

**FREMONT COUNTY
PLANNING COMMISSION MEETING MINUTES
September 1, 2020 AT 3:00 P.M.**

MEMBERS PRESENT

Byron Alsup (Chairman)
Mark Masar
Larry Brown
Michael Pullen
Larry Baker
John Hamrick
Gardner Fey

STAFF PRESENT

Brenda Jackson, County Attorney
Sean Garrett, Planning Director
Alicia Stone, Office Manager

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF AGENDA**
4. **APPROVAL OF MINUTES**

August 4, 2020 Planning Commission Meeting

5. **UNFINISHED BUSINESS**
6. **NEW BUSINESS**

A. Request: SRU 20-007 Desert Concrete Pumping

Requesting approval of a Special Review Use, Department File # SRU 20-007 Desert Concrete Pumping for a Contractor's yard for a concrete pumping business. The proposal includes a shop and watchman's quarters. The 4.65 acres site is located off of 10th Street in Penrose, near Highway 115 and is within the Agriculture Rural Zone District.

Representative: Angela Bellantoni

B. Request: SRU 20-005 Black Hills Energy Hogback Station

Requesting approval of a Special Review Use, Department file #SRU 20-005 Black Hills Energy Hogback Station for a substation, that will include a 115kV ring bus for connecting three 115kV line terminals; two 115/69kV transformers, one now, one future and two future 115kV line terminals. The 40.28 acres site is located off County Road 69 in Canon City, near Highway 50 and is within the Agriculture Forestry Zone District.

Representative: Cristin Cochran

C. Request: SRU 20-006 Black Hills Energy North Penrose Station

Requesting approval of a Special Review Use, Department file #SRU 20-006 Black Hills Energy Penrose Station for a substation, that will include a 115kV six-position ring bus for connecting two

115 kV line terminals, two 115/13.8kV transformers, one now, one future and two future 115kV line terminals. The substation will also operate a 115/13.8kV 30/40/50 MVA transformer and associated 3000-amp main bus switch gear enclosure to improve reliability and electric supply in the Penrose area. The 22.43 acres site is located off of K Street in Penrose, near Highway 115 and is within the Agriculture Rural Zone District.

Representative: Cristin Cochran

7. ADJOURNMENT

1. CALL TO ORDER

Chairman Byron Alsup called the meeting to order at 3:00 p.m.

2. PLEDGE OF ALLEGIANCE

Pledge of Allegiance was recited.

3. APPROVAL OF AGENDA

Chairman Alsup asked if there were any changes, additions or corrections to the September 1, 2020 Fremont County Planning Commission Agenda.

MOTION

Mr. Mark Masar motioned to accept the September 1, 2020 Fremont County Planning Commission Meeting agenda.

SECOND

Mr. Gardner Fey seconded the motion.

Chairman Alsup called for a roll call vote, and the motion passed unanimously. (7 of 7)

4. APPROVAL OF THE AUGUST 4, 2020 PLANNING COMMISSION MEETING MINUTES

Chairman Alsup asked if there were any changes, additions or corrections to the August 4, 2020 Fremont County Planning Commission Meeting Minutes.

Chairman Alsup noted that there was one correction he noticed the parcel size should be 0.5 acres instead of .05 acres.

MOTION

Mr. Mark Masar motioned for approval of the August 4, 2020 minutes with the correction.

SECOND

Mr. Michael Pullen seconded the motion.

Chairman Alsup called for a roll call vote and the motion passed unanimously. (7 of 7)

5. UNFINISHED BUSINESS

6. NEW BUSINESS

A. SRU 20-007 Desert Concrete Pumping

Chairman Alsup called Dr. Angela Bellantoni to present SRU 20-007 Desert Concrete Pumping. Bellantoni started by introducing the owner of Desert Concrete Pumping, Nevin Stoltzfus and the office manager, Nate Nell. Bellantoni gave a brief description of the company, stating Nevin Stoltzfus purchased the 4.649-acre property, located in Penrose, last October and would like to turn the property into a contractor's yard for his concrete pumping business. They service Fremont County, Salida, and Pueblo with one truck that goes to Salida and pretty much stays in Salida, and another one that goes to Pueblo. The remaining three trucks will be housed in the Penrose location. The trucks will be kept on site when not in use. Bellantoni explained that the employees will arrive to the proposed site in their private vehicles, get into the company trucks and conduct their business, come back and park the company truck and then leave in their personal vehicles. Bellantoni stated that the site will contain a metal shop building with insulated walls to mitigate noise and the shop will be for conducting repairs and maintenance on the trucks as needed. They will also be able to park the trucks in the shop when needed. Bellantoni stated that they will use an on-site water treatment system and there is an existing Penrose water tap. They plan to have motion sensor lighting on the outside of the buildings, and will construct the perimeter fencing as required with opaque fencing. Bellantoni explained they also have a proposed 2000 square foot building for a watchman's quarters. Bellantoni also apologized and explained that there is a change to the application, because they will have more fluid than originally thought. Within the fence there will be a 500-gallon diesel fuel tank on supports with a containment area on the bottom. Vehicle oils and fluids will be delivered to the site in 55-gallon drums and stored inside the maintenance shop in secondary containment. There will typically only be one to two 55-gallon drums on site at a time and all of the spent fluids will be collected in 55-gallon drums and recycled. There will be a 5-gallon container of gasoline for weed eaters and a 250-gallon tote of hydraulic fluids, which will also be collected and recycled. Bellantoni explained again that all used fluids will be collected in 55-gallon drums and hauled off-site to be recycled. Bellantoni then introduced Nevin Stoltzfus to speak.

Mr. Nevin Stoltzfus explained that Dr. Bellantoni outlined what they were looking at doing and asked if there were any questions.

Chairman Bryon Alsup stated that he was going to have Director Sean Garrett give a staff report first.

Director Garrett stated that the department has reviewed the application and found it to be a complete and true representation of the request as stated herein. The department finds that all minimal requirements per the Fremont County Zoning Resolution will be satisfied by this application with the following contingencies and waiver requests:

Contingency items:

1. Minor changes to the site plan
2. Information on the fuel storage

Waiver Requests:

1. Landscaping of the parking area
2. Hard surfacing of the parking area
3. Alternative Parking Plan

Chairman Alsup called Mr. Stoltzfus back up to answer questions.

Mr. Michael Pullen asked how many employees he was going to have.

Mr. Stoltzfus stated there will be five employees.

Mr. Pullen asked if the employees will arrive on site and then pick up their rigs and head out.

Mr. Stoltzfus stated yes, for the ones that are doing work around here. He stated that they also have a truck in Pueblo and Salida.

Mr. Pullen asked if those trucks will also be serviced here.

Mr. Stoltzfus stated that they will be.

Mr. Pullen asked if there will be any customers coming to the site.

Mr. Stoltzfus stated there will be no public customers.

Chairman Alsup asked if he takes all of his orders online or on the phone.

Mr. Stoltzfus stated yes, Nate works out of an office separate from that location.

Mr. Gardner Fey asked if the clean outs will be done on site.

Mr. Stoltzfus stated that occasionally they will, but generally they clean out at the job site.

Mr. Larry Brown asked what they do with the material if they have to clean it out on site.

Mr. Stoltzfus explained that they have a wash-out generally at the job-site.

Mr. Brown asked what they do with the material if they have to clean it out at the Penrose location.

Mr. Stoltzfus explained it will be hauled away and crushed.

Mr. Brown asked if they have a container for it.

Mr. Stoltzfus stated they will have a plastic lined containment pit, if that is the case.

Mr. Brown asked where that will be located.

Mr. Stoltzfus stated that if they don't have it in there, they might just say they wouldn't be able to do that. But if they did put it in, it would be in the northwest corner of the site.

Mr. Brown asked Director Garrett if he wants to do that, would he need to do a change to the site plan.

Director Garrett stated yes, if he wants to do that, they have some other minor changes they are doing to the site plan, so they could add it now and show on the site plan so we know where it's at.

Mr. Brown stated that he would suggest they do that now.

Mr. Stoltzfus stated that they can make it where they don't clean out there.

Mr. John Hamrick asked the trucks would be filled off site.

Mr. Stoltzfus stated that they arrive at the job, and the Redi-mix comes to them and they are just a transfer from point A to point B.

Mr. Hamrick asked if the 55-gallon drums being stored in the shop will have a drain that goes to the on-site water treatment system.

Mr. Stoltzfus stated that they will have secondary containment.

Mr. Hamrick stated that he had an observation, which may be more for Alex with 3 Rocks Engineering, but the soil observation form doesn't state who made the observation and he would think that would be appropriate. He also observed that the on-site water treatment design doesn't say who reviewed the design.

Mr. Hamrick also stated to Director Garrett that his PDF on page 38 looked like there were 2 different documents merged. May look and see if it was just a problem on his PDF packet also.

Chairman Alsup stated that this is pretty straightforward and doesn't see a lot of issues with this SRU. He stated that the commissioners need to be aware of the contingencies and waiver requests, for whomever makes a motion. He then stated that he was open to a motion.

MOTION

Mr. Gardner Fey motioned to approve SRU 20-007 Desert Concrete Pumping with the contingencies and waiver requests as stated.

SECOND

Mr. Larry Brown seconded the motion.

Chairman Alsup called for a roll call vote and the motion passed (6 of 7)

B. SRU 20-005 Black Hills Energy Hogback Station

Chairman Alsup called Cristin Cochran to present SRU 20-005 Black Hills Energy Hogback Station.

