

**LARAMIE COUNTY CLERK
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM PROCESSING FORM**

(B) ITEM 1 OF 2

1. DATE OF PROPOSED ACTION: September 6, 2016

2. AGENDA ITEM: ☐ Appointments ☐ Bids/Purchases ☐ Claims
☐ Contracts/Agreements/Leases ☐ Grants ☒ Land Use: Board App/Subdivision/ZC
☐ Proclamations ☐ Public Hearings/Rules & Reg's ☐ Reports & Public Petitions
☐ Resolutions ☐ Other

3. DEPARTMENT: Planning & Development Office

APPLICANT: Cheyenne Light Fuel & Power **AGENT:** Steil Surveying Services

4. DESCRIPTION:

Consideration of a Board Approval for the CLF&P King Ranch Substation, located on Lot 3, Block 13, North Range Business Park 6th Filing, (to be known as Lot 2, Block 15, North Range Business Park, 8th Filing) Laramie County, WY.

RECEIVED AND APPROVED AS
TO FORM ONLY BY THE
LARAMIE COUNTY ATTORNEY

Amount \$ _____ From _____

5. DOCUMENTATION: 1 Originals 0 Copies

<u>Clerks Use Only:</u>	
<u>Commissioner</u>	<u>Signatures</u>
Holmes _____	Co Atty _____
Heath _____	Asst Co Atty _____
Ash _____	Grants Manager _____
Kailey _____	
Thompson _____	
Action _____	Outside Agency _____



LARAMIE COUNTY PLANNING & DEVELOPMENT DEPARTMENT

Planning • Building

MEMORANDUM

TO: Laramie County Board of Commissioners

FROM: Pepper McClenahan, AICP, Planning Manager

DATE: September 6, 2016

TITLE: Review and action of a Board Approval for the CLF&P King Ranch Substation, located on Lot 3, Block 13, North Range Business Park 6th Filing (to be known as Lot 2, Block 15, North Range Business Park, 8th Filing), Laramie County, WY.

EXECUTIVE SUMMARY

Steil Surveying Services, on behalf of Cheyenne Light, Fuel & Power Company, 1102 W. 19th St, Cheyenne, WY 82001, has submitted a Board Approval application for the CLF&P King Ranch Substation at the following location: Lot 3, Block 13, North Range Business Park 6th Filing (to be known as Lot 2, Block 15, North Range Business Park, 8th Filing), Laramie County, WY, located east of the existing substations at 9005 and 9311 Happy Jack Rd. The application has been submitted to approve a dedicated electrical substation for the Microsoft Data Center as an Essential Services Utility in the North Range Business Park PUD zone district.

Additionally, this application is being processed concurrently with a Subdivision Permit and Plat and Site Plan.

BACKGROUND

Cheyenne Light, Fuel & Power is building an electrical substation dedicated to the Microsoft facility in the North Range Business Park, south of two existing substations. CLF&P has applied for Board Approval of the substation project as provided in Section 2-2-128 of the Land Use Regulations for Utility Regulation, and because the North Range Business Park Planned Unit Development (PUD) does not specifically provide for utilities as a principle use.

Pertinent Regulations

Section 1-2-100 of the Laramie County Land Use Regulations governing the Board Approval process.

Section 2-2-128 of the Laramie County Land Use Regulations governing Utility Regulations.

Section 4-2-112 of the Laramie County Land Use Regulations governing uses of land in a PUD – Planned Unit Development zone district.

AGENCY REVIEW

Agency reviews for this Board Approval and a concurrent application for a Subdivision Permit and Plat were combined. All comments received are included below:

Board of Public Utilities

BOPU has no comments at this time but will as development accrues.

County Assessor

It does not appear that Lot 1 has any legal access to a dedicated road. The 32' ingress/egress easement terminates at the west property line of Lot 2, Block 13, NRBPO6. Lot 2, Block 6, which runs between Logistics Dr. and the east property line is common area.

County Engineer

1. The plat should indicate if the platted area shown will ultimately be served by a public water supply and/or sanitary sewer system or by private wells and septic systems.
2. I concur with the request for a waiver of a detailed drainage study and traffic study. These items shall be submitted with the site plan application and can be reviewed at that time.
3. All areas (i.e., notes, etc.) that refer to Cheyenne Light, Fuel & Power should be removed and replaced with just Black Hills Corporation.
4. General Notes 4b and 4c shall be rewritten such that they are much more clear to understand - they currently do not make sense.
5. General Note 4b indicates the centerline of the easements are described, but the description is not located on the plat drawing. The easements shall be adequately located and/or described (i.e., via meets and bounds and/or bearings and distances) on the plat drawing.
6. A note should be added that clarifies access for Lot 1, Block 15 will be through the use of Lot 2, Block 6.
7. A note should be added that indicates Lot 2, Block 13 has an easement that ties into the 32' ingress/egress easement shown on this plat that provides Black Hills Corp. ingress/egress through Lot 2, Block 13.

