

**FREMONT COUNTY
PLANNING COMMISSION MEETING MINUTES
April 5, 2022 AT 3:00 P.M.**

MEMBERS PRESENT

Mark Masar (Chairman)
John Hamrick
Larry Brown
Gardner Fey
Travis Payne
Dale McCullough

STAFF PRESENT

Mica Simpleman, Director
Joanne Kohl, Office Manager

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

March 1, 2022 Planning Commission Meeting

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

A. ZC 21-005 CASELDEN

Requesting approval of a Zone Change I, Department File# ZC21-005 to change the zone district for property located at State Highway 50 and Arkansas Blvd, Howard Colorado in Fremont County from Business to Agricultural Suburban.

Representative: Daniel Slater

B. SRU 22-006 BLACK HILLS ENERGY DESERT COVE-NORTH PENROSE

The applicant representative, Beau Cochran, on behalf of Black Hills Energy, is requesting Special Review Use Permit approval for a 115kV overhead transmission line located between North Penrose Substation and the Fremont County line.

The proposed transmission line would be constructed within a 125-foot easement corridor and includes three structure types that span the 6.2-mile transmission line with a total of 21 structure locations. The structures have average heights between 65-feet to 76-feet and will be made of self-weathering steel, which weathers to a rust-brown color. The proposed transmission line would complete the loop feed from Pueblo and increase reliability and shorten outages from hours to minutes.

Representative: Seth Boutilier Senior Project Manager

1. **CALL TO ORDER**

Chairman Mark Masar called the meeting to order at 3:00 p.m.

2. **PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was recited.

A. Chairman Maser introduces 2 new Planning Commission members, Mr. Dale McCullough and Mr. Travis Payne.

3. **APPROVAL OF AGENDA**

Chairman Masar asked if there were any changes, additions or corrections to the April 5, 2022 Fremont County Planning Commission Agenda.

MOTION

Mr. Fey motioned to accept the April 5, 2022 Fremont County Planning Commission Meeting agenda.

SECOND

Mr. Brown second the motion.

Chairman Masar called for a roll call vote, and the motion passed unanimously. (6 of 6)

4. **APPROVAL OF THE MARCH 1, 2022 PLANNING COMMISSION MEETING MINUTES**

Chairman Masar asked if there were any changes, additions or corrections to the March 1, 2022 Fremont County Planning Commission Meeting Minutes.

MOTION

Mr. Brown motioned for approval of the March 1, 2022 minutes.

SECOND

Mr. Fey second the motion.

Chairman Masar called for a roll call vote and the motion passed unanimously. (6 of 6)

5. **UNFINISHED BUSINESS**

6. **NEW BUSINESS**

A. ZC 21-005 CASELDEN

Chairman Masar starts by inviting Mr. Slater to speak about his project.

Mr. Slater states he is just here to answer any questions, seems like a pretty standard Zone Change request.

Chairman Masar asks Director Simpleman for his Staff Report.

Director Simpleman States this is a Zone Change from Business to Agricultural Suburban, total acreage is 6.3 acres, located in Howard. The owners would like to develop a single family dwelling and a detached garage which is not permitted with Business but is permitted with Agricultural Suburban. Referring agencies that did make comments, the Fremont County Department of Transportation they did review the application and did not have any issues The Fremont County project Engineer stated that a storm water drainage plan and report is not required or needed for a zoning change, however he would like to see a plan and report before development of the intended single family residence. He is comfortable recommending approval for the zone change.

From the Fremont County Department of Health and Environment, an OWTS as well as a well will be required to apply for the building permit, although the FEMA flood area is identified as zone a/zone x in the site plan, Fremont county and a FEMA flood application along with an engineered certified flood study shall be submitted at the time of the building application.

Director Simpleman states Planning and Zoning does recommend approval of this application with the following contingencies:

1. Note on plat Storm water drainage plan and report is required before any development.
2. Note on plat all development shall be at an elevation of 6722 or greater. Or at time of building permit application, a Fremont County & FEMA flood application, along with an engineered certified flood study shall be submitted.

Chairman Masar asks commissioners if they have any questions for Director Simpleman or Mr. Slater

Chairman Masar asks Mr. Slater if they are ok with the Contingencies and everything to be noted on the plat.

Mr. Slater replies yes

Chairman Masar opens the floor for a motion

MOTION

Mr. Fey motioned to approve ZC 21-005 Caselden with the notations of the storm water drainage at time of building and the requirement to build above 6722 feet.

SECOND

Mr. Brown second the motion.

Chairman Masar called for a roll call vote and the motion to approve ZC 21-005 CASELDEN passed unanimously (6 of 6)

B. SRU 22-006 BLACK HILLS ENERGY DESERT COVE-NORTH PENROSE

Chairman Masar welcomes Mr. Seth Boutilier to speak on this project.