Ms. Cristin Cochran presented a power point presentation. She described the substation and the need for the proposed substation to supplement the North Cañon substation and increase reliability. Ms. Cochran stated that they will be using private access off of County Road 69 to get to the site. She stated that the bulk of the structures will be under 15 feet tall. Three structures will be taller than that, they look like a skinny flag pole with a wire around the top to catch lightning strikes. Lightning strikes the wire, with the charge being carried down the static mast, with a grid underneath, kind of like a copper hair net, to disperse the charge and prevent the substation from blowing up. Ms. Cochran stated that once the substation is complete, there will be one trip per month for maintenance. She stated that the substation will not be visible from U.S. Highway 50. She stated that this site was selected for his natural screening and the use will generate less traffic and light than the current use. The site will not use water or have sewage, and will generate approximately \$107,000.00 per year in tax revenue. The substation will occupy a small fraction of the 40-acre site. (For a complete overview of Ms. Cristin Cochran's presentation, refer to the power point.)

Chairman Alsup called Director Sean Garrett to give a staff report.

Director Garrett stated that the department has reviewed the application and found it to be a complete and true representation of the request as stated herein. The department finds that all minimal requirements per the Fremont County Zoning Resolution will be satisfied by this application with contingencies and waiver requests.

Contingencies:

1. Revisions to the site plan.

Waiver requests:

1. Landscaping of the parking area
2. Hard surfacing of the parking area

Chairman Alsup Called Cristin Cochran back up to answer questions.

Mr. John Hamrick stated that in reviewing the application he couldn't pick out the boundary easily. He noted that page 24 of the application states there will be no phone service to the property, yet the property is going to be operated remotely. He asked if there are electro-mechanical devices on the property.

Ms. Cochran stated that there is a fiber-optic line that controls the substation.

Mr. Hamrick asked what will happen to the home that is currently on the property.

Ms. Cochran explained that the Foster's own all of the improvements and she understands they are obtaining a permit to move the house to a different location.

Seth Boutilier of Black Hills Energy stated that the Fosters have the option to move the home by the end of the year, if they don't move the home by then, Black Hills Energy will apply for a demolition permit to remove the home.

Mr. Hamrick stated that was his concern, having vacant buildings attracts the homeless. He also inquired if the transformers are wet or dry.

Ms. Cochran stated that they are wet transformers, they are full of mineral oil in secondary containment in a dam.

Mr. Hamrick stated he believes that is still classified as a hazardous material.

Mr. Boutilier stated that it doesn't have PCB'S on it, but they do have full containment pits that are regulated. The pits are capable of holding all of the oil if there were to be a leak. He stated that they have crews that maintain, monitor, and inspect them once per month.

Mr. Hamrick stated that the application says no hazardous substances on site and yet you have transformers filled with mineral oil, and asked if mineral oil is considered a hazardous substance. He stated that if that is the case, they need to revise the application.

Chairman Alsup asked County Attorney, Brenda Jackson if she had any enlightenment.

Brenda Jackson stated that she did not know.

Ms. Cochran stated that PCB'S were added to the mineral oil years ago because they are a fire suppressant. She stated that she can get the material safety data sheets if necessary.

Mr. Hamrick stated that the concern is if it is classified as hazardous.

Ms. Cochran stated that she will make the appropriate changes with the direction of Director Garrett. She stated that she spoke with Ron Cook of the Canon City Fire Department and Chief Ritter from the Florence Fire Department about fire suppression and spoke about the oil and containment.

Mr. Hamrick asked if they intended to have lighting for security around the site.

Ms. Cochran stated that they don't light up the substations at night unless they are told to do so. She stated that it tends to attract copper thieves. Ms. Cochran stated that there will be light there, but will only be lit up if people are there working at night.

Mr. Hamrick asked Director Garrett for clarification that there would not be a need for a waiver request then.

Director Garrett stated that is correct.

Mr. Hamrick asked if this substation will be a part of the Northern loop to help ensure reliable service to the county and asked if these substations are required for that loop.

Ms. Cochran stated that these substations require that loop and they will be running off of that loop.

Mr. Hamrick stated that for some people, this is a controversial issue running the lines through Penrose. He was asking if this is the first step in the process of connecting the Northern loop and these substations.

Ms. Cochran stated that the reading of the Fremont County Zoning Resolution, transmission lines don't require an SRU, but distribution lines do. So, she spoke with Director Garrett for clarification, and they found out that in 2012 there was an SRU application from Black Hills Energy for a transmission line that starts in Pueblo and terminates in Portland.

Director Garrett clarified that in section 3.9 distribution lines are an allowed use in that zone district, but transmission lines do require an SRU.

Mr. Gardner Fey asked if they will be running new lines from the existing substation in North Cañon.

Ms. Cochran stated that some of the lines will be existing and some of the lines will be used to connect.

Mr. Boutilier stated that there is an existing 115kv line that comes from Pueblo through Portland then into the West Cañon substation and that line is where it will tie into the hogback station. The 69KV loop coming into the North Cañon substation will be run along the new transmission line and rebuild some of the distribution down York Street and tie into the 69kv that's already there. They are trying to minimize the amount of new line. They are still under design, but they plan to rebuild the 69kv that goes from North Cañon to Victor so that it can carry power back into North Cañon. Mr. Boutilier stated that what will end up happening is the hogback station will feed back into the existing Cañon plant substation and that will feed back into North Cañon substation which will add another hub that they can push power back and forth. Their goal in all of this is to find a path that works for everyone. Everything West of Penrose has been voluntarily signed, so they have all those easements. He stated that this is the first stage of the project, if they build the hogback substation, and get Penrose substation, they will get the benefit to Penrose, because they have power feeding into Cañon now. Penrose is fed off of a single 69kv line with a single substation and single transformer, if they lose that line, or that substation, Penrose will go black with no way to back-feed it. With these substations and portion of the line, it will give them the capability to feed Penrose and the capability to build out in Cañon City and they will work until they get that tied into the last three miles. He stated that the lengthy power outages experienced in the area are due to the fact that they only have one feed off of one single 115kv line. The way they meet their requirements from the government is the emergency capabilities on the WAPA (Western Area Power Administration) line so they can isolate their system, call WAPA, do a bunch of switching to bring the power back up, which takes several hours. They cannot run that closed, WAPA's 230kv line is far too powerful, it would overload their system and burn things up. He stated that they are trying to bring reliability to the area.

Mr. Michael Pullen asked if the whole site was being fenced.

Ms. Cochran stated that they are not fencing the whole 40-acres, but are fencing around the substation.

Mr. Pullen asked if Ms. Cochran could clarify the height of the substation.

Ms. Cochran stated that the bulk is under 15 feet, the swing like structures are 45 feet with poles on top adding an additional 10 feet. There are also three static masts that are like flag poles contain a halo on top to catch lightening, making them about 60 feet tall.

Mr. Fey asked if they contain aviation lights on top.

Ms. Cochran stated that generally only structures over 200 feet or if you're near an airport, require aviation lights

Mr. Pullen asked what the height of the fence would be.

Ms. Cochran stated it will be 8-foot chain link with barbed wire to discourage people from getting in there.

Mr. Pullen asked if she understood the weed-management statements.

Ms. Cochran stated she did, and she supplied Black Hills Energy's weed management plan, and Fremont County Weed Management has signed off on it. She stated that they will be spraying herbicide 10 months out of the year, as a fire suppressant. As far as the areas around it, they have a storm-water management plan to re-vegetate and stay with the site until they have 70% of the existing. Even if there are noxious weeds present today, it has to be approved.

Mr. Pullen thanked Ms. Cochran for clarifying, but wanted to make sure that it was a matter of record as that will be important in the future.

Mr. Pullen asked Director Garrett if this SRU being permitted for 50-years is typical.

Director Garrett explained that typically SRU's are for the life of the use.

Chairman Alsup called for any public comments.

Chairman Alsup invited Larry Swisher to speak.

Mr. Larry Swisher stated that even though the North Canon substation was built in 1963, he doubts the equipment dates back to 1963. He stated that the photo simulation from county road 69 was cool, but CR 69 doesn't see a lot of action, but U.S. highway 50 does. He contended that you will be able to see the substation from U.S. Highway 50 coming down 8-mile hill, plainly, just like you can see the existing Black Hills transmission lines and the WAPA line.

Chairman Alsup stated he was open to a motion.

MOTION

Mr. Hamrick motioned to approve the SRU 20-005 Black Hills Energy Hogback Station with recommended contingencies and waiver requests and getting information on hazardous materials.

SECOND

Mr. Larry Baker seconded the motion.

Chairman Alsup called for a roll call vote and the motion passed unanimously (7 of 7)

C. SRU 20-006 Black Hills Energy North Penrose Station

Chairman Alsup called Director Sean Garrett to give a staff report.

Director Garrett stated the department has reviewed the application and found it to be a complete and true representation of the request as stated herein. The department finds that all minimal requirements per the Fremont County Zoning Resolution will be satisfied by this application with contingencies and waiver requests.

Contingencies:

1. Site plan revisions
2. Approval of application for a Vacation of Interior Lot Line to vacate the lines between the southern parcels.

Waiver requests:

1. Landscaping of the parking area
2. Hard surfacing of the parking area

Chairman Alsup called Cristin Cochran to present SRU 20-006 Black Hills Energy North Penrose Station.

Ms. Cristin Cochran gave a power point presentation. This substation will back up the current Penrose substation. She stated that the substation will take up approximately 2-acres of the 22-acre site and they will not be building on the North side of the site. She stated that the bulk of the substation will be 15-feet in height, with the next highest portion being 22-feet, and the tallest being 45-feet high with a skinny 10-foot pole on top of that to catch lightning strikes. The purpose of this substation is to share the load with the existing substation. Currently there is only one source of power in Penrose. Ms. Cochran explained the platted right-of-way's and how they plan to vacate the public right-of-way. She also explained the vacation of interior lot line they will be doing as per the contingency Director Garrett stated for approval. Ms. Cochran stated the substation will bring in an approximate \$66,340.00 to the County. She stated that due to the large set-back and buffering associated with rises on the perimeter of the property, it will be hard to see the substation from Colorado Highway 115 and K Street. Ms. Cochran stated that the substation will greatly improve the reliability in Penrose. This substation will reduce outages from hours to minutes. (For a complete overview of Ms. Cristin Cochran's presentation, refer to the power point.)

