



## Legislation Details (With Text)

**File #:** 21-629      **Version:** 1

**Type:** Presentation      **Status:** Agenda Ready

**File created:** 9/2/2021      **In control:** Board of County Commissioners Study Session

**On agenda:** 9/13/2021      **Final action:**

**Title:** 2:00 PM \*Temporary Use Permit: ZTU-2021-00003; Xcel Energy Staging Yard Area for Transmission Line Improvements

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Summary Report, 2. ZTU-2021-00003; 2050 S County Road 201; Descripton and Site Plan

Date	Ver.	Action By	Action	Result
9/13/2021	1	Board of County Commissioners Study Session		

**To:** Board of County Commissioners

**Through:** Jan Yeckes, Planning Division Manager, Public Works & Development  
Bryan Weimer, Director, Public Works & Development

### Prepared By:

Caitlyn Cahill, Zoning and Animal Services Manager, Public Works & Development

**Presenter:** Caitlyn Cahill, Zoning and Animal Services Manager, Public Works & Development

### Subject:

2:00 PM \*Temporary Use Permit: ZTU-2021-00003; Xcel Energy Staging Yard Area for Transmission Line Improvements

### Purpose and Request:

The applicant, Xcel Energy, is requesting a Temporary Use Permit (TUP) for a temporary construction staging yard located at 2050 S County Road 201, Byers CO. Staff is requesting a referral/feedback from the Board of

County Commissioners.

**Background and Discussion:** Xcel Energy will be conducting transmission line improvements within Arapahoe County. Location of the work will take place within the Xcel-owned right of way, starting at approximately S. County Road 181, and following the power corridor from there to one mile east of South Price Road and then north to the Adams County line, roughly 17 miles. Use of the staging yard described below will take place between August 2021 and February 2023.

Excel Energy is requesting a Temporary Use Permit for a staging yard to store construction equipment and materials, and has provided the following information in their application:

- 1. The operation of the requested use at the location proposed and within the time period specified will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.** Hours of operation will be from 7:00am-7:00pm or per county regulations. The closest residential structure is approximately 0.75 miles southwest of the property.
- 2. The proposed site is adequate in size and shape to accommodate the temporary use.** The property is 69 acres; the north 24.2 acres of the property will be utilized as a staging yard; Xcel Energy will not access the remainder of the property.
- 3. The site is suitable for the proposed use, considering any hazards, drainage, environmental constraints and topography.** Xcel Energy will not need to grade the property. Erosion control measures will be implemented to control storm water runoff.
- 4. The proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that such temporary use will or could reasonably generate or otherwise mitigated by a traffic control plan, and that adequate provisions for pedestrian safety have been made.** The site is on Peoria Road in a section that is improved with road base to a width of approximately 45 feet, including shoulders.
- 5. Adequate temporary parking to accommodate vehicular traffic to be generated by such use will be available either on-site or at acceptable alternate locations.** A range of five to 20 people will access the site at the beginning and end of each work period. Not all workers will need to access the site each day. The property is approximately one half-mile from Interstate 70 exit 322. Ample space is available for construction workers' vehicles and construction equipment.
- 6. The proposed use will not jeopardize the public peace, safety or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of the proposed location of the activity.** The property is surrounded on all sides by agricultural uses. The property itself was constructed as a racing facility. The specific staging area will not adjoin any uses off of the property. No signage plans, lighting plans or traffic

plans are needed for this project. Approximately one to 20 vehicles may enter in and out of the property each day, this will vary greatly throughout the project lifecycle. During the peak of line work in this area, there will be closer to 20 vehicles in and out; when line work moves farther away from this area, there will be less construction traffic, and there will be days when there will be no access needs at all. Noise levels are expected to remain in the acceptable levels per county regulations. A water truck will be used to control dust as required.

**7. The proposed use will not have an adverse impact on roads, public services or facilities, unless otherwise mitigated to standards approved by the County.** The proposed use will involve only vehicles that meet current highway standards. Approximately 20 construction vehicles trips will be made to and from the property each day during peak line work in the area.

**8. The proposed use is compatible with the zone district in which the use is proposed.** A staging yard is an allowed temporary use in the Mixed-Use zone district.

**9. The proposed temporary use is not of such a nature, duration, size, or scale that it would be better accomplished through a rezoning of the subject property.**

#### **Internal Referral Comments Summary:**

Engineering Services Division: Road damage/maintenance agreement is in progress and will be signed by both Arapahoe County and Xcel. GESC Permit is also in progress.

Planning Division: No outstanding comments to address.

Road and Bridge Division: No Comments

Arapahoe County Sheriff's Office: Be proactive about theft concerns. Installing security cameras would be advised. Contact Communication Call Center if theft occurs.

#### **External Referral Comments Summary:**

Public Utilities Commission: Ensure someone is outside of the heavier equipment watching for trains for extra safety at the County Road 201 railroad crossing.

Tri County Health Department: Identified requirements surrounding wastewater service for construction trailers, solid waste cleanup, and recommendations for dust control. There are no unresolved concerns with the application.

Colorado Dept. of Transportation: Any work in CDOT right-of-way would require a permit.

Surrounding Property Owners: No comments received.

**Fiscal Impact:** Aside from the time associated with processing this application, the TUP being requested has no fiscal impact.

**Alternatives:** Staff is requesting feedback from the Board of County Commissioners as a referral for an application that qualifies for administrative approval.

**Alignment with Strategic Plan:**

- ☐ Be fiscally sustainable
- ☐ Provide essential and mandated service
- ☒ Be community focused

**Staff Recommendation:** Staff has determined the applicant is eligible through the Arapahoe County Land Development Code to apply for a TUP for the location of 2050 S County Road 201. Staff has referred this application to adjacent property owners, as well as both internal and external referral agencies for review and comment.

The approval of this permit is done administratively through the Zoning Administrator, unless otherwise referred to the Board of County Commissioners for a decision. If all necessary referral concerns are identified and addressed by the applicant, the Zoning Administrator will approve the permit.

**Concurrence:** All necessary internal work groups, as well as appropriate external agencies, have reviewed this application and provided comment.