WYDOT

If area was part of initial traffic impact study for the North Range Business Park and traffic calculations are different from the original assumptions, then that difference should be noted with the study to keep track of changes as actual development of the Park takes place.

WAPA

1. All construction activities within WAPA's overhead transmission line easement areas, including, but not limited to, road crossings, utilities, landscaping, fencing, and site grading, must be coordinated with this office.
2. The plat should provide for appropriate setbacks from WAPA's transmission line. Note: WAPA maintains a 75 foot wide right of way, being 37.5 feet on each side of the center line.

The following language should be amended on the plat:

- a) All construction activities within Western Area Power Administration's (WAPA) easement are restricted areas and must be coordinated with WESTERN AREA POWER ADMINISTRATION Lands Department, P.O. Box 3700, Loveland, Colorado 80539-3003, (800) 472-2306.
- b) No trees or other vegetation, which will exceed 10 feet in height at full maturity, are allowed within the easement area.
- c) No buildings or other structures are allowed within the transmission line easement area.
- d) A minimum overhead clearance of 20 feet from the transmission line conductors must be maintained at all times.
- e) Induced voltages and currents may occur on the facility constructed or placed under or near high voltage transmission lines. The owner shall be responsible for the protection of personnel and equipment in their design, construction, operation and maintenance of the facility.
- f) Any changes in existing topography must be coordinated and approved by WAPA. Excavation is not permitted within 20 feet of any transmission line structure.
- g) No fences shall be installed on or across the easement area without first submitting the fence/gate for review and approval by WAPA.

Within these parameters, Western Area Power Administration has no objections with the proposed Subdivision Permit and Board Approval.

Agencies Responding with No Comments: Cheyenne MPO, County Real Estate Office, Environmental Health, Combined Communications Center.

Agencies Not Responding: County Treasurer, Conservation District, Emergency Management, Fire District No. 2, Sheriff's Office.

DISCUSSION

The application is *literally* in accordance with the development policies and physical patterns identified in PlanCheyenne, which recommends Mixed-Use Employment Campus as the future land uses, and states:

The Mixed-Use Employment Campus category is intended to include a variety of uses, with a primary focus on employment designed in a business campus setting. Many of the Mixed-Use

Employment Campuses in the community (e.g. portions of Swan Ranch) are in the early stages of development or are established (e.g. **North Range Business Park**, and Cheyenne Business Parkway), but still have many sites available.

The Mixed-Use Employment Campus category envisions offices and light industry in a campus setting, emphasizing the importance of being located near major transportation facilities. Along with retail and service uses, these categories also list public and civic uses, such as open space, parks, and pedestrian walkways, as secondary uses. Residential uses are discouraged.

The Laramie County Comprehensive Plan (2016) identifies the area as Urban Rural Interface (URI), intended to accommodate a mix of more intensive land uses than other areas. These areas may have public water and sewer services, a higher level of vehicular access and a greater overall level of community services. Higher density residential, intensive commercial, employment centers and industrial uses are preferred in these areas. Large lot, low-density residential or intensive agricultural uses are generally less suitable.

This property is zoned PUD – Planned Unit Development. The North Range Business Park PUD was adopted in 2009, and amended as recently as 2015. Allowed uses include industrial, manufacturing, fabrication or processing uses, retail, transportation, warehousing and wholesale, hotels, offices, wireless facilities, and wind and solar generators, among others. The PUD has specific development standards for building coverage, height, setbacks, architectural design, trails and landscaping.

An electrical substation would typically meet the definition of an Essential Services Utility. Section 2-2-128 of the Laramie County Land Use Regulations provides for utilities, including establishment of Essential Services Utilities as a use by right in all districts. However, since the PUD does not specifically provide for utilities as a principal use, applicants chose to apply for a Board Approval as provided in this section. A Site Plan is also required and has been submitted for administrative approval following the Board Approval and approval of the Subdivision Permit and Plat. Staff finds the proposed use to be in conformance with PlanCheyenne, Laramie County Comprehensive Plan and Laramie County Land Use Regulations.

Notice was published and mailed to adjacent property owners as required, including property across the WAPA utility easement. No public comments were received.

Section 1-2-100 (a) of the Laramie County Land Use Regulations requires that the Laramie County Board of Commissioners shall find the following before granting Board Approval:

- i. The proposed use is permitted by Board Approval in the proposed location and is in conformance with all applicable development standards.
- ii. The proposed use is in general conformance with all other applicable policies adopted by Laramie County.
- iii. There is no defined negative impact to the community.