Chairman Alsup called for public comments and invited Janet Jordan to speak.

Janet Jordan stated that she had a representation to speak on behalf of Karen Olmen, Hoshi Mistry, and Cynthia Melcher. Ms. Jordan gave a handout to each of the Planning Commissioners, and made a presentation following the hand-out she gave. (see attached presentation.)

Chairman Alsup invited Larry Swisher to speak.

Mr. Larry Swisher stated that a lot of what he was going to talk about had been covered. He also stated that in 2018 he came to the Planning Commission Board about a group he formed, Penrose Neighbors for a Better Route, he wanted to introduce the idea of their group to the commission about the impacts it would have on the community, however, he stated that Chairman Alsup advised him that he didn't want to hear about it at that time, as there was not an application from Black Hills Energy in front of them, and he also didn't want it prejudice the commissioners. Mr. Swisher stated that these substations mean nothing without more power coming in. He stated that the actual footprint of the substations is six acres. The transmission line from West station in Pueblo to the Hogback Station is 39 miles, he guesses that 20 miles of it will be within Fremont County. The actual utility easement is 125 feet wide, if you take that times 20 miles and divide it by 43,560 feet, that gives you 300 acres for the transmission line itself. That's an order of magnitude of 50 over just these substations. He stated that the notion that in Fremont County that you can apply for an SRU without the whole package. He stated that the land use requirements lack power. House bill 74-1041 been around since 1974, Pueblo County implemented 1041 in 1978. He stated that it allows you do these activities in areas of state interest, which obviously this is, because they are going from one county to the next with a huge project. It allows local authorities to have more say in how they can regulate things. He cited a previous way that Pueblo County was able to use the power from 1041 to get concessions from Colorado Springs Utilities on the Colorado Springs Southern Delivery System project. More recently it allowed the Pueblo County Commissioners to deny the 1041 application by Black Hills Energy in 2018, and again in 2019. He stated that they still have not decided on the outcome as of today. Mr. Swisher stated that he believes this is because they can ask things of applicants that he doesn't believe can be asked here in Fremont County.

Chairman Alsup called Nancy Wright to speak.

Ms. Nancy Wright stated that the line that is supposed to feed this substation goes right behind her back porch, within feet and she is of course fighting that. She stated that her feelings were included in Janet Jordan's statement, however she had a letter from a resident who couldn't be here today. The letter is from Sandy Crawford. Ms. Wright handed each of the commissioners a copy of the letter from Sandy Crawford, and then read the letter to them. (see attached letter)

Chairman Alsup called for Director Garrett to address any of the comments.

Director Garrett stated that the transmission lines from this substation, through to Pueblo County as previously discussed on the other application, will be separate applications, a separate process, we are just looking at the application before us for the Penrose substation. The easements were for any line that will go between this substation and the hogback station, and that's what the discussion was with Black Hills on that, which those have already been secured. He stated that he doesn't know where they stand with all of the lines going from the North Penrose substation to Pueblo County. Director Garrett stated that the landscaping aspect that the requirement is that the Commission and the Board can require that landscaping be placed in the parking area to break it up so we don't have a vast amount of asphalt or concrete sitting there, it's not referring to landscaping of the project itself. Director

Garrett also stated that the traffic counts are based on how many trips will be made in conjunction with the application. The application was sent to FCDOT and also CDOT for review. CDOT didn't have any comments on it, since it was not within that 500 feet and the access is coming off of K Street. Director Garrett also stated that we do have the correct comments from the Florence Fire District, Penrose Fire station.

Chairman Alsup asked Cristin Cochran to come back up for questions from the commissioners.

Mr. Mark Masar asked where the lines are coming from and where they are going to attach to the substation.

Mr. Seth Boutilier stated that they have already secured the easements from the hogback station and North Penrose, and provided a list of the easements and what the structures will look like, and going west of Penrose, they still have work to do. If they build the hogback and the Penrose station, and they get that line, then they will be able to feed Penrose. He stated that this is not the end result of this entire project, but that gets them better reliability in the area sooner. They will continue to work for a route between Penrose all the way through Pueblo County. They are currently in the 1041 process in Pueblo County, he stated that at they are hoping to have a decision soon with them. They have secured a route all the way up through Fort Carson, they are working on a portion in Penrose, they are very open to different routes. He stated they will find the best way through that small portion of Penrose, and will be back before the planning commission to permit that portion of the line.

Mr. Masar asked if at this point it will be powered from Cañon City from the East side for this application.

Mr. Boutilier stated that is correct, with the hogback station, they can sturdy up the infrastructure around canon with that 69kv line, pull that power off the existing 115kv and bring power into Penrose so they can fix problems. Once they figure out the last 3 miles through, they will come back and permit that last portion and that will complete the project.

Mr. Michael Pullen asked what will happen if they don't get that last 3 miles.

Mr. Boutilier stated that he is confident they will be able to work with the community and get it.

Mr. Pullen asked if he thinks they are putting the cart before the horse in all of this.

Mr. Boutilier stated that he doesn't believe so. With this project, it brings a lot of value to the community.

Mr. Pullen stated that when he went to the site, he wondered where the wires are going to be and stated that seems to be the concern of the residents.

Mr. Boutilier stated they could have done the transmission line first, and then come back with the substations permitting and not be able to place the substations where the line is, or vice versa. So, they started with step one, which is the substations and they will bring value to the community.

Mr. Pullen stated that he knows what Black Hills is trying to accomplish, but he wonders how they will get there and that's a concern with the unknown. He stated that Black Hills should do a better job explaining what they are doing and working with the community.

Mr. Boutilier stated that they have done two community outreach meetings, gone over mapping, they have all but a small handful of easements signed, going to the West. They are not trying to permit that today, because they still have work to do there, because it's not secure. They know where they are going between these two substations, which will bring value. There's some movement that is going to happen on the easements of the lines.

Mr. Pullen asked where the wires are going to go.

Mr. Boutilier stated that Black Hills has met with the community still needs to secure easements in Penrose and has opportunities for movement in Penrose. He stated that he understands concerns, and he thinks we need to focus on the applications here today that meets the county guidelines, and not be talking about the what-ifs.

Mr. Pullen asked what happens if something goes awry and you have to move someplace else.

Mr. Boutilier stated that if you don't move forward, then you will never move forward. He stated that they actually had an easement moving along with the purchased easement, about five-miles. He stated that they actually had an issue with one easement location with a property owner, so they worked with the neighbors and moved the line and gave up the easement, and didn't even ask for a refund. He stated that this is the best location to bring power together into Penrose. From a land preservation standpoint, they are only going to use 3-acres out of the 22-acres.

Chairman Alsup asked for further comments.

Mr. Larry Brown stated he had some comments, but he is going to hold off until the end.

Mr. John Hamrick stated that with the two applications in front of them one for the hogback station and one for the Penrose station, if construction is approved, where the wires come is from the hogback station and that's all we are looking at today. He stated that we are not looking at where wires come or may not come, it's Black Hills Energy's business decision that this station is necessary to introduce more reliability into the Penrose area as a stand-alone facility. He stated that today they are not considering if the rest of the route will ever be connected to Pueblo. This is a business decision by Black Hills Energy that if that is never approved, it is still in their economic interest and the citizens interest in reliable power. He asked if it was correct that the wires would come from the hogback station.

Mr. Boutilier stated that is correct.

Mr. Mark Masar asked about the Vacation of Public Right of Way if they plan on vacating the easement on the West side also.

Ms. Cochran stated that they are vacating the easement between lots 3 and 4 to the North and the easement to the West.

Mr., Masar asked about the continuation of J Street to Highway 115.

Ms. Cochran stated that Highway 115 is a controlled access highway, and the access rights are not there for J Street.

Mr. Masar asked if that would block access for utilities from using that easement.

Director Garrett stated that the concern from the department was to do a Vacation of Interior Lot Line, not the Vacation of Public Right of Way applications. He stated that they can vacate that right of way to the North and to the West, but the department isn't requiring that. Part of the process of doing a Vacation of Public Right of Way if they choose to do so, is notifying public utilities to see which ones have rights to those accesses.

Mr. Masar stated that the easement to the West would be a concern for him as it doesn't make sense to him.

Director Garrett stated that we just received that application and we are in the beginning of that process.

Mr. Boutilier stated that they will stop the Vacation of Public Right of Way if they needed to. They thought it was part of what Director Garrett was requesting and it doesn't affect their project one way or the other.

Mr. Larry Baker stated that he was having trouble hearing and is confused as to what is going on. He asked if this proposal is the only thing that they have and have come up with.

Ms. Cochran stated that looked at a lot of different sites and they chose this site because the visibility is poor from Highway 115 and from K Street. She stated that this was the best site they have been able to come up with.

Chairman Alsup addressed Mr. Baker's questions and stated that they are not considering the transmission lines coming from Pueblo today, that's not part of the application that is in front of them. He stated that he hears the concerns from the public and he understands what they are worried about, but he has to consider what's in front of them today.

Mr. Larry Brown stated that he agrees with Mr. Pullen that he feels Black Hills Energy is placing the cart before the horse. He stated that it was clarified to him that the hogback station will back feed the Penrose station. He stated that the problem he has with the Penrose site is the location. He stated that it sits right on the corner and visibility is a problem. Mr. Brown stated that he doesn't disagree that Penrose needs more power, but he doesn't like the location.

Ms. Cochran stated that she would be more than happy to do a site visit.

Mr. Brown stated that he has been there and the problem is the location as far as he is concerned and he is not going to vote yes.

Ms. Cochran asked Mr. Brown if he knows of another site.

Mr. Brown stated that is her job, not his. They are just there to approve or disapprove a location.

Ms. Cochran stated that they have looked at the elevations and with the bulk of the substation being under 15-feet is very persuasive. There are hills along highway 115 making it good, K Street is not as good, but they plan to keep much of the vegetation intact, which will help to block the view.