Mr. Boutilier opens by stating that he is with Black Hills Energy and they are the power provider for Fremont County as well as Pueblo County and a larger portion of southern Colorado. They have around 18,000 customers here. Shows a slide show that is called Southern Reliability Project. The project starts in Pueblo at their substation already built, then traverses to the west across the walker properties, and right about at the Fremont County line, they enter into Fort Carson. From north Penrose over to the hogback substation, they have already built that line as well as the North Penrose substation. During their last permit hearing with the Board of County Commissioners, they were faced with a lot of controversy in North Penrose, the commissioners permitted the substation and the lines, he had made the promise to the County Commissioners that he would find a way to voluntarily acquire the easements they needed for the 6.2 miles they had controversy over. Today they are here to ask for permission to build that 6.2 miles which they have acquired all of the easements on. Which included easements from individual land owners as well as actually going out and purchasing properties to try to make this work the best they can for the community.

Mr. Boutilier states that the typical structures will be built out of steel in the sectional line, mainly due to the Walkers requesting steel monopoles on their ranch. Powerline is in Agricultural Forestry Zone having minimal impact to ranching and farming.

Mr. Fey asks about steel work versus wood poles is it just the life span of the pole itself?

Mr. Boutilier replies yes, it is so steel poles cost more to construct with wood there is more of a maintenance issue. Steel poles have a longer lifespan and less maintenance but a larger upfront cost.

Mr. Fey asks about lightning, does it affect the steel poles?

Mr. Boutilier replies all the structures are grounded, at the top of each one of the H frames are 2 grounded static wires, one is fiber optic and that is their communication from substation to substation, but they are both up there designed to catch lightning before it actually gets to the line, at the joint is a ground strap that's about an inch thick and probably 6 to 8 inches long that's bolted on both sides. At the bottom there is a ground rod that goes into the ground.

Mr. Hamrick asks about their original application dated in November of last year said that they were going to be using wooden H frames and now that has been superseded and the intention is to use all steel?

Mr. Boutilier states they use a combination of steel and wooden H frames on the section of line between North Penrose and Hogback. Somewhere around 40 wooden H frames. This section between North Penrose and Pueblo will have no wooden structures in it.

Mr. Hamrick States that his concern is the enforceability of that commitment and the Board will need to include that in the motion that the poles will be steel construction.

Chairman Masar asks Director Simpleman for the Staff Report.

Director Simpleman states that this is 6.2 miles of transmission line for a total of 21 structure locations, the height of the towers will be between 65 feet and 76 feet. Referring agencies that did comment, the Fremont County DOT said they did review and they did not have any comments at this time, all access is from private roadways. The Fremont County Project Engineer stated the application is adding the power lines and only adding H frame carrying poles. Reviewing the application packet information resulted in the following comments, storm water drainage plan and report, variance is not required, but is requested since only poles will be added and the effects on storm water will be minimal and storm water drainage is not needed. Fremont Department of Health and Environment did not comment. As for Planning and Zoning Department, we do recommend approval with the following waivers having found that since only poles will be added the effect of storm water will be minimal, Staff recommends approval for the waiver of the storm water drainage plan and report requirements. Having found that the implementation of buffing and screening requirements should not provide any visual barrier from the proposed structures due to the structures heights, we recommend approval for the waiver of buffing and landscaping plan as requested.

Chairman Masar asks if there are any other questions.

Mr. Payne asks Mr. Boutilier how far down in the ground do you have to drill to set these poles.

Mr. Boutilier replies to go through there and do geotech, so they take samples of every one of these structures, we call them self-supporting structures because they actually instead of just having more weight down with the wind, they are actually holding up an angle, so each one of those structures have the soil board at them and they use an average to determine the depth of the single poles as well as the H frames.

Mr. Payne asks if they have a typical drill depth average.

Mr. Boutilier replies, the rule of thumb if your alignment and you're out there setting a pole without geotech is 10 percent of the height plus 2, so a 70 ft. pole would be 9 feet deep.

Mr. McCullough asks that you have access point at 115 and K and that's the only access location right of way that he saw, however on other submittals they make reference to various surface streets and private driveways etc. Their traffic study shows only traffic after the construction is done and he is concerned about these redi-mix trucks coming in and out.

Mr. Boutilier states being that they have acquired land rights in those subdivisions that actually gives them the rights to that road and they have actually installed culverts where they get a concern they go back and mitigate it and any damage they may have caused to those roads at the end of the day. The

poles will be brought down HWY 50 down 115 and then onto the private roads that go down through beaver creek.

Mr. McCullough asks if they will use the same routes for the redi-mix trucks.

Mr. Boutilier replies yes.

