addressed in Section 3.d.5.

### Dust

Dust generated from project construction are addressed in Section 3.d.5.

### Other External Impacts

Other external impacts from development of the proposed Project are addressed in the Assessment of Impact Report, Appendix E.

## **5. Anticipated Significant Adverse Impacts and Mitigation**

Substations are common throughout Colorado's Front Range and are generally compatible with a variety of land uses, including commercial, industrial, agricultural uses, and residential uses that require the electrical power substations distribute. Local temporary impacts to the surrounding land uses are anticipated from the construction of the substation, including an increase in traffic; increase in noise and dust from construction activities; increase in odors from construction equipment exhaust (fumes), increase in vibrations from heavy construction equipment, and visual effects from the presence of construction equipment and active work areas. It is anticipated that construction impacts would not result in long-term effects and would exist only for the anticipated duration of construction. Noise levels during construction of the Project would be elevated during daytime hours. United Power, Tri-State, and their construction contractors would endeavor to address and alleviate any nuisances that are identified during construction.

A desktop analysis was conducted for the Project (Figure 1) to collect publicly available background data and field surveys to evaluate the existing conditions. No potential habitat for federally or state listed species were identified during the field survey in the Project area. One State of Colorado C-List noxious weed, cheatgrass, was identified in the survey area. The State of Colorado does not have a plan to implement for controlling the spread of List-C species; however, the State of Colorado does recommend

implementing controls to limit the spread of this species. During the field survey, one roadside ditch and one swale were identified, these features are assumed to be non-jurisdictional. Impacts to the ditch and swale will be minimized to result in less than 0.1 acre of disturbance (Appendix F). This would avoid the need for a Section 404 permit with the U.S. Army Corps of Engineers by locating the Project outside of the ditch and swale areas.

Wildlife observations were documented during raptor nest surveys in March and May 2018. Swainson's hawks, red-tailed hawks, and prairie dogs were observed within the vicinity (Appendix F). Two active raptor nests and two inactive nests were observed within the vicinity as of May 10, 2018. A follow up survey was completed on January 21, 2019. During subsequent surveys in 2019, a pair of red-tailed hawks were observed building a nest. Monitoring of this nest began on March 21, 2019, and proceeded until May 15, 2019, when the nest was observed to have failed due to unknown reasons. The pair of red-tailed hawks did not return to the nest area. United Power and/or Tri-State will coordinate with wildlife agencies as applicable prior to construction.

The Project would be located within the breeding range of bald eagles; however, the closest known active bald eagle nest is approximately 3.5 miles from the Project site boundary. The Colorado Parks and Wildlife (CPW)-recommended buffer zone for bald eagles is 0.5 mile from active nests, outside the boundaries of the Project area. No eagles or their nests were observed during surveys; nesting eagles are not expected to be affected by Project-related construction activities (Appendix F). If eagles or nests were observed during subsequent surveys prior to construction, CPW seasonal buffers would be followed to avoid impacts to active nests. An active prairie dog colony was observed outside of the Project area (approximately a half-mile west) and would be avoided during construction.

A limited results block survey (less than 160 acres) and pedestrian survey were conducted in March 2018, and an additional field survey was conducted in July 2018. No resources were observed within the survey area during the March 2018 survey, and an ineligible site was observed in the July 2018 survey. Impacts to cultural resources are not expected. Operational impacts are discussed below.

Traffic impacts from operation are not expected because the substation represents a passive use and its operation would not generate trips in excess of those occasionally needed for maintenance or emergencies. The substation would not be staffed, and the only vehicles entering and exiting the site would be related to maintenance. Traffic impacts are addressed in the Assessment of Impact Report (Appendix E). Lighting needed to perform maintenance or emergency repairs would be provided by permanently mounted light fixtures within the substation yard. The light would be controlled using a manual switch and would only be used during occasional maintenance or during emergencies. The details of lighting are shown in the Photometric Plan (Appendix B, Site Plan).