Mr. Pullen stated that he was going to fall on what Mr. Hamrick stated, and that is they are here for a specific item, not the aesthetics per-se.

Chairman Alsup stated that the visual impact is there.

Mr. Hamrick stated that he wanted to point out that this application does suffer from the same defect of the hazardous materials note as the hogback station did. If you have wet transformers, you will have hazardous materials. If there is a motion made to approve this it should be noted that hazardous substances need to be dealt with on the application.

Chairman Alsup called allowed more public comment and invited Karen Olmen to speak.

Ms. Olmen stated that she lives in Penrose and has been involved in this project since day one. She stated that she wanted to clarify that the issue isn't that they are opposed to a substation in Penrose, they are opposed to the location. It won't be beneficial the way it looks. She stated that location is the gate-way to the Arkansas Valley and the residents love the community and the view. The substation destroys the property next to it. They understand the importance of the hogback station and connecting it to Penrose. She stated that they are totally opposed to the location, there has to be another site that will work.

Chairman Alsup asked the commissioners if they have any questions. He stated that this is a tricky one and he understands the community concerns.

Mr. Hamrick stated that they have heard the public input on visual impacts and asked if there is a basis for denial for visual impacts.

Brenda Jackson, County Attorney, stated that is an option and it is covered under the master plan.

Chairman Alsup stated that is covered on their SRU requirement sheets.

Brenda Jackson stated that Special Review Uses are discretionary decisions.

Mr. Gardner Fey stated that he is afraid if they did select a different site, that site will be opposed too.

Mr. Pullen stated that he wished Black Hills Energy would have done a better job with the community beforehand.

Mr. Masar asked if the 800 signatures referred to in the public comments were in reference to this project or in reference to the 115kv transmission line.

Ms. Janet Jordan stated that the signatures address the project. When the path was secured, the substation was listed as part of the entire project and was never identified to them as a separate entity.

that would be applied by itself. It has been proposed to them all along as one entire project. So, their concern was not only the visual effects, but approving this substation pretty much locks them in as to where the lines are going to go. She stated that Black Hills Energy told them in community meetings that there are no negotiations, and the line is set. She stated that by approving this substation, you will lock them into a line in their backyard.

Chairman Alsup stated that he was open to a motion.

MOTION

Mr. Hamrick motioned to approve SRU 20-006 Black Hills Energy North Penrose station with recommended contingencies and waiver requests and getting information on hazardous materials.

SECOND

Chairman Alsup seconded the motion.

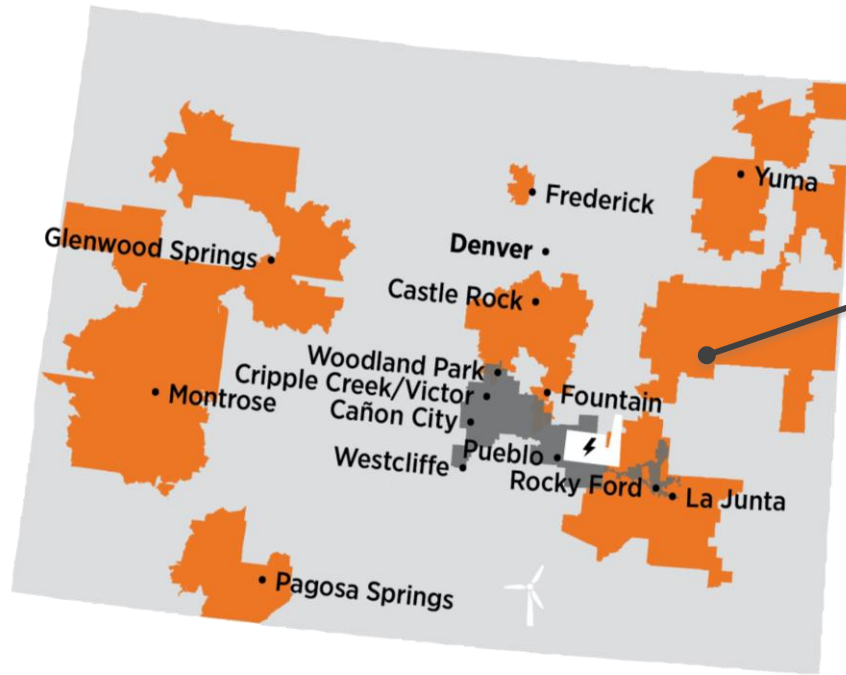
Chairman Alsup called for a roll call vote and the motion passed (5 of 7).

7. **ADJOURNMENT**





Chairman Alsup adjourned the meeting at 5:16 p.m.


CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION 10-6-20
DATE

Black Hills Energy – Colorado Operations



Colorado
289,800 customers
119 communities served
470 employees

-  Natural Gas Utilities
-  Electric Utilities
-  Power Generation
-  Wind Generation