The proposed facility is adjacent to an existing substation and transmission line corridor. The North Range Business Park has been designed to integrate the substation into the adjacent subdivision lots and uses. Staff finds the application to be in conformance with Section 1-2-100 of the Laramie County Land Use Regulations governing board approvals.

RECOMMENDATION and FINDINGS

Based on evidence provided, staff recommends the Laramie County Board of Commissioners find that:

- a. This application meets the following criteria for Board Approval pursuant to section 1-2-100(a) of the Laramie County Land Use Regulations:
 - i. The proposed use is permitted by Board Approval in the proposed location and is in conformance with all applicable development standards.
 - ii. The proposed use is in general conformance with all other applicable policies adopted by Laramie County.
 - iii. There is no defined negative impact to the community.
- b. This application meets the requirements for Section 2-2-128 of the Laramie County Land Use Regulations for Utility Regulation.

And that the Laramie County Board of Commissioners approves the CLF&P King Ranch Substation, with one condition.

1. Completion of the North Range Business Park, 8th Filing Subdivision, a Replat of Lot 3, Block 13, North Range Business Park, 6th Filing, Laramie County, Wyoming

PROPOSED MOTION

I move to approve the CLF&P King Ranch Substation with condition 1 and adopt the findings of facts a and b of the staff report.

ATTACHMENTS

Attachment 1: Aerial Map

Attachment 2: PlanCheyenne Map

Attachment 3: Zoning Map

Attachment 4: Site Plan

Attachment 5: Applicant's Board Approval Findings Letter

Attachment 6: Resolution

Laramie County, Wyoming



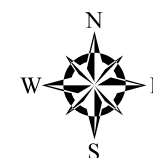
NRBP 08 &
King Ranch
Substation
PZ-16-00120 &
PZ-16-00121

