

LARIMER COUNTY PLANNING COMMISSION

Minutes of February 20, 2019

The Larimer County Planning Commission met in a regular session on Wednesday, February 20, 2019, at 6:30 p.m. in the Hearing Room. Commissioners Choate, Dougherty, Lucas, True, Stasiewicz and Wallace were present. Commissioner Jensen presided as Chairman. Commissioners Miller and Johnson were absent. Also present were Michael Whitley, Planner II; Samantha Mott, Planner II; Katie Gray, Engineering Department; Lea Schneider, Health Department, Carol Kuhn, Principal Planner; and Denise Ruybal, Recording Secretary.

The Planning Commission visited the site of the proposed transmission line for Roundhouse Renewable Energy near the Wyoming border and the Rawhide Energy Station.

COMMENTS BY THE PUBLIC REGARDING THE COUNTY LAND USE CODE:

None

COMMENTS BY THE PUBLIC REGARDING OTHER RELEVANT LAND USE MATTERS NOT ON THE AGENDA:

None.

APPROVAL OF THE MINUTES FOR THE January 16, 2019 MEETING: MOTION by Commissioner Lucas to approve the minutes, seconded by Commissioner Dougherty. This received unanimous voice approval.

CONSENT ITEMS:

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ITEM #1 EGGERS ELECTRIC, FILE #18-ZONE2378: Mr. Whitley provided a brief description of the project. This is a request for a re-zoning of three parcels from T-Tourist and R1-Residential to PD – Planned Development. The property owners would like to establish outdoor storage on the south end of the subject properties which is not allowed under the current

zoning. The request to change the zoning to allow the outdoor storage as well as other uses. Mr. Whitley briefly described the additional uses and process. Standards for the outdoor storage can be found in Section 4.3.7.H. If the outdoor storage complies with those standards, it can be approved through the Site Plan Review process which is an Administrative approval. If there is a standard that cannot be met, then they will need to go through a Minor Special Review which will require Board of County Commissioners approval. Staff finds that the applicable standards are met, so the recommendation is for approval of the re-zoning.

Commissioner Lucas asked if the City of Loveland has any interest in annexing the property?

Mr. Whitley responded that two of the lots are adjacent to Loveland's city limits but the City of Loveland has commented that they are not interested in annexing these properties.

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DISCUSSION:

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Commissioner Dougherty moved that the Planning Commission adopt the following Resolution:

BE IT RESOLVED that the Planning Commission recommend to the Board of County Commissioners approval of the Eggers Electric rezoning, File #18-ZONE2378, a request to rezone the property from T-Tourist and R-1 – Residential to PD – Planned Development, subject to the condition of #1, pages 7 and 8 of the packet, the permitted uses, lot building and structure requirements, setbacks and structure height limitations.

Commissioner Choate seconded the motion.

Commissioners Choate, Dougherty, Lucas, Stasiewicz, True and Wallace and Chair Jensen all voted in favor of the motion.

MOTION PASSED 7-0.

ITEMS:

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2. ROUNDHOUSE RENEWABLE ENERGY 1041 PERMIT, FILE #18-ZONE2476:

Ms.Mott shared the Design Features that were part of the applicants submittal for this project with the Planning Commission as well as members of the audience. She also shared that there were no major issues or concerns and no neighbor comments or input was received.

Ms. Mott provided a presentation on this permit application for an activity of state interest pursuant to Section 14.4.E of the Larimer County Land Use Code for a 9.5-mile, 230 kV electric transmission line within a 150-foot wide easement from the Larimer/Weld County Line near the Wyoming border to the Rawhide Energy Station.

The 1041 permit is required for the electric transmission lines and appurtenant facilities that are designed to transmit electrical voltages of 69,000 volts or greater, whether erected above ground or placed underground. This transmission line will cross 16 properties with five different landowners.

The structures for this project are galvanized steel monopoles, angle structures ranging in height from 80-135 feet, with span lengths of 800-feet on average.

There is a permitting corridor of between 300 and 500-feet which varies based on routing constraints and final design after further consultation with the landowners. This includes the 150-foot transmission easement and a temporary construction easement.

The total development area for this project is 176.2-acres with a permanently disturbed area of .09-acre.

Existing uses are agricultural, rural residential, Meadow Springs Ranch – City of Fort Collins property and power plant.

Construction traffic will generate 15-20 trips per day with after contraction traffic decreasing to less than one trip per day for maintenance.

Referrals were sent to 20 agencies with responses from six agencies received. Notices were sent to neighbors within 500-feet and attendees of a public, open house.