SRU 20-005

Hogback Substation

123 County Road 69



Canon City Substations



Access diagram



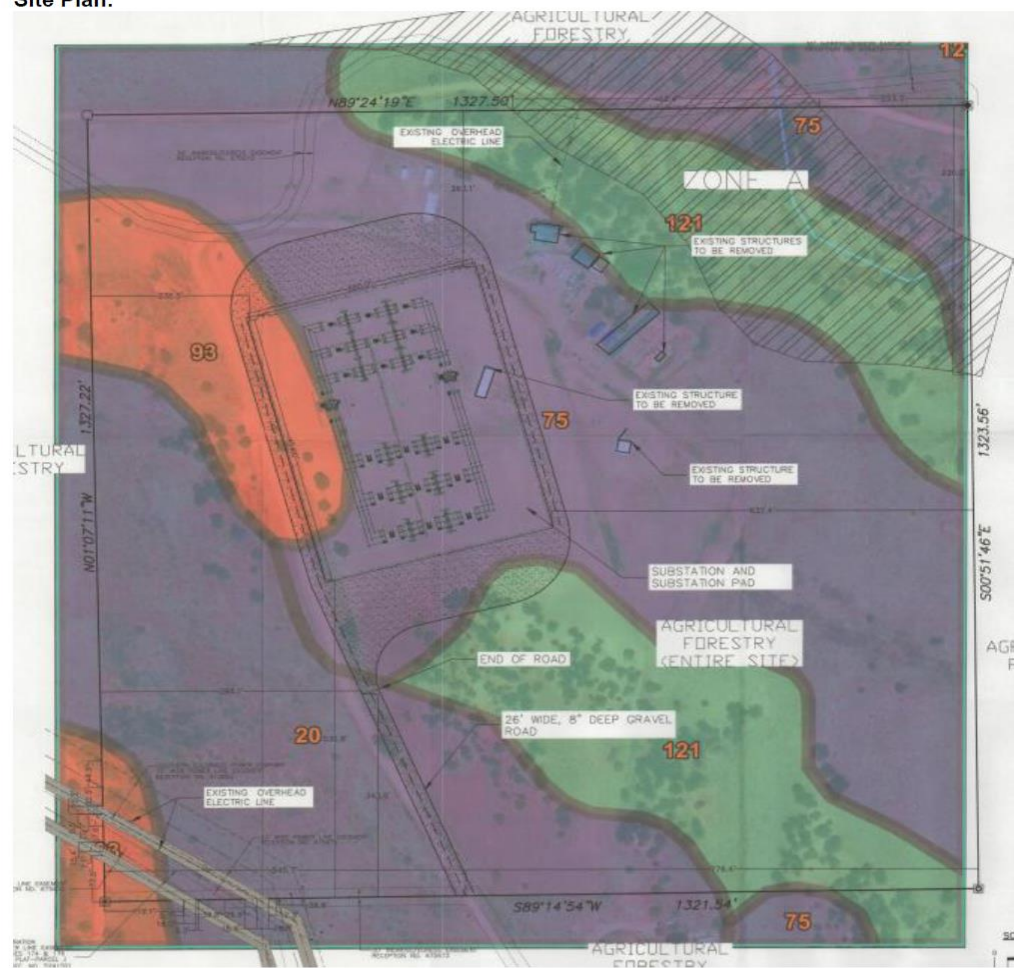
West out of Canon City on US 50

Private access off CR 69, looking northerly



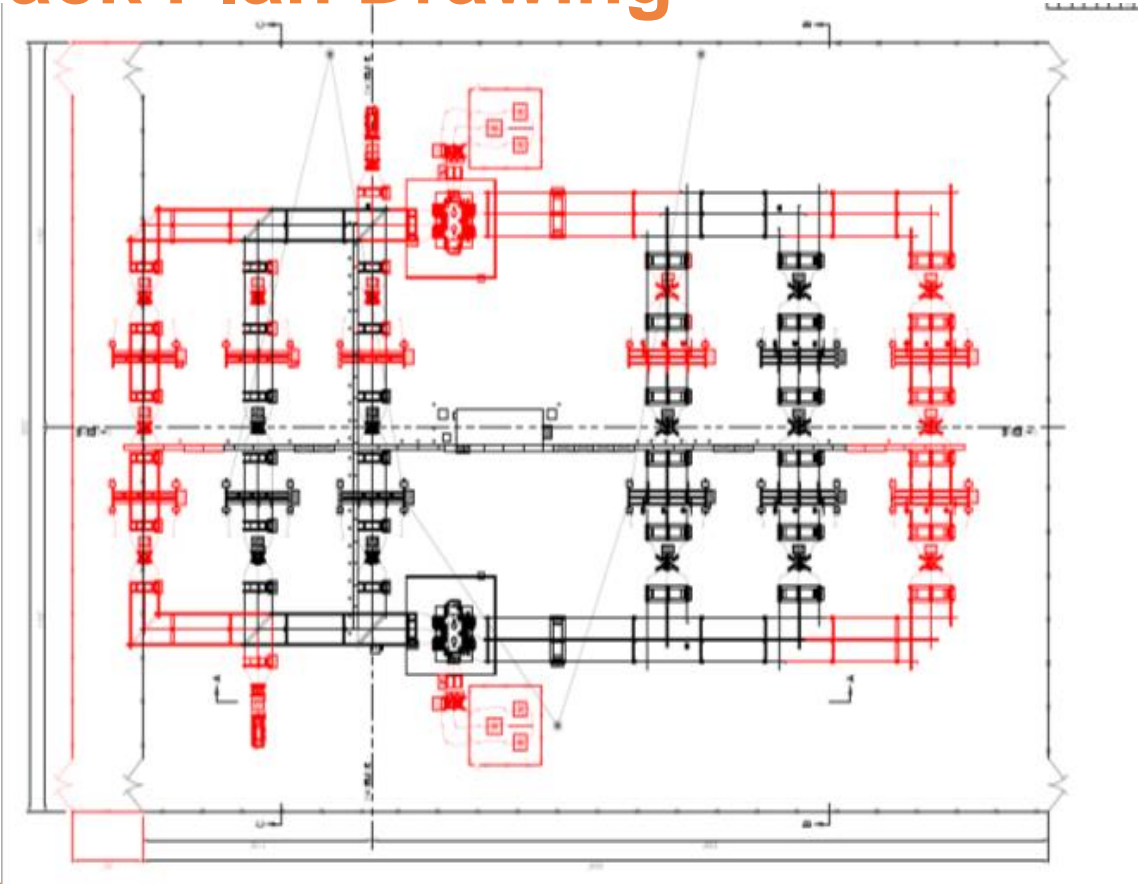
Hogback Site Plan

Site Plan:



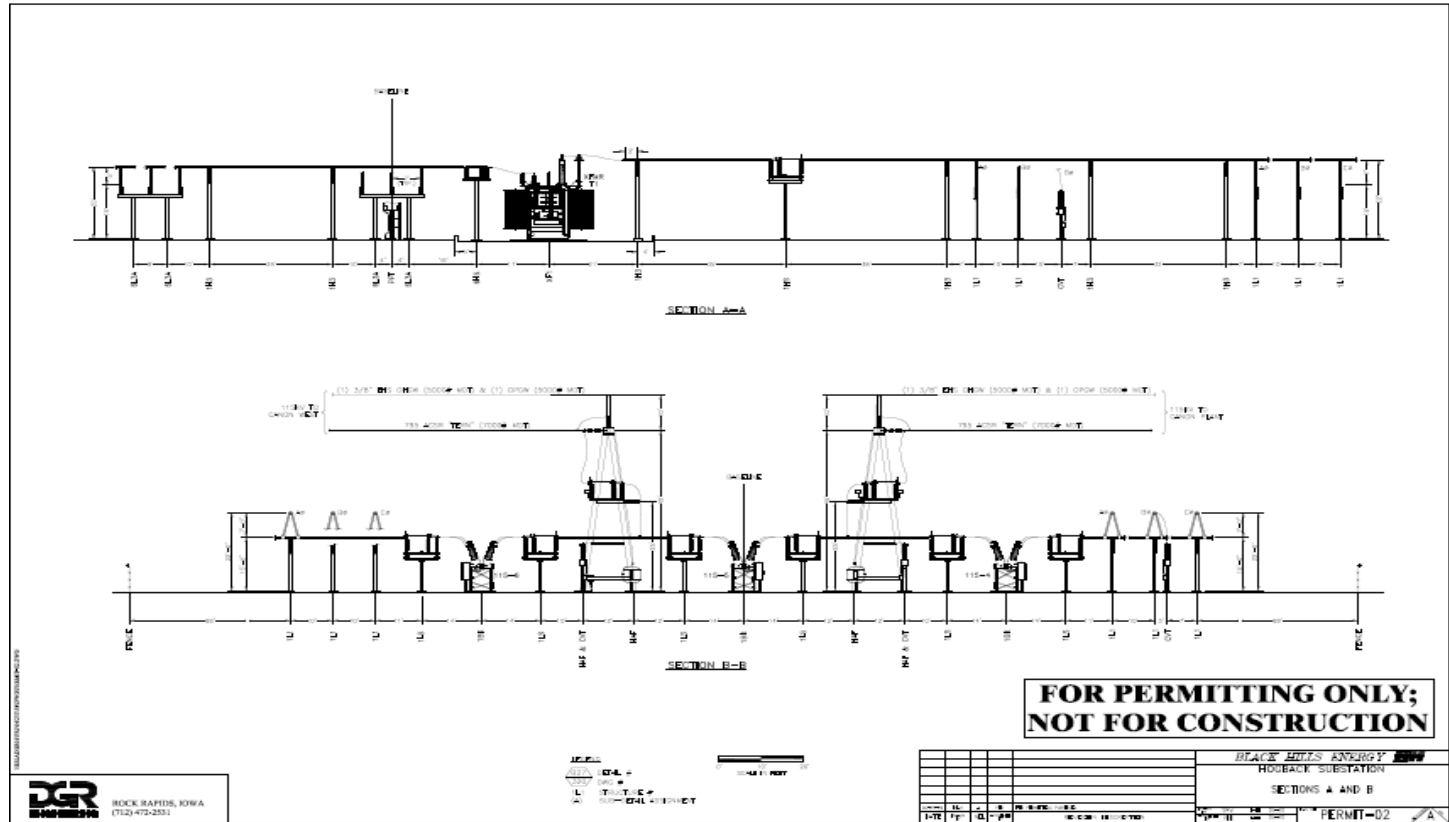
Hogback Plan Drawing

Bird's eye
view
ultimate
buildout



Hogback Profile view

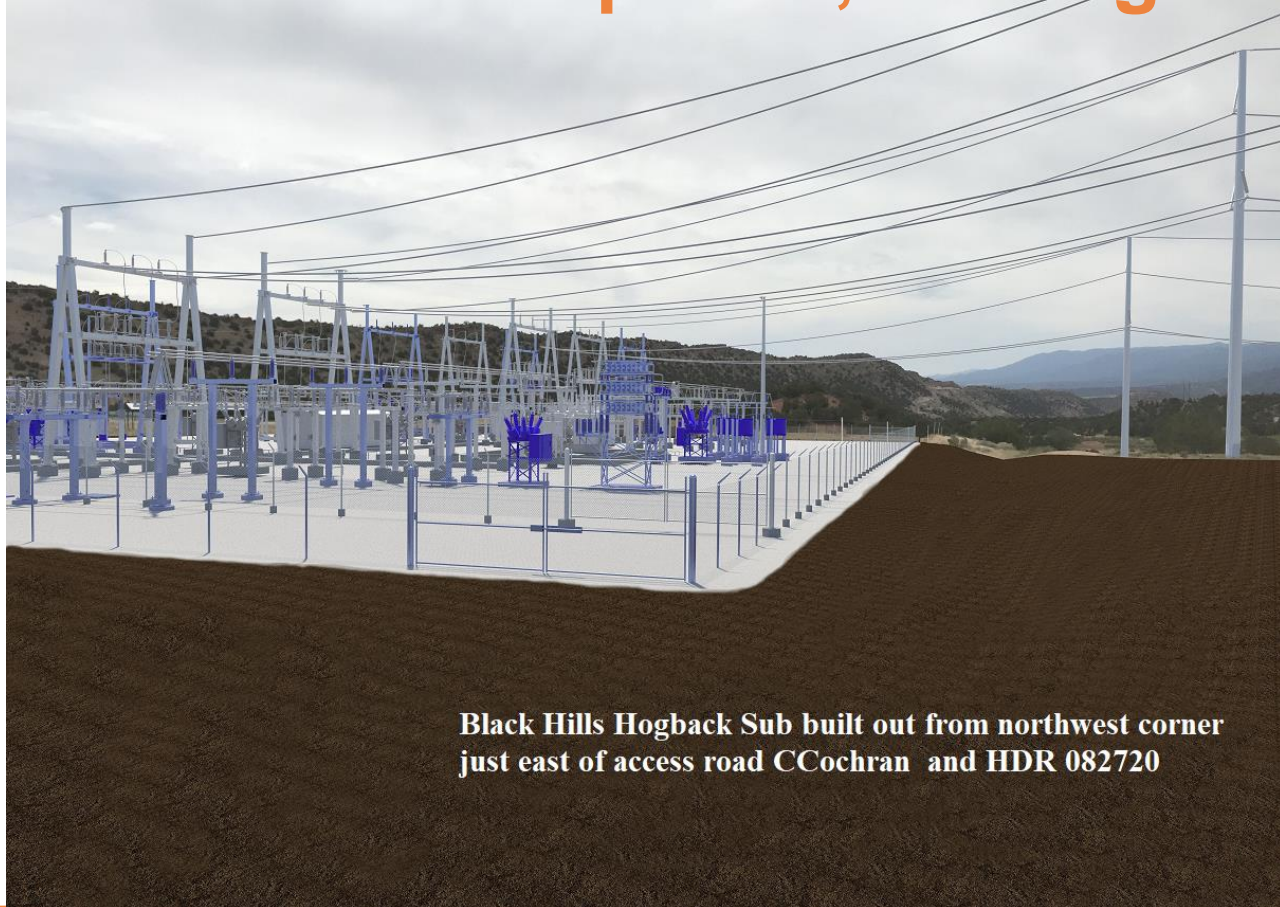
Through
main part
of
substation
yard



Hogback Photosimulation



View from inside the parcel, looking south



**Black Hills Hogback Sub built out from northwest corner
just east of access road CCochrans and HDR 082720**

Hogback Substation

- Substation is a permitted use (FCZR 4.1.4.21)
- No loss of farmlands
- 40+ acre, secluded site
- Use is compatible and harmonizes with area
- Complies with Goals, Objectives, and Implementation Strategies of Urban Growth District

Questions, please!

Thank you!