Legend

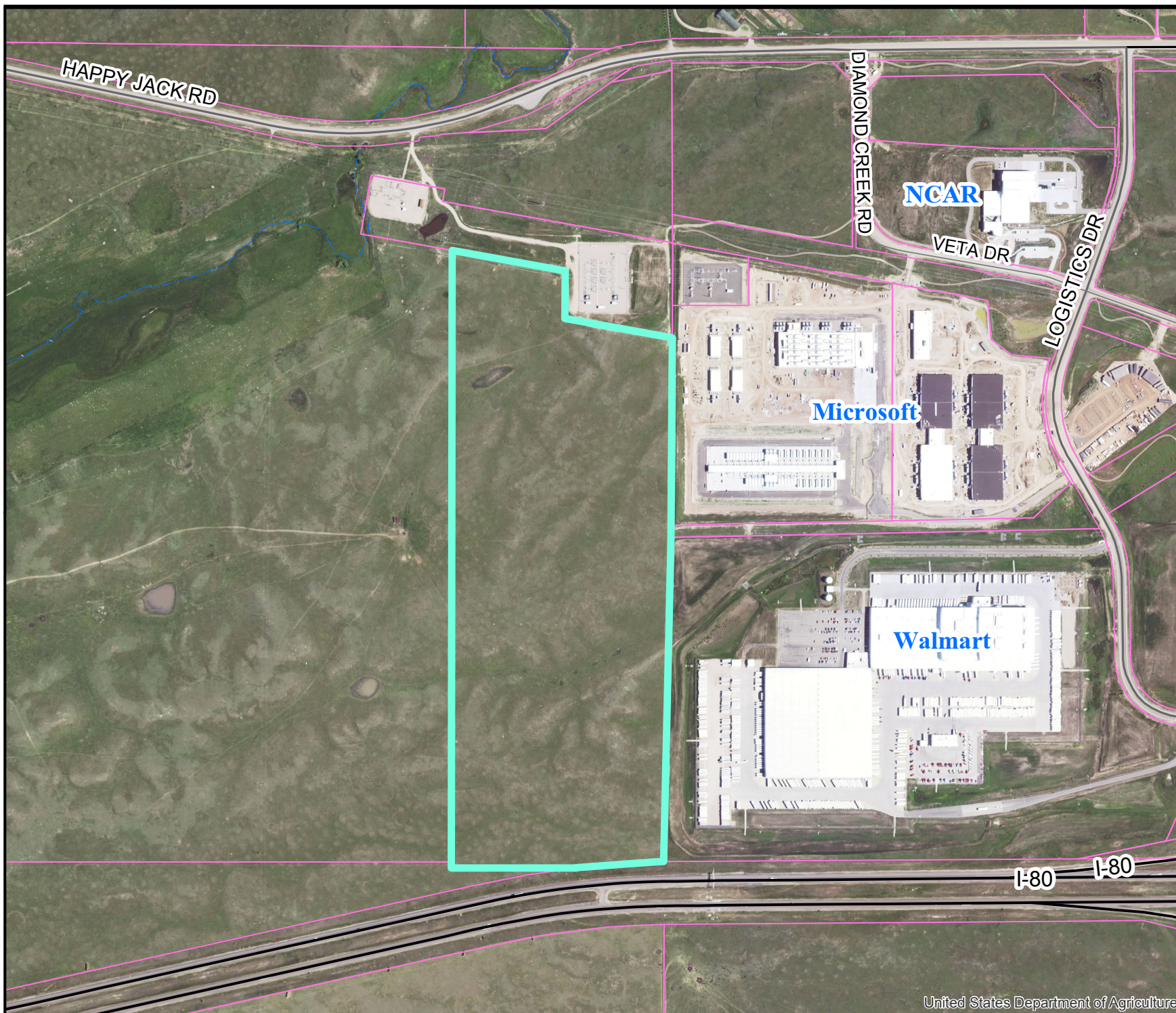
 Property Lines

 Subject Property

Printed on Jul 08, 2016

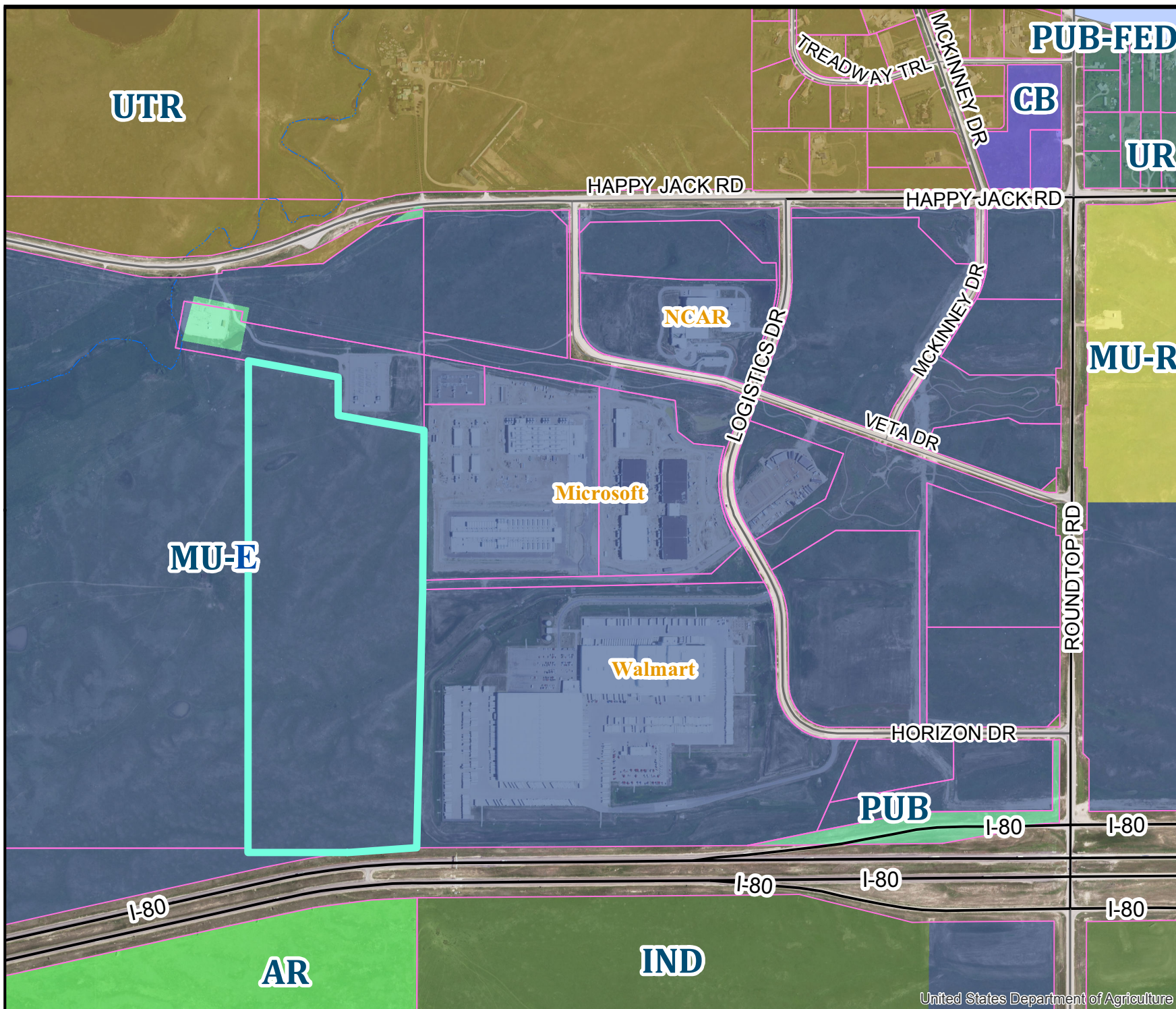


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United States Department of Agriculture