There are 12 review criteria for all 1041 permit applications. Staff believes this application meets all the criteria. The applicant has presented reasonable siting and design alternatives or explained why no reasonable alternatives are available. There was a site study conducted that concluded the preferred alternative was chosen based on six main reasons. The project incorporated analysis and recommendations for suitable energy development presented in “Mountain to Plains Energy by Design”

There is one additional criterion for electrical transmission lines is that the siting and design of the proposal addresses potential levels of electrical and magnetic fields by exercising prudent avoidance to limited exposure. Staff feels this requirement is met. The project route and alignment were chosen to minimize the proximity to residences. The closest residence is over a quarter-mile away.

Staff recommends approval of this request.

Chair Jensen asked why this is a 1041 request and not a request for an L&E.

Ms. Mott responded it is because of the voltage. When voltage is greater than 69,000 volts, a 1041 permit is required.

Commissioner Dougherty asked for verification that the City of Fort Collins has already heard and approved this for the crossing of the Meadow Springs Ranch, to which Ms. Mott confirmed that it had.

Chair Jensen asked the applicant for their presentation.

Lucia Liley with the Liley Law Offices represented the Roundhouse Renewable Energy. She reviewed that the overall project involves the generation of carbon-free energy and the new wind farm in Wyoming with power transmitted through lines in Weld and Larimer Counties and finally down to the Rawhide Plant.

Platte River is a community-owned provider of wholesale electric power generation that is then sent to the utilities of its owner communities which include Fort Collins, Loveland, Estes Park, and Longmont. In 2017, Platte River Board directed its staff to seek proposals to add new wind power capacity to diversify its resources. Platte River and Roundhouse then entered into a 20-plus year power purchase agreement for 150 megawatts with the option for an additional 75 megawatts.

This project adds carbon-free electricity to Platte River's portfolio and triples Platte River's electric generation capacity. The line does have additional capacity of up to 400-500 megawatts.

The wind farm was approved on February 19, 2019, by Laramie County and its components are now approved. The transmission line that runs through Weld County is the subject of a pending 1041 application.

The length is 9.5-miles. The monopoles will be constructed of pre-rusted steel with an average span between the structures is 800-feet or 6.5 structures per mile but can be expanded to 1000-feet to cross over environmental features if necessary. The typical height will be 100-feet.

There are 3 easements required in Larimer County. One is with the City of Fort Collins for 7.4-miles and two private property owners for 1.4-miles.

The largest impacted owner is Fort Collins. The Spring Meadows Ranch runs adjacent to the Soapstone Natural Area and although the Ranch is currently used for a bio-solids application and cattle grazing, it has its own conservation values.

A Siting Study Process was performed and a thorough analysis of alternative routes along with the reason for choosing the preferred route to provide information to the City of Fort Collins for their easement and to Larimer County for the 1041 permit application.

The Site Study Process Steps included:

- § Develop engineering requirements/establish siting area
- § Analyze policy framework/guidance
- § Collect land use/environment data
- § Develop opportunity/constraint criteria
- § Define alternative transmission line routes
- § Gather agency, landowner, and public input
- § Collect additional data/refine transmission line route
- § Rank and document results

Energy by Design Criteria was also used for the Site Study was a cooperative 2013 effort among five public entities including the City of Fort Collins and Larimer County to develop a process for reasonable energy development in Red Mountain Open Space which is county owned and the Soapstone Natural Area and Meadow Springs owned by the City of Fort Collins while achieving biological, cultural, scenic and recreational conservation goals of the City and County owners. It identifies strategies to avoid, minimize and mitigate any potential impacts from energy development.

The Siting Study Criteria included:

- § Vegetation and Surface Water
- § Wildlife, including grassland birds and raptors
- § Visual Resources

- § Land uses
- § Cultural resources
- § Engineering factors
- § Existing linear infrastructure

There were six other potential routes identified for actual evaluation. The first three generally followed I-25. Two others followed I-25 and the railroad. The last route was chosen as the preferred route mainly because of the viewsheds, the triple bottom line factors that included environmental, social and economic features.

Roundhouse conducted an open house on August 15, 2018, and a property owner meeting on September 27, 2018, to explain the project, processes and preferred route selection as well as to gather public input.

The prudence avoidance previously mentioned by Ms. Mott, the electrode magnetic fields diminish rapidly with distance and are generally considered that at 400-feet, you are own to background levels. Again, the nearest residence is over 1,000-feet away.

There are adequate public facilities. During construction, there may be 15-20 vehicle trips a day with that number decreasing to less than one per month for routine maintenance.

The benefits outweigh the natural resources/agricultural and land productivity loss:

- § Minimal effects on natural resources: wildlife habitat, wetlands, and other natural features
- § Agricultural impact limited to short-term displacement of livestock during construction
- § Easements include commitments to minimize impacts
- § Significant source of clean energy – carbon-free electricity
- § Diversifies of Platte River energy portfolio
- § Triples Platte River’s electric generation from wind

The reasonable balance between mitigation costs and benefits are as follows:

- § Preferred route minimizes potential adverse effects on agricultural, residential uses, and natural setting
- § Design incorporates mitigation requirements and BMPs from involved parties
- § Preferred route is fair and reasonable utilization of resources

The hearing with the Larimer County Board of Commissioners will be held on March 11, 2019, the Weld County hearings will be held in April and May of 2019, anticipated construction will begin in the spring/summer of 2019, and delivery of power in December 2020.