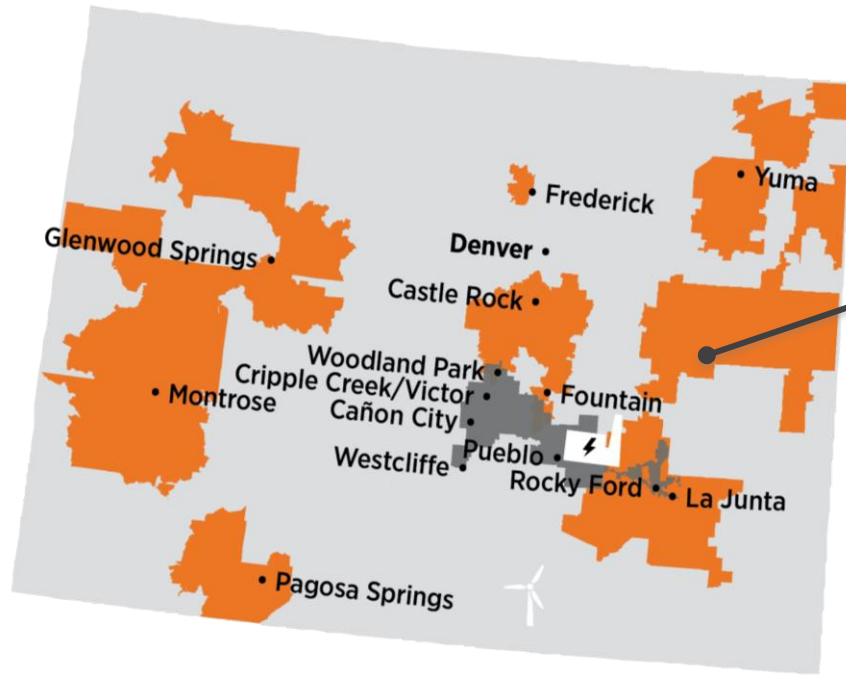
SRU 20-006

North Penrose Substation





19 K Street, Penrose



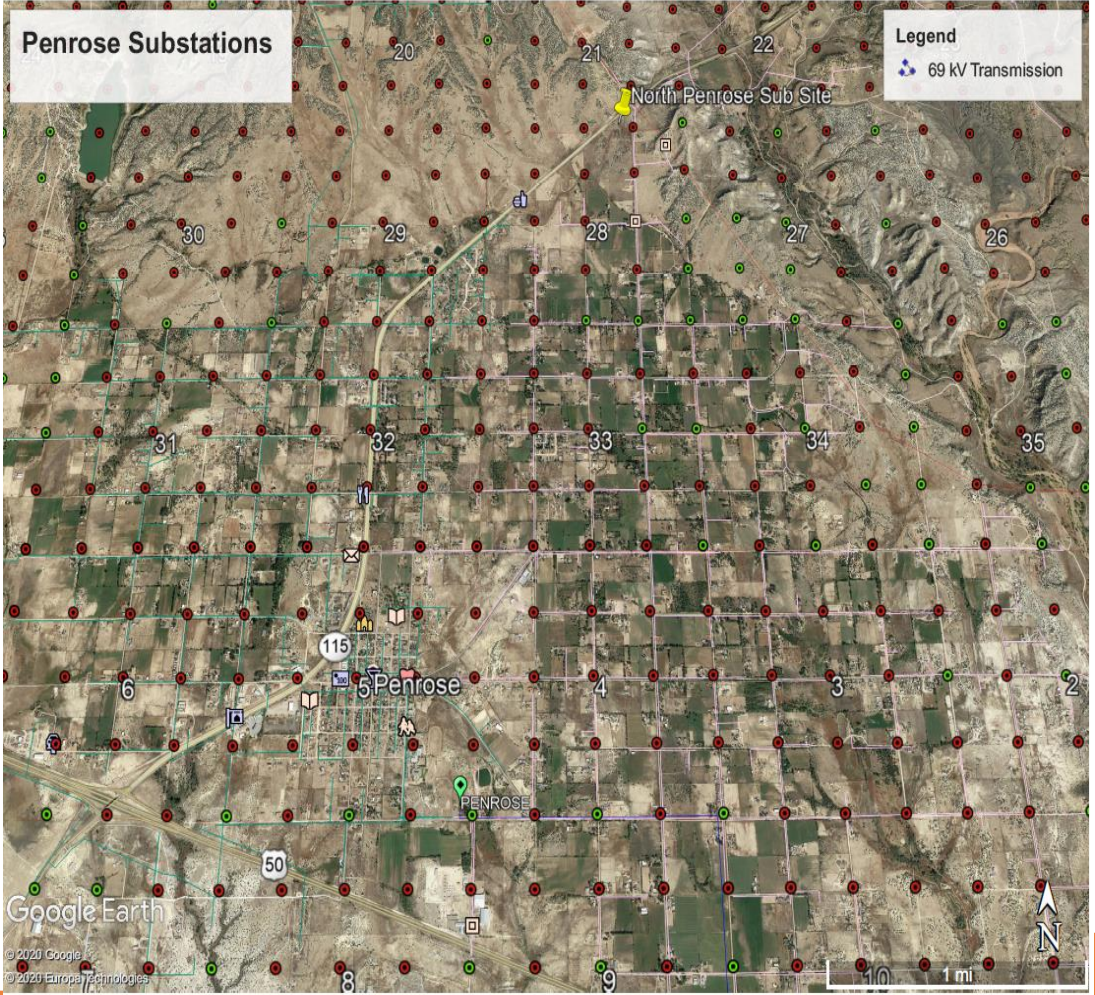
Black Hills Energy – Colorado Operations



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-  Power Generation
-  Wind Generation