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Laramie County, Wyoming



NRBP 08 & King Ranch Substation

Legend

Property Lines

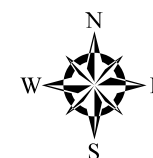
PlanCheyenne (2014)

Future Land Use

- AR
- CB
- CBD
- IND
- MU-C
- MU-E
- MU-R
- OS
- PUB
- PUB-FED
- ROW
- RR
- UR
- UTR

Subject Property

Printed on Jul 08, 2016



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Laramie County, Wyoming



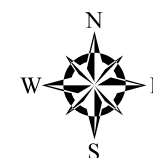
NRBP 08 &
King Ranch
Substation
PZ-16-00120 &
PZ-16-00121

Legend

- Property Lines
- All Other Values
- Archer Special Use District (ASU)
- Agricultural (A-2)
- Agricultural and Rural Residential (A-1)
- Agricultural Residential (AR)
- Low Density Residential (LR)
- Medium Density Residential (MR)
- Neighborhood Business (NB)
- Mixed Use (MU)
- Community Business (CB)
- Light Industrial (LI)
- Heavy Industrial (HI)
- Public (P)
- Planned Unit Development (PUD)
- Military (M)

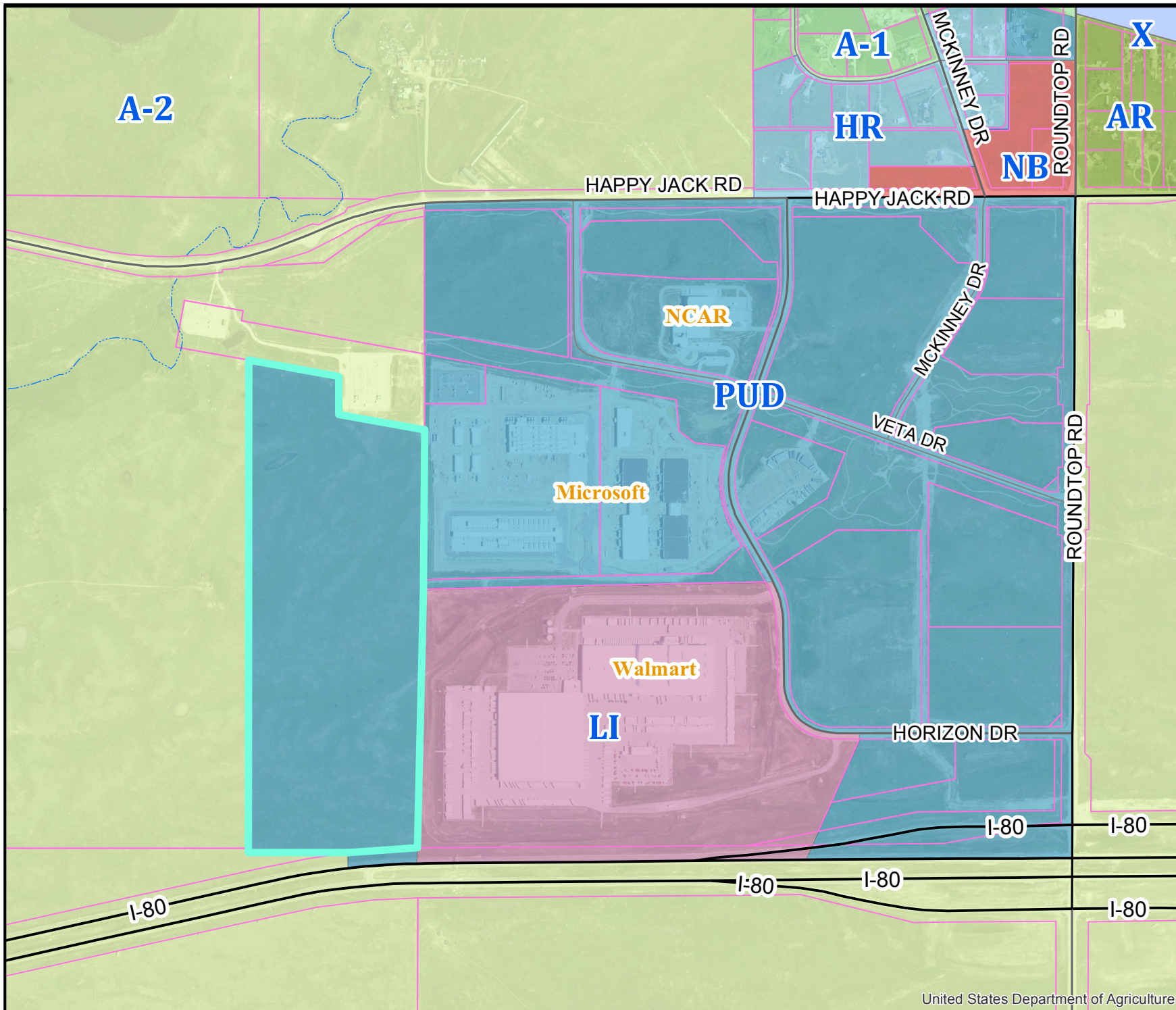
Subject Property

Printed on Jul 08, 2016

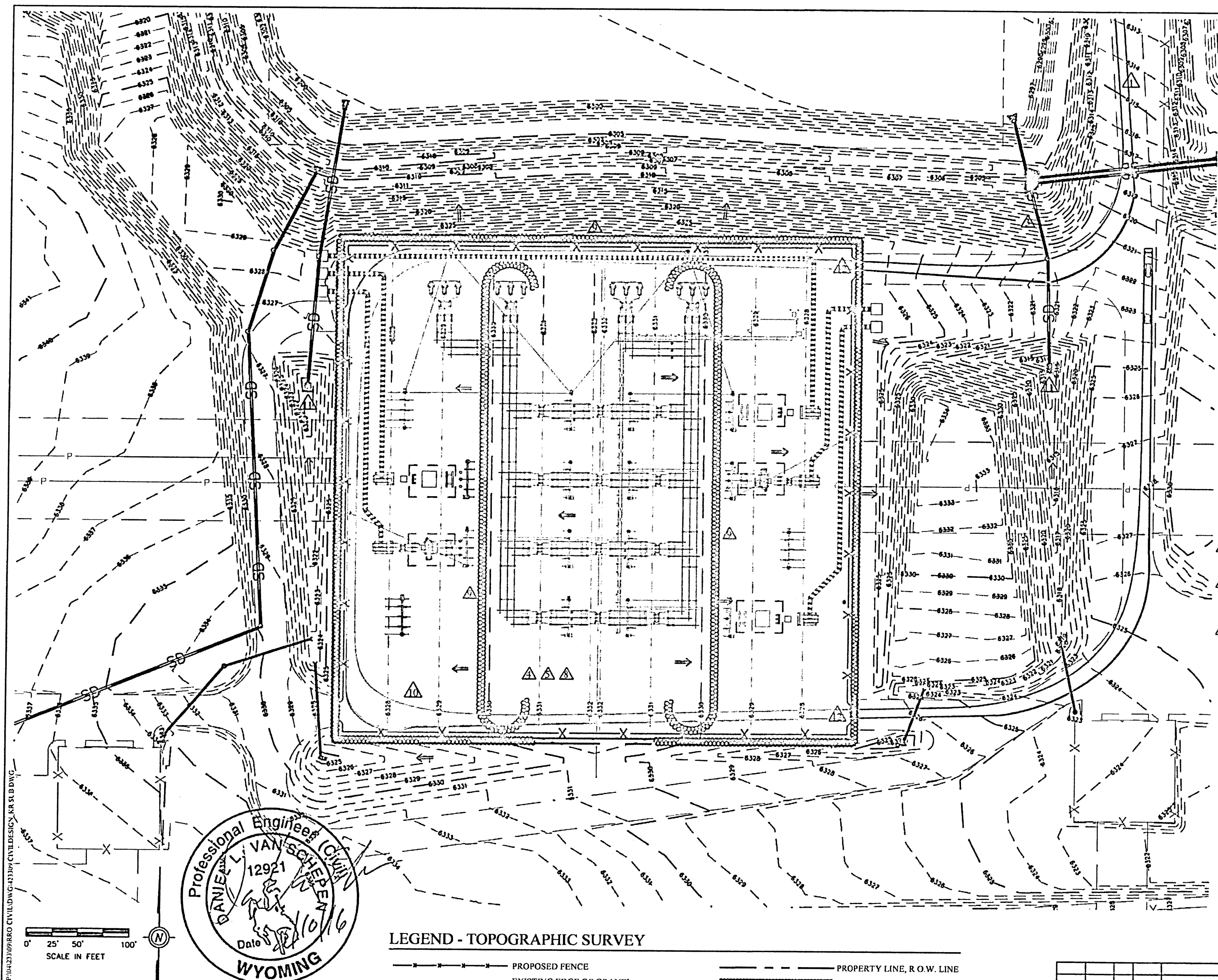


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LEGEND - TOPOGRAPHIC SURVEY

- PROPOSED FENCE
- EXISTING EDGE OF GRAVEL
- PROPOSED EDGE OF ROCK
- PROPOSED ROCK AREA
- EXISTING CONTOURS (PROPOSED GRADING BY OTHERS)
- PROPERTY LINE, R.O.W. LINE
- PROPOSED SILT FENCE/DITCH CHECKS/WATTLES
- EXISTING POWER POLE, LIGHT POLE
- BENCHMARK, SURVEY MARKER
- GRADING DRAINAGE DIRECTION

