



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** April 25, 2017

From: Brad Miller, Town Engineer **Item No.:** 5
Engineering Department

Subject: CEMEX REQUEST TO ALLOW OVERHEAD POWER LINES

T.M. Approval: _____ **Budgeted Item:** Yes No N/A

RECOMMENDED ACTION:

Provide Staff with direction regarding the request to allow overhead utility lines for the CEMEX mining and aggregates process facility.

SUMMARY:

Pursuant to the Town's Municipal Code, Section 14.28, "underground installation is required for all electrical lines energized at 34,500 volts or less, telephone, cable, antenna television and similar service wires or cables which:

- (a) Provide direct service to the property being developed; or
- (b) Are existing and located within the boundaries being developed; or
- (c) Are existing between the property line and the centerline of the peripheral streets of the property being developed..."

The Code also indicates the following:

"Notwithstanding the provisions of this Chapter, The Council may grant special permission, on such terms as the Council may deem appropriate, in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures."

BACKGROUND:

On April 7, 2017, the Town received a request from CEMEX Construction Materials Pacific, LLC, (see attached letter), to allow the installation of approximately four (4) miles of overhead power lines along Quarry Road, a privately-owned road, from Central Road to the existing processing facility which is located outside of the Town Boundaries.

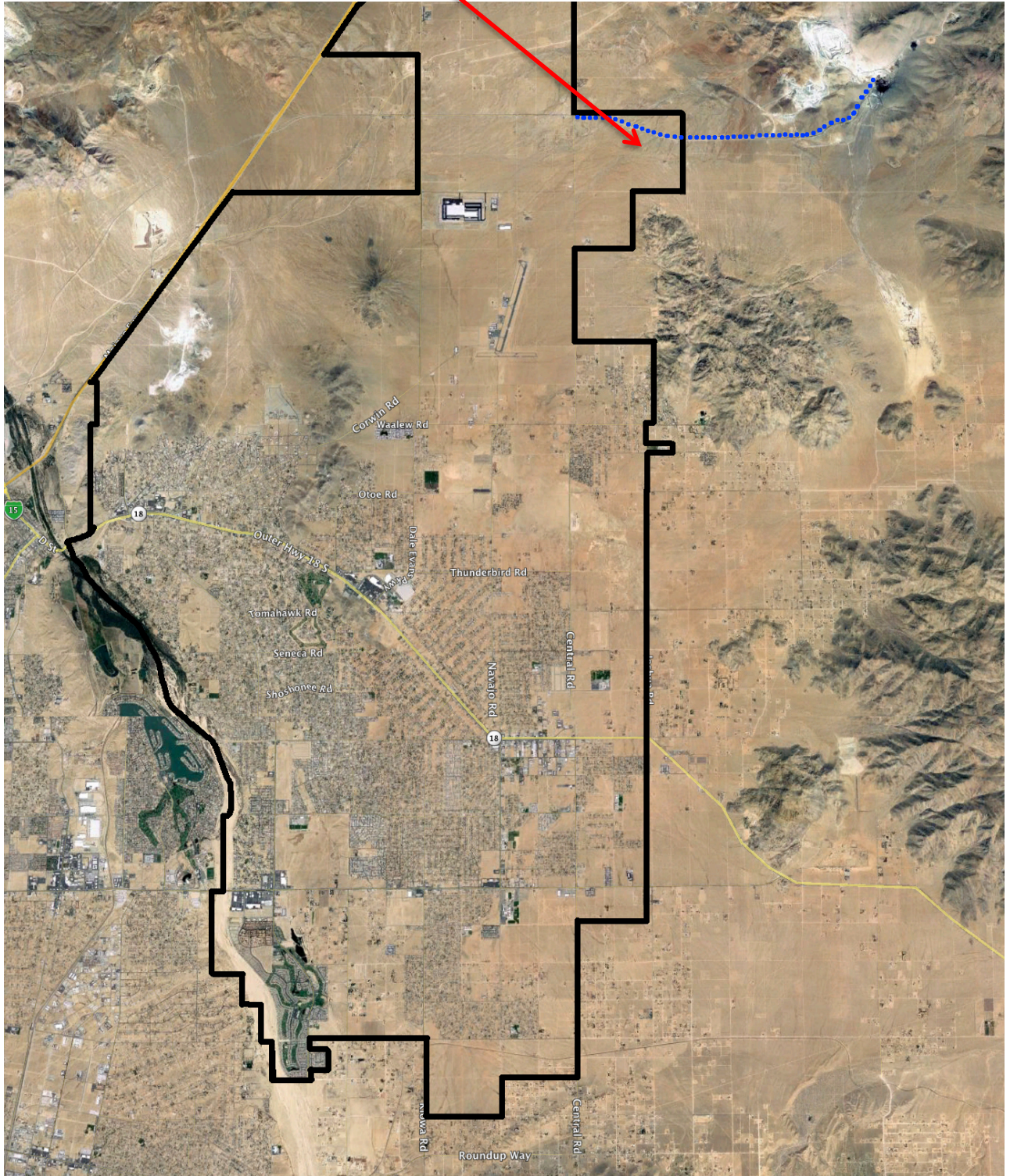
Per the attached letter, CEMEX is requesting that Council find that the installation of the new service line is an unusual circumstance because the power line will be privately developed and owned by CEMEX, no service connections off the line will be developed by others, the power line will be operated solely in conjunction with the CEMEX facility, it will be removed or disconnected upon completion of service to the CEMEX facility and it will be adjacent to a private gated road and adjacent to a privately owned railroad.

FISCAL IMPACT:

None.

LOCATION MAP

Proposed overhead power line





April 7, 2017

Mr. Brad Miller PE, Town Engineer
Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA 92307

Re: Special Permission for Proposed Construction of Poles and Overhead Wires: Request for Town Council Recognition of Unusual Circumstances Under Town of Apple Valley Code of Ordinances (the "Code") Chapter 14.38, "Underground Utility Facilities," Section 14.38.060, "Emergency or Unusual Circumstances," Affecting Parcels APN 0463 201 57, APN 0463 201 03 and APN 0463 201 21 Within the Town of Apple Valley

Dear Mr. Miller:

CEMEX Construction Materials Pacific, LLC ("CEMEX"), operates a mining and aggregates processing facility (the "CEMEX Facility") northeast of the Town of Apple Valley. In order to improve the power around the North Apple Valley Industrial Park, and to provide power to a new portion of the CEMEX Facility, Southern California Edison will be installing a new transformer and switching station (the "SCE Station") within an easement granted by CEMEX on parcel 0463-201-57. This parcel is located in the northeast corner of the Town of Apple Valley.