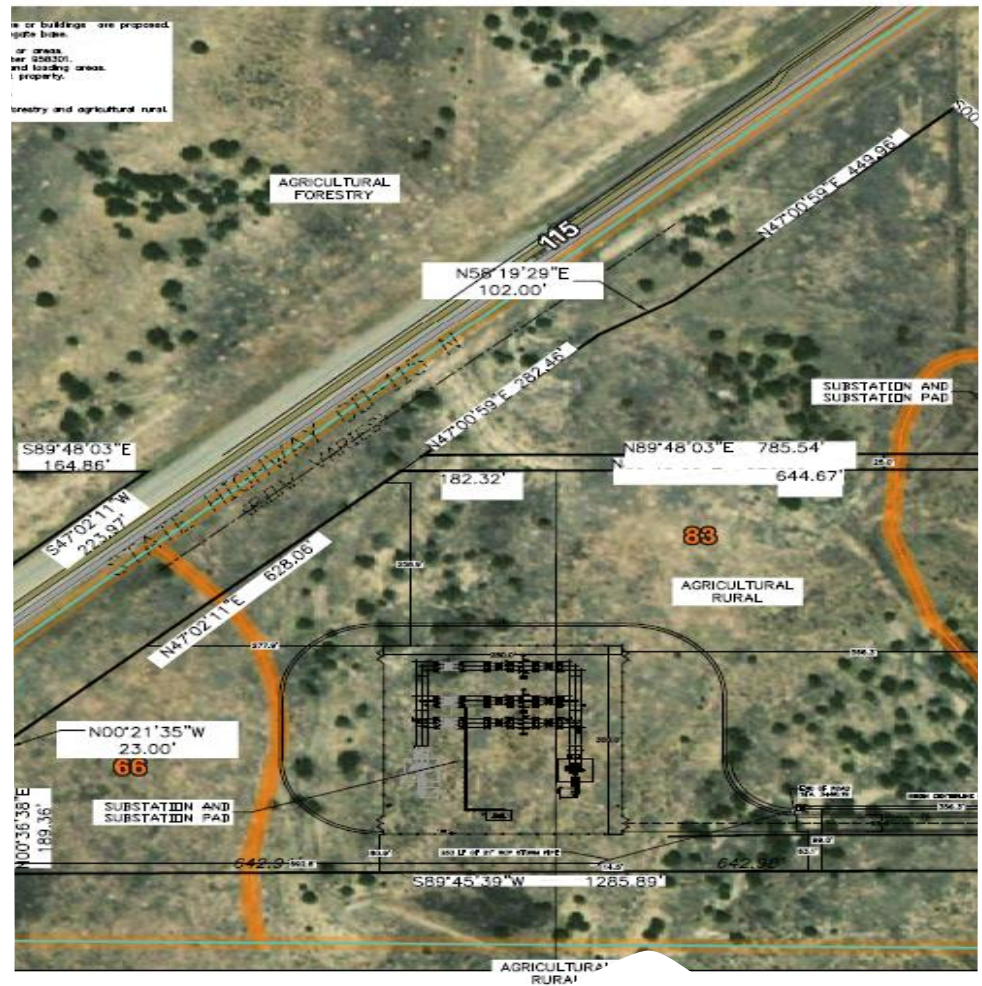
Penrose Substations



View along K Street, South

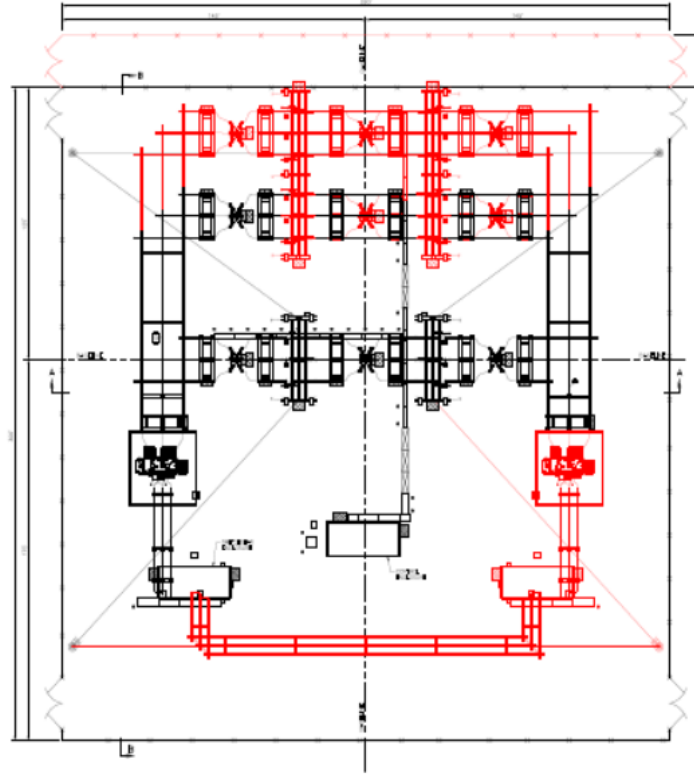


North Penrose Site Plan



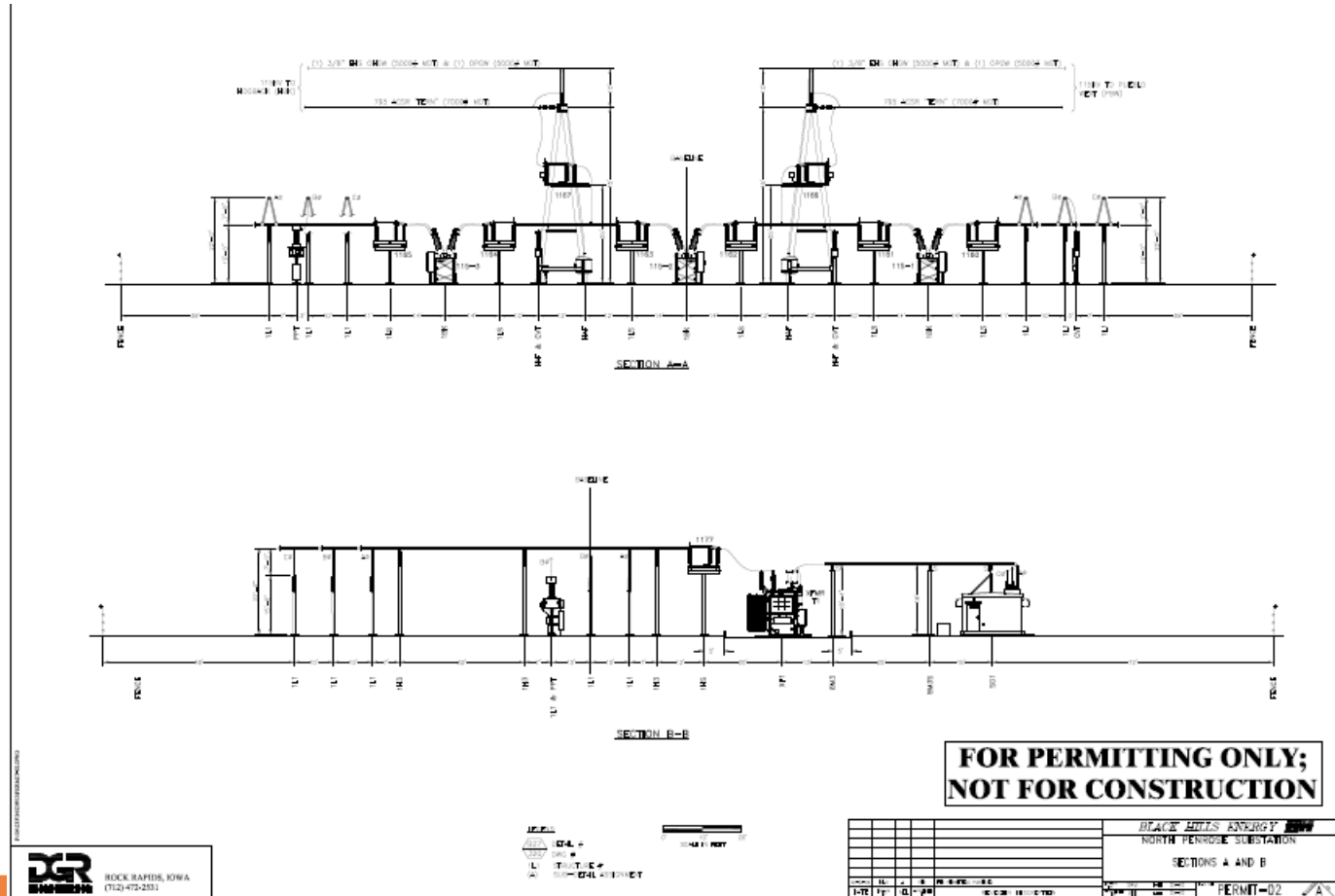
North Penrose Plan Drawing

Bird's eye view ultimate buildout

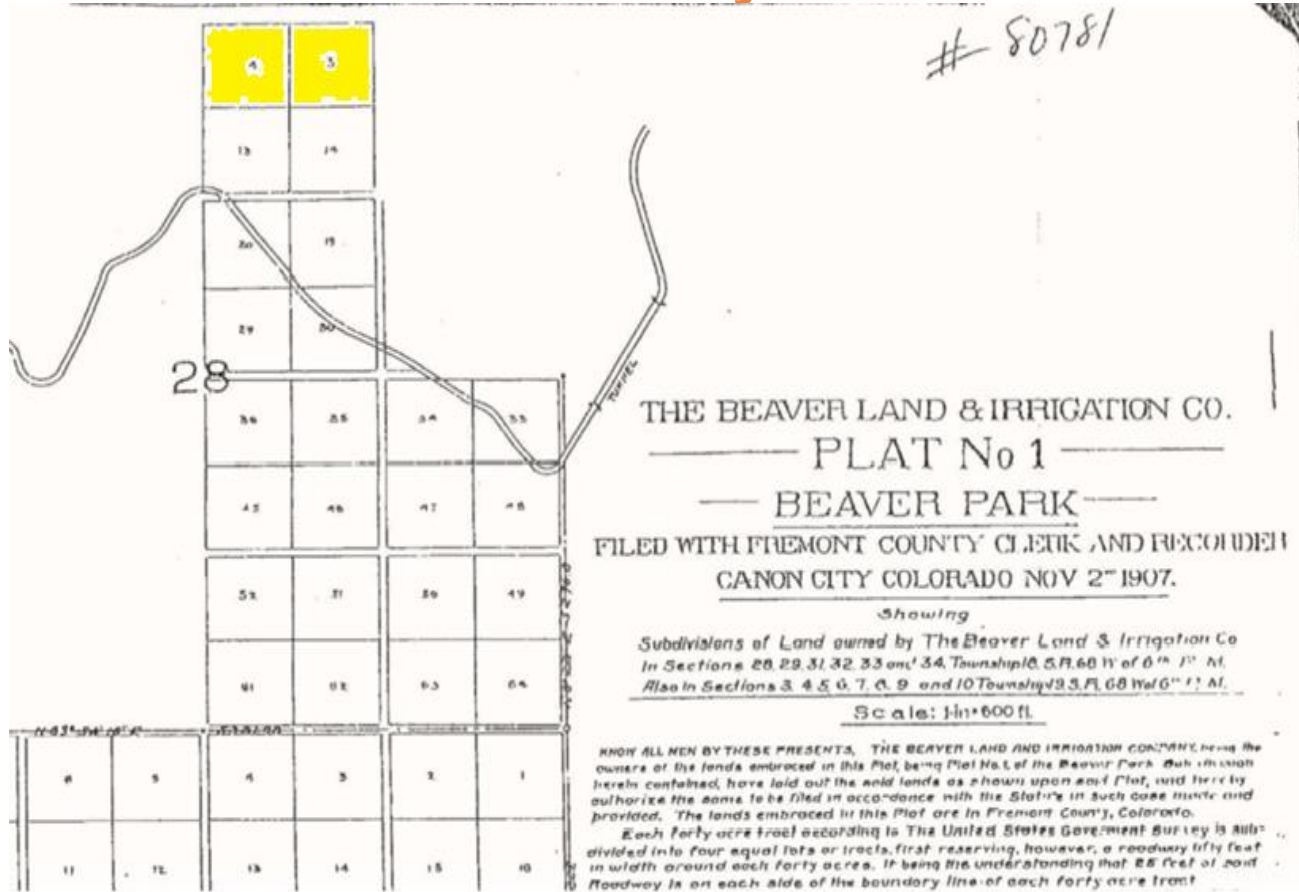


North Penrose Profile view

Through main part of substation yard



Vacation of Platted Roadway



Corner of K Street and SH115 looking South



North Penrose Photosimulation



North Penrose Substation

- Substation is a permitted use (FCZR 4.4.4.19)
- No loss of farmlands
- 22+ acre site with 3 acre substation
- Use is compatible and harmonizes with area
- Complies with Goals, Objectives, and Implementation Strategies of Penrose/Beaver Park District

Questions, please!

Thank you!



Presentation to Fremont Planning & Zoning

Gentlemen; I am here today representing the people of Penrose.

We have serious questions and concerns regarding the location of this proposed application for the Penrose North substation. We are **NOT** opposed to the concept of a substation. We **ARE** opposed to this location. AND, let's be honest to begin with.....this substation and it's location is part and parcel of a large project not even yet approved by Pueblo County at it's source, or with a SRU application for transmission line siting in Fremont County.

Now I would like to address our questions by following the application and how it relates to the County Master Plan.

Site & Development Section 1

Application item #1;

In the July 8th Deficiencies letter from Mr. Garrett to Black Hills, he asked for “information and materials associated with the transmission lines.”

Black Hills response from Mr. Seth Boutelier is “The Company’s SRU applications for the North Penrose substation and Hogback substations do not seek approval of the transmission line. The Company is not aware of any requirement directing the Company to seek approval of the transmission line. In addition, the County has not directed the Company to seek approval of the transmission line under its’ regulations.”

But in “cooperation”- they submitted pictures of what a pole looks like and a general information map for Hogback only, and an overview of the project.