CONSTRUCTION NOTES

- The Customer will furnish temporary access to the property during construction. The customer will also furnish the permanent gates at both of the newly constructed construction access locations. Coordinate access and security with customer representative as necessary.
- On-site material shall be finish graded to maintain the slopes shown done by Others.
- Utilities and other potential obstacles (underground facilities) have been shown only to the extent that they were observed at the surface or were known by Others. The Owner and Engineer shall not be responsible for the accuracy or completeness of any such information or data. The Contractor shall have full responsibility for reviewing and checking all such information and data, locating all such facilities, coordination of the work with the owners of such underground facilities during construction, and the safety and protection of all such underground facilities.
- For rock and gravel surfacing, refer to the details and specifications for preparation and material requirements. Prior to surfacing apply 'Sprakil SK-26' as specified to prevent plant growth.
- Design contours are to final top of dirt grade; Contractor will add 6" granular surfacing as shown in the detail (KNR-C-011).
- Contractor shall be responsible to control erosion of the site during construction within the Cheyenne Light, Fuel & Power (CLFP) property (10' outside the new fencing). General Permit to Discharge Storm Water Associated with Large Construction Activity (WYPDES) is necessary for this project (5.90 acres disturbed) and will be obtained by Others. Contractor shall use general Best Management practices while performing work within the CLFP property to avoid soil erosion from the site. Contractor shall inspect erosion control devices weekly or after all rain events and repair any deficient areas. The Contractor shall review and follow the recommendations provided in the SWPPP in the appendix of the specifications. Should site conditions warrant; the SWPPP shall be amended in order to maintain compliance with the permit. All costs shall be incidental to the erosion control items provided in the bid units.
- All disturbed areas that are not surfaced shall be seeded, fertilized and mulched.
- All site work shall be completed in accordance to the latest Wyoming DOT specifications (2010 edition).
- Wattles or silt fence shall be provided as illustrated to mitigate surface erosion on-site throughout construction until surfacing work is completed. All costs including maintenance shall be included in the lump sum bid item. It is recommended that the Contractor install the 3" subbase layer shortly after the subgrade preparation is completed by Others in lieu of wattles or silt fence.
- Utilize these areas for storage of building materials, on-site fueling and concrete washout areas. Handle and contain materials as described in the SWPPP and permitted by the WYDEQ.
- Storm water discharge location for the project site. The Contractor shall maintain and add storm water controls within the CLFP property boundary as necessary throughout construction to prevent soil erosion or hazardous materials from leaving the project site.
- Install and maintain rock construction entrance to prevent offsite tracking. Rock used shall be removed during the rock surfacing portion of the work. All costs incidental to the rock surfacing bid item.

PERMITTING NOTES

- Lighting will consist of yard lights mounted on transmission line terminating structures and static shield mast poles at 28' heights. A total of twenty yard lights will be installed and directed downward toward the electrical equipment in the yard. All lights will be left off unless maintenance work is required at night.
- Seeding requirements
 - Sharp's el paso turf mix
 - Crested wheatgrass 35%
 - Annual ryegrass 30%
 - Buffalograss 23%
 - Blue grama 12%
- Seed all disturbed ground not surfaced in rock as shown.
- Zoning
 - Current- PUD
 - Proposed- PUD

FOR PERMITTING PURPOSES ONLY

BLACK HILLS ENERGY
KING RANCH SUBSTATION
CIVIL SITE PLAN

DATE	BY	NO.	APPROVED BY	REVISION DESCRIPTION
06-16	DLV	0	PKK	COUNTY PERMIT REVIEW

DATE 07-16
BY DLV
DATE 07-16
PERMIT 1

DGR
ENGINEERING
ROCK RAPIDS, IOWA
(712) 472-2531

LARAMIE
COUNTY
AUG 16 2016
PLANNING & DEVELOPMENT
OFFICE



**Steil
Surveying
Services**

Professional Land Surveyors & Development Specialists

PZ-16-00120
PZ-16-00121

**LARAMIE
COUNTY**

JUL 01 2016

**PLANNING & DEVELOPMENT
OFFICE**

June 8, 2016

Pepper McClenahan, Planning Manager
Laramie County Planning & Development Office
3966 Archer Parkway
Cheyenne, WY 82009
(307) 633-4303

InRe: Waiver Request of the Traffic Study and Drainage Study requirements for a Board Approval, Subdivision Plat and Site Plan for Cheyenne Light, Fuel and Power Dedicated Electrical Substation and Natural Gas Meter Yards to be known as "King Ranch Substation" located in the Cheyenne Business Park (PUD).

