

PROPOSED AMENDMENTS TO CHAPTER 5 OF APPENDIX B
GUIDELINES AND REGULATIONS FOR
AREAS AND ACTIVITIES OF STATE INTEREST
OF THE
EL PASO COUNTY
LAND DEVELOPMENT CODE

Section 5.104(2) shall be REPEALED AND REENACTED to read in its entirety as follows:

“5.104(2). No electric transmission line or pipeline shall be constructed, located, relocated, reconstructed, enlarged or upgraded within 105 feet of the centerline of any County road with a current or proposed classification as arterial or expressway, as set forth in the El Paso County Major Transportation Corridors Plan and in the El Paso County Engineering Criteria Manual, except pipelines less than 12" in diameter and electric transmission, distribution, and service lines less than 115 kilovolts, along with necessary appurtenant facilities, when: (1) such action is necessary in order to cross such road at or near a perpendicular angle or to provide service to an individual utility customer, (2) approval has been granted pursuant to the El Paso County Engineering Criteria Manual at Chapter 4 and Sections 5.3 and 5.5, or (3) a county, municipal, rural transportation authority, or state public construction, relocation, realignment, or improvement project results in partially or completely overtaking a private easement or a deeded or platted public utility easement occupied by the electric transmission line or pipeline.”

Section 5.202(3) shall be DELETED as follows:

~~(3) Unless approval has been granted pursuant to the El Paso County Engineering Criteria Manual at Chapter 4 and Sections 5.3 and 5.5, no electric transmission line or pipeline shall be constructed, located, relocated, reconstructed, enlarged or upgraded within 105 feet of the centerline of any County road with a current or proposed classification as arterial or expressway, as set forth in the El Paso County Major Transportation Corridors Plan and in the El Paso County Engineering Criteria Manual, except to cross such road at or near a perpendicular angle or to provide service to an individual utility customer.~~

Section 5.104(3) shall be AMENDED with the following underscored word to read in part as follows:

“A Permit is not required under this Chapter for the following activities: repair of storm damage, reframing, pole replacement, reconductor and maintenance in the normal course of business. . . .”

Section 5.104(6) shall be AMENDED to include two new subparagraphs (a) and (b) as follows:

“(6) This Chapter shall not apply to interstate natural gas pipeline facilities regulated by the Federal Energy Regulatory Commission (FERC), or its successor, provided the following requirements and procedures are complied with by persons or entities proposing to site and construct the interstate natural gas pipeline facility whenever site selection and construction of such facility will be partly located within El Paso County:

- (a) Copies of all materials (i.e., environmental impact statement, applications for certification of public convenience and necessity and related materials) filed or to be filed with a federal and/or State regulatory agency shall also be filed with the Director of the El Paso County Development Services Department within five (5) days after the same are submitted to such federal and/or State regulatory agency; and

- (b) Written notice of all scheduled public proceedings before the federal and/or State regulatory agency concerning the natural gas pipeline facility shall be given to the Director of the El Paso County Development Services Department not less than forty-five (45) days prior to any scheduled proceeding before any such agency, provided further, however, that if the applicant before such federal or State agency receives less than forty-five (45) days' notice, it shall give written notice to the Development Services Department Director within five (5) working days after it receives notice of the same."