Commissioner Dougherty asked how this project benefits Larimer County?

Ms. Liley responded the Loveland, Fort Collins and Estes Park will be receiving a source of clean energy and help them to meet their climate action plan goals.

Commissioner Wallace asked what the present thinking was on the redundancy of power lines.

Ms. Liley asked a member of Platte River Authority to address this question. They stated that there was only one line. Ms. Liley mentioned the capacity of the transmission line could be included without adding another line or doing anything further.

Commissioner Dougherty then asked what would happen to the power being supplied to the municipalities should something happen to this transmission line? Will it cripple the power to those municipalities or is there a backup power while that power line is being repaired or rebuilt?

Platte River was unable to provide an answer to Commissioner Dougherty's question.

Commissioner Dougherty asked if for example this primary power line was taken out by a tornado, are those municipalities out of power?

Ms. Liley stated that she could not answer for Platte River but that the line has been designed to withstand lightning strikes, there is a fire protection plan in place to help with these issues.

Commissioner Choate asked if cultural resources affected by the project have been identified?

Ms. Liley answered that one had been identified through the Class One survey that had been done. The results of the Class Three survey have just been received and she is not sure that they have been evaluated as of yet. Those results will be sent to the State for review.

Commissioner Choate asked that nothing in the survey results indicate that the location will have to be changed.

Ms. Liley answered no.

Commissioner Choate asked for clarification on the distance to the closest residence.

Ms. Liley state that the closest residence is over a 1,000-feet away. The 400-feet mentioned is in reference to the EMF levels. When you get 400-feet away, the levels are at normal backgrounds.

Commissioner Choate asked if the easement with the City of Fort Collins is exclusive?

Ms. Liley stated that the easement is not exclusive but for other uses to happen the City has to approve.

Commissioner Choate then asked if Roundhouse has to approve?

Ms. Liley responded that she meant Roundhouse, and yes they do. The ordinance to approve the easement has been approved but there is still work being done on the language for the easement.

Commissioner Choate asked that permission for the easement has not yet been acquired from the private property owners, correct?

Ms. Liley responded yes, that is correct.

Commissioner Choate asked if in their discussions with these private property owners, have any concerns been communicated?

Ms. Liley responded that these discussions have been going on for some time. One of the property owners is the Northern Colorado Water Association. They have concerns about protecting their water supply. They are negotiating specific provision as a condition of that easement. There are no concerns that they will get approval from both of these property owners.

Chair Jensen opened the hearing up for public comment.

Alan Braslau is a Fort Collins Energy Board member. He is in favor of this project and the route chosen and stated that the Energy Board provided unanimous approval for the easement for this project. Wind energy is intermittent and provides energy about 45% of the time.

Chair Jensen closed the hearing to public comment.

Chair Jensen asked Ms.Liley if she would like to provide rebuttal and she answered no.

There were no questions for staff.

Commissioner Wallace stated that all the studies that were done make the project as good as it could be. The siting is reasonable and recommends approval to the Board of County Commissioners.

Commissioner Choate agreed with Commissioner Wallace. It is a timely project and great to be on the leading edge of this type of project. It is a valuable resource and he is in full support.

Commissioner Dougherty stated that this application is a perfect example of how to get a 1041 permit approved. They hit everything that needed to be covered and that is extremely important.

Chair Jensen echoes Commissioner Dougherty comments. The level of completeness and answering questions before they were asked was respectful of Larimer County and its residents.

An excellent job was done and appreciated.

Commissioner Dougherty moved that the Planning Commission adopt the following Resolution:

BE IT RESOLVED that the Planning Commission recommend to the Board of County Commissioners approval of the Roundhouse Renewable Energy 1041 permit, File #18-ZONE2476, subject to the conditions 1-11, on pages 33 and 34 of our packets.

Commissioner Lucas seconded the motion.

Commissioners Choate, Dougherty, Lucas, Stasiewicz, True and Wallace and Chair Jensen all voted in favor of the motion.

MOTION PASSED 7-0.

REPORT FROM STAFF: Mrs. Kuhn shared that the hearing for the 1041 permit that was just heard is scheduled with the Board of County Commissioners on March 11, 2019, at 6:30 p.m. It has already been noticed and is scheduled as a discussion item.

ADJOURNMENT: There being no further business, the hearing adjourned at 7:35 p.m.

These minutes constitute the Resolution of the Larimer County Planning Commission for the recommendations contained herein which are hereby certified to the Larimer County Board of Commissioners.

Jeff Jensen, Chairman

Nancy Wallace, Secretary