To whom it may concern:

Steil Surveying Services, agent for Cheyenne Light, Fuel and Power Corporation (CLF&P) and the landowner Microsoft Corporation, has submitted a Board Approval request and replat, and is preparing a Site Plan application, for the above-described utility facilities on a portion of Lot 3, Block 13, North Range Business Park, 6th Filing (NRBP6) to be known in its entirety as Block 15, North Range Business Park, 8th Filing. The above-described CLF&P facilities are proposed specifically to serve future development on the same property. This letter is submitted following the pre-application meeting, as an attachment to the application(s) in order to request a waiver from the requirements for a *Traffic Study* and *Drainage Study*.

The proposed new construction is situated within the larger project site and will require a Commercial Building Permit and a Grading, Erosion and Sediment Control (GESC) Permit from the Laramie County Planning and Development Office. Documents submitted with the formal applications include sufficient information to support this waiver request, specifically including the following:

Letter from the project engineer (DGR Engineering) describing how the project will utilize the existing engineered drainage scenario and facilities developed for the site(s) in question.

Spill Control and Countermeasure Plan and Stormwater Pollution Prevention Plan (SWPPP).

Regarding traffic within and to the site, the proposed use is subjugate to the project as a whole and dedicated trip generation to the substation will be for scheduled maintenance and operation only, which is estimated at two (2) trips per month. An Access Agreement is in place, allowing CLF&P to access the substation via currently constructed permanent controlled access point(s) to the site(s). Additionally, there are dedicated easements from the edge of the plat to the "island lots" to be owned by CLF&P. Given the trips generated by the use and other information provided herein and attached, we would stipulate that there will be no perceivable impact caused by vehicular traffic to the site.

There are no existing drainage, traffic or sediment control problems in the area. In addition, there is no record of flooding or traffic problems on or around the land in question.

Given the limited scope of the proposed use, the discussions during the pre-application meeting, and conformance with applicable sections of the Laramie County Land Use Regulations, we respectfully submit this request on behalf of the owner. Please contact us with any questions or concerns.

Thank you,

Casey Palma
Steil Surveying Services, LLC
CPalma@SteilSurvey.com

RESOLUTION # _____

**ENTITLED: A RESOLUTION APPROVING “CLF&P KING RANCH SUBSTATION”
LOCATED ON LOT 3, BLOCK 13, NORTH RANGE BUSINESS PARK, 6TH FILING
(TO BE KNOWN AS LOT 2, BLOCK 15, NORTH RANGE BUSINESS PARK, 8TH FILING),
LARAMIE COUNTY, WY.**

WHEREAS, Wyoming State Statutes §18-5-201 to 18-5-208; §18-5-301 to 18-5-315 authorize Laramie County, in promoting the public health, safety, morals and general welfare of the county, to regulate the use of land through zoning in unincorporated Laramie County; and

WHEREAS, The Laramie County Board of Commissioners have previously adopted the Laramie County Land Use Regulations (2011); and

WHEREAS, this application meets the criteria for a board approval pursuant to section 2-2-128 of the Laramie County Land Use Regulations for Utility Regulation; and

WHEREAS, this application meets the criteria for a board approval pursuant to section 1-2-100 of the Laramie County Land Use Regulations.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF LARAMIE COUNTY, WYOMING, as follows:

- a. This application meets the following criteria for Board Approval pursuant to section 1-2-100(a) of the Laramie County Land Use Regulations:
 - i. The proposed use is permitted by Board Approval in the proposed location and is in conformance with all applicable development standards.
 - ii. The proposed use is in general conformance with all other applicable policies adopted by Laramie County.
 - iii. There is no defined negative impact to the community.
- b. This application meets the requirements for Section 2-2-128 of the Laramie County Land Use Regulations for Utility Regulation.

And that the Laramie County Board of Commissioners approves the CLF&P King Ranch Substation, with the following conditions.

1. Completion of the North Range Business Park, 8th Filing Sudivision, a Replat of Lot 3, Block 13, North Range Business Park, 6th Filing, Laramie County, Wyoming

PRESENTED, READ, PASSED, APPROVED AND ADOPTED this _____ day of

_____, 2016.

LARAMIE COUNTY BOARD OF COMMISSIONERS

Buck Holmes, Chairman

ATTEST:

Debra K. Lee, Laramie County Clerk

Reviewed and approved as to form:



Mark T. Voss, Laramie County Attorney