Question - Are they saying they don’t have to permit the transmission line, since there is no County requirement? We all know the Penrose substation will not be wireless. So, how can you properly evaluate the

siting, and approve the substation without all the elements disclosed? Without knowing where transmission lines will enter **AND** leave the site? AND, how the substation will connect to provide their stated “reliability” to Penrose?

Is this substation going to connect to the existing Penrose substation? And how? Lines down K St? Down scenic Highway 115? And what type of lines? If no connection – how will power be distributed in Penrose? How soon after construction will this take place?

In the same deficiencies letter, Mr. Garrett asked them to provide reception numbers for all recorded easements with the proposal AND include those associated with transmission lines. Black Hills response says they provided a chart of numbers in an email to Mr. Garrett on July 29th. According to our verbal discussion with Mr. Garrett, conveniently their numbers only include sites west of Highway 115 to Canon City. Black Hills does not want to discuss the fact they have **NOT** secured a path from the Pueblo County line to this proposed substation, and there are more properties affected in this area.

Section 2 Impact Analysis

Application item #4 visual impact control measures;

Quoting the application answer “the substation is planned for the southerly portion of the site. Natural dirt berms along SH 115 reduce visual impacts from the north and west. Setback from K St. and nearby residences reduces visual impact as well”.

I have handed each of you photos taken going north and south on Scenic Highway 115, as well as from residences on K St. With the highway elevation above the proposed site, there is no berm that blocks the area visually. With no plans including elevation drawings of the structure, given the pictures supplied by us, how can you conclude there are sufficient visual control measures?

Black Hills intends to do nothing to the property and has asked for a landscape waiver – despite the apparent removal of trees needed from the property. Clearly you can see from the pictures any structure will be fully visible. Fremont County Master Plan A.3.6 “recommends for a professional level traffic study to be conducted for all proposed

development prior to an application submission". While CDOT has advised that since the site access is not being requested from Scenic Highway 115, they do not investigate further. But would it not be beneficial to know the traffic counts that will view this site? How many thousands of tourists, residents and potential residents to this County will have full view everyday of the proposed substation that sits at the entrance to the Arkansas Valley? On that note, the CDOT Code of Colorado Regulations 3.1.8 addresses aesthetic considerations of a utility facility/installation specifically with codes on vegetation, views, and location, especially along Scenic Highways. A substation is a terrible first impression of Fremont County and the Arkansas Valley.

Section 3 Required Submittals Attachments

Application item #7 Landscape Waiver Request; the waiver request shows Black Hills intent is to utilize the natural hardscape as screening and locate the site to the southwest, closer to the Scenic Highway 115. Many mature juniper, pinion, and cedar trees will be removed during construction and to construct the access drive and fill area. This removal will further open up visibility from K St.

Application item #8 Lighting Plan; The site is to include an “emergency only” lighting. Let’s be clear – does this mean it is not lit up at night?

Application item # 11 County Roadway Impact Analysis;

In responding to Mr. Garrett’s deficiencies request on the expected impact on roadways – the same answer was given for both the Penrose North and Hogback applications, when in fact these have very different access points. Penrose North will access off of County Road K St. Will all construction traffic be on residential K St.? or will it be on Scenic Highway 115?

On the Roadway Analysis Impact form, item #4 is the first time we actually see the purpose of the substation. Item #4 proposed use says “Development and operation of an electric substation that will support the existing electric grid in Penrose and surrounds by increasing reliability and ensuring abundant electric supply to homes, businesses, and agriculture in the grid. Special benefits will accrue to electricity reliant industries such as agricultural pumps and mining.”

What agricultural pumps do we have? What mining operations? Does this mean more 115kv transmission lines along Scenic Highway 115 north to El Paso County for Martin Marietta? Does this mean for Holcim, and if for them, why not locate the substation closer to them?

Application items #13 and #14 Complies goals and objectives of the County Master Plan and statement of how it will be harmonious and compatible to existing land uses and development.

Where is the required statement? The Fremont Master Plan, Chapter 4, says “The proposed use should have a minimal effect on adjacent uses, the use and its location should be compatible and harmonious with it’s surrounding neighborhood and should not impact the rural character of the County.”

This property is along Scenic Highway 115 and is classified as BLM Class 2. The Class 2 zoned objective is “to partially retain the existing character of the landscape. The level of change to the characteristic landscape should be low. The Colorado SH115 (from El Paso County

line to the Florence City limits) is listed under Scenic Roadways” and is zoned Class2, referenced from Chapter 4, Fremont Master Plan, Category J, visual resources.

Penrose Water District is limited and cannot expand to provide water to residences outside that boundary. How does changing this property to a utility use that requires no water beneficial to residential expansion within the community? It only takes up valuable residential/agricultural property in an already restricted area. Furthermore, obviously valuable property views will be greatly impacted and property values decreased.

When the Colorado Public Utilities Commission originally approved a new kv transmission line in 2017, Black Hills supplied them a map indicating this substation at Soda Springs.. The Penrose North location was not submitted and approved until 7-1-2020, AFTER the application to Fremont County was submitted. While the State has approved a substation, they also add they do not in any way approve sitings.

Black Hills simply states measures will be taken to not have a negative impact by the placement in the SW corner behind existing hardscape. Is this proof of harmonious compatibility? Look at the pictures supplied. This is not true!

Application Item #15; Fire Protection

Black Hills responded to the deficiencies letter that the Fire Protection Plan was attached. What was attached is for the Hogback substation, not Penrose North. Have you received the correct report yet? Is this not required?

Site Plan

Item N; requirements indicate the size and shape of all existing and proposed structures be shown.

What does this thing look like? How tall is it? How many towers?

Where are the wires in & out, and how tall and how many (now and the future)? Where's the elevation plans??

You all should be familiar with the substation hidden up behind up behind Whitewater Bar & Grill ? Visualize taking that and putting it in full view at this location. That's **NOT** harmonious.

It's nice Black Hills advises that this substation will generate \$64,400 dollars in tax revenues. Very attractive to a County that's struggling.

The reality is this revenue is there wherever it's sited in the County – not just this location.

How can you approve this SRU for the North Penrose substation without knowing the proposed route for transmission lines – in/out/connecting?

How many lines are there, and how tall will towers be now and in the future?

If the “reliability” that is to be provided is so wonderful, why do we have over 800 petition signatures wanting this out of the Penrose Water District? There's a reason that answers have not been forthcoming.

With a change in Land Use, it is appropriate to require a higher standard of development (per your application process) and this project does not fit the County Master Plan.

We are asking you to please deny this application at this location.

View from K St.



North end of K St. looking toward site location



Halfway down K St. site location, looking at site, and can see traffic on Scenic Highway 115



Looking toward site, traffic on Scenic Highway- clear view through site



View from K st. looking at site, and note clear view of traffic on Scenic Highway 115



Views from Melchert front porch, property on K St





Front porch picture toward site from K St. right to proposed site



Expanded view of southerly proposed site from Melchert front porch

Northbound Scenic Highway 115



This picture is taken from the southwest side of the proposed site, coming north on Scenic Highway 115. Proposed site is beyond the garbage truck.



Still looking at the proposed site, the fence line is the south portion of the site, and still clearly visible.



Pulled over on the side of Scenic Highway Northbound looking directly at proposed site. Clear view to K St.



Further north on Scenic Highway 115. Looking southeast across proposed site location.

Southbound on Scenic Highway 115



Coming southbound on Scenic Highway 115. Picture is taken 1/3 of the way down the property line, looking over at proposed site location



Continuing southbound still looking across at site location.



Progressing southbound on Scenic Highway 115, still looking at proposed location. Buildings in background are the house to the south of location.



Now at the southwest property fence looking at site location

August 31, 2020

Fremont County Planning and Zoning

To the board of Fremont County Planning and Zoning,

I am writing in regard to your review and potential approval or disapproval of Black Hills Energy's request to put in a electrical substation at the corner of Hwy 115 and K Street in Penrose, CO

I am certainly hoping that you will use careful evaluation of the consequences of this substation to my community. I moved here with my late husband in 2005 from South Dakota to build our our retirement home. I am self employed and have been for many years, so consequently my retirement is my home. We loved the area here, as we had all the benefits of country living but still the convenience of having access to all we needed in a reasonable distance. We realized that Penrose was unincorporated and saw the benefits and limitations. We BELIEVED that since we had no city government, that the county would look after our best interests. I am counting on that here.

My husband and I have been involved in having information sign up sheets available to those in the community who oppose for a variety of reasons, this sub station and the infringing power lines to follow. Never have I seen such overwhelming opposition and outright anger that Black Hills Energy would come in and purchase a piece of property and DECLARE that they were putting a sub station in the proposed location without ever asking the community first.

I have read the 14 points that are being considered in the application. Many issues are not discussed, including the visible poles and lines, the use of precious property within our water district, and the well being of the citizens. They are all factors that should be considered prior to your approval.

I have known of Black Hills Energy for a long time as I lived 20 years in South Dakota. When it was a small company it was praised and valued by South Dakota citizens. When it developed into this big corporation, the citizens and their property became less and less important and padding the pockets of the shareholders more important.

Don't get me wrong, I believe with all my heart in capitalism and the freedom to succeed. Never did our forefathers and those who fought for that freedom intend for it to be abused in such a way as to compromise others for the sake of profit.

Black Hills Energy can find many other places to put their substation than at the gateway to my community. If you look at their profit /loss statements, they are getting richer at the expense of their constituents.

I realize that much of what I am writing is not a part of the 14 points but it is the fundamental difference between right and wrong that should be number 1 on those points. There is no grey area there. The 800 signatures compiled in a very short time should be enough for you to understand that the citizens of this community DO NOT want Black Hills Energy to put a substation at the corner of 115 and K Street.

We, as citizens and residents of this community, count on you as our county government to protect our best interests. I, my husband, and many others are counting on you to make the right decision and deny this application.

Sincerely,

Sandy Crawford

Freeman and Sandy Crawford

453 Golden Circle

Penrose, CO 81240