During operation, the substation would be a new and permanent land use and facility. The visual impact of the substation would be decreased by providing a screen wall and landscaping around all Project boundaries. A mix of deciduous and evergreen trees and shrubs would be used to throughout the proposed substation site to provide a variety of colors, textures, and heights to blend the design into the surrounding area. The landscaping would be irrigated in accordance with Town of Erie requirements in UDC Section 10.6.4. The Landscape Plan is provided in Appendix B. An Irrigation Plan will be prepared

based upon the final landscape plan approved by the Town of Erie and will be included in the Project construction drawings.

The Project is not expected to impact avian species during the operation of the Project. The substation and transmission interconnection facilities would be built to Avian Power Line Interaction Committee standards for prevention of avian collisions and electrocutions.

The substation would require routine and occasionally emergency maintenance that would produce noise and activity associated with maintenance workers and equipment. Routine maintenance may include spraying to control noxious weeds and vegetation control within the substation yard as well as testing and repair or replacement of electrical equipment. In case of an emergency at the substation, a specific Emergency Plan would be in place. The substation should not be entered by anyone other than United Power, Tri-State, or Western personnel and all emergencies would be handled following protocols currently in place with each of those companies.

The substation would produce electric and magnetic fields during operation; however, these are not expected to cause any negative impacts. The strength of a magnetic field reduces dramatically with increasing distance from the source (NIEHS 2018). The Project would be surrounded by industrial uses that would not be impacted by electric and magnetic fields during operation. The Project would comply with CPUC Rule 3206(e) for electric and magnetic field levels at the property line.

The substation would produce noise during operation, primarily from the transformers; however, noise reduces with distance from the source. The Project would be surrounded by industrial uses and comply with the noise limit prescribed by PUC rule 3206(f) and Weld County Code of Ordinance Section 14-9-40.

#### **6. Availability of Facilities and Services to Serve the Subject Property While Maintaining Adequate Levels of Service for Existing Development**

The Project is not expected to impact the availability of facilities and services to existing development during the operation of the Project. The Assessment of Impact Report is provided in Appendix E.

#### **7. Adequate Assurances of Continuing Maintenance**

United Power and Tri-State are guaranteed to maintain the substation in good working condition. United Power is a not-for-profit electric cooperative, owned by customer-members. United Power has electric franchise agreements to serve Erie among many other front range communities.

#### **8. Significant Adverse Impacts on the Natural Environment and Mitigation**

Project impacts on the natural environmental and the resulting mitigation measures have been addressed in Section 3.d.5.

### **3e. Description of Mineral Rights or Other Restrictions Applying to the Proposed Subdivision**

United Power owns the surface rights of the parcel but does not own the mineral rights. The mineral rights owner will be notified per the requirements of 24-65.5-103 C.R.S. A Western easement overlaps the

southwest corner of the Project Area (Appendix B). There are no other proposed or existing covenants, special conditions, grants, or other restrictions on the property (see also Sections 4, 5 and 6 of this application).

## **4. Proof of Ownership**

Proof of ownership, including a recent Title Commitment, is included in Appendix A.

## **5. Notarized Letter of Authorization**

Not applicable to the Project; the parcel is owned by United Power, who is the applicant along with Tri-State.

## **6. Copies of Special Agreements, Conveyances, Restrictions, or Covenants**

No special agreements, conveyances, restrictions, or covenants exist on the Project site.

## **7. Management/Operational Plan**

The Project does not have a specific management and operational plan. The Project would become part of the larger electrical grid and delivery system maintained by Colorado's electric providers. These providers are required to maintain reliable electric service to their customers.

### **7a. Number of Clients, Boarders, Parishioners, Animals, etc.**

The Project would not have any clients, boarders, parishioners, animals, or other entities on site related to the Project. The facility would be fenced and locked to prevent public access.

### **7b. Hours of Operation**

The Project would operate 24 hours a day, 7 days a week, 365 days a year to provide reliable electric service to United Power's customers.

### **7c. Number of Employees**

One 10-hour shift per day would be worked during construction; the site would be monitored remotely during operation. The maximum number of construction workers at any one time would be approximately 20. The substation would be visited one to two times per month on average for inspections and maintenance. The Project would not have any permanent on-site employees.

## 7d. Required Outside Storage, Parking, and Loading Area

No permanent outside storage, parking, or loading areas would be located on site. During construction, a portion of the parcel would be used to stage construction equipment and materials and would include a temporary construction trailer, road base stockpiles, construction equipment, steel structures, and other related materials.

## 7e. County, State, or Federal Requirements

Additional requirements that may apply to the Project are outlined in Table 2.

**Table 2:**  
**Federal, State, and County Requirements**

Permit or Approval	Status
<b>Federal</b>	
Clean Water Act (CWA) Section 404, Nationwide 12 Permit or Individual Permit, Section 401 Water Quality Certification	Not applicable, During the field survey, one roadside ditch and one swale were identified, and are assumed non-jurisdictional. Impacts will be minimized to result in less than 0.1 acre of disturbance to the ditch and swale (Appendix F). This would avoid the need for a Section 404 permit with the U.S. Army Corps of Engineers by locating the Project outside of the ditch and swale areas (see Biological Resources Report, Appendix F for survey results).
Compliance with the Endangered Species Act (ESA), Migratory Bird Treaty Act (MBTA), and Bald and Golden Eagle Protection Act (BGEPA)	The Project would not impact any species of special federal status and avian species protected under the MBTA and BGEPA. Surveys completed in Spring 2018. (See Biological Resources Report, Appendix F for survey results.)
Compliance with the National Environmental Policy Act (NEPA)	The Project does not require review under NEPA. Western reviewed their planned activities under a Categorical Exclusion.
<b>State</b>	
Colorado Discharge Permit System	A stormwater permit for construction activities from the Colorado Department of Public Health and Environment will be obtained.
<b>County</b>	
Weld County Access Permit	United Power and Tri-State would obtain access permits for a new driveway leading to the proposed Substation from Weld County Road 6.

## 8. Site Plan Exhibits

A Project Site Plan containing a cover sheet, Site Plan, Landscape Plan, Utility Plan, and Grading/Drainage Plan are provided in Appendix B.

## 9. Development Reports/Construction Plans

Development reports were prepared to document the physical characteristics of the proposed property. Table 3 lists all reports, studies, plans and their associated appendix.

**Table 3:**  
**Site Plan Review, Project Development Reports, Studies and Plans**

Title	Appendix
Phase III Drainage Report and Plan	C
Final Erosion Control Study and Plan	B
Final Grading Plan	B
Final Road Construction Plans	N/A—Public road construction is not required for this Project.
Final Landscape Construction Plans	N/A—Applicable to applications requiring parks, open space, or trails dedications.
Geological Report	D
Traffic Impact Study	N/A—No permanent increase of roadway usage is expected
Biological and Raptor Survey Reports	F
Assessment of Impact Report	E
Photo Simulations	H
Substation Elevations	H
Material Samples	H

## 10. Additional Information

No additional information has been requested by Erie.

## 11. References

Erie (Town of Erie). 2018. Unified Development Code. Available online:

<http://www.erieco.gov/DocumentCenter/View/351/Unified-Development-Code-UDC?bidId=>  
 Accessed July 31, 2018.

———. 2016. Comprehensive Master Plan. Available online: = Accessed July 31, 2018.

———. 2015. Comprehensive Master Plan—Land Use Map. Available online:

<https://www.erieco.gov/DocumentCenter/View/335/Comp-Plan-Map?bidId=> Accessed August 1, 2018.

NIEHS (National Institute of Environmental Health Sciences). 2018. Electric and Magnetic Fields.

Available online: <https://www.niehs.nih.gov/health/topics/agents/emf/index.cfm>. Accessed August 1, 2018.

Special Review Use Application  
Lazy Dog Substation Project

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