Chairman Masar states they have a few people that would like to speak. He starts by introducing Mr. Adam Freeman.

Mr. Freeman hands out some photos and comments regarding the current Black Hills Energy Desert Cove-North Penrose project. He states that his primary concern is with the safety of these poles and the massive quantities of EMF that will be broadcasted at his house and across his entire backyard and all the places that his small person likes to play all the time. The first page of his handout is an illustration that shows where the line is going through and this shows specifically where our house is and shows that this line is less than 150 feet from our house and actually closer to the places that our almost 2 year old spends a lot of time playing and there's a small cabin that is even closer to the line which is where he has his home office. He states that when he was at the Planning Commission meeting in January that he would be contacted and no one that lives in this valley, to the best of his knowledge, has been contacted.

Chairman Masar calls Mrs. Renee Freeman to speak

Mrs. Freeman states she lives just up the hill from her son and daughter in-law and the land that Black Hills acquired runs right through their properties and they need to be a better place to put these poles. There are 4 houses in very close proximity. For one thing the view is obstructed and the other area of concern is the energy. These are high voltage transmissions. Would rather err on the edge of caution when we're affecting people's health and lives.

Chairman Masar calls Mr. Doug Hutchinson to speak.

Mr. Hutchinson thanks the board for weighing these difficult decisions and looking out for the interests of the people in the community and as well as the needs such as energy and for considering the roads. That was one of the things he wanted to talk about was the condition of the roads afterwards because it's going to leave a mark. He states that this is an area with 40 acre parcels with wide open spaces, the line with a little more effort could be routed to where it doesn't impact people where there are existing homes. He would like to see Black Hills try a little harder and zig and zag a little bit, it might cost just a little more but he thinks there are other alternatives, maybe going underground, but certainly a better route through the populated areas he thinks would be appropriate in this area. He is also concerned that there wasn't any notification of this.

Chairman Masar calls Mr. Stuart Phelps to speak.

Mr. Phelps states that as he reviewed the SRU application, he found under impact analysis in section 2 of visual impact control measures a measure, item 4, item 8, measures to protect or preserve archaeological or historical significant sites. Item 14 statement indicating how the proposed use will be in harmony and compatible with surrounding land uses and development in the area and or measures

that can be taken to make it in harmony. He is concerned about those because he lives on the section of transit between north Penrose sub and hogback sub and an SRU was not done. He looks at 6 poles that have ruined his views of the Sangre De Cristo. He now has 3 transmission lines on 3 sides of his property. The north, west and south.

Chairman Masar asks commissioner's if they have any other questions for Black Hills, Director Simpleman or any of the speakers.

Mr. Payne asks Mr. Boutilier if he wanted to speak to some of the concerns.

Mr. Boutilier states the only concern he would like to address is the EMF concerns. The Colorado PUC regulates the amount of EMF that is allowed to be outside of the designated easement and they do engineering studies and it can be tested and they stay well below those limits. All of the foundations and structures are all engineered.

Chairman Masar asks Director Simpleman if his office has verified all the easements.

Director Simpleman replies yes they have. Director Simpleman also wanted to put out that notifications were not put out for this meeting because those notifications are for the Board of County Commissioners meeting which you will most likely be receiving something in the next 2 to 3 weeks. Next week they will schedule the public hearing and at that time is when the notifications will go out.

Mr. McCullough asks Mr. Boutilier that when they went to buy these pieces of property and did the zig zag to get the 6 miles, were you aware of these residences on these properties.

Mr. Boutilier states that yes they did, they spent 2 years trying to find an agreeable route through Penrose. They have had several community meetings in that area, open houses at the coffee shop. They have spent hundreds and hundreds of hours trying to find the best possible path.

Mr. Fey asks as an energy company do you have any hard data on long-term EMF effects.

Mr. Boutilier replies that is a very controversial subject. They have pages and pages of reports that say there is no EMF effect and at the end of the day they make sure that the EMF outside of their easements is an acceptable level for the public utilities commission. Even the H frame poles have a wider easement than what is recommended.

Chairman Masar is open to a motion

MOTION:

Mr. Fey makes a motion that they approve as an advisory committee SRU 21-006 Black Hills Energy Desert Cove-North Penrose with the waiver of storm water drainage and vegetative buffering.

Chairman Masar asks to add the contingency for the steel poles. That they all be self- weathering steel poles.

SECOND:

Mr. Hamrick second the motion

Chairman Maser confirms it had been moved and seconded to approve SRU 22-006 Black Hills Energy Desert Cove-North Penrose.

Motion passed unanimously (6 of 6)

7. **ADJOURNMENT**

Chairman Maser adjourned the meeting at 3:56 p.m.



CHAIRMAN, FREMONT COUNTY PLANNING COMMISSION

5/3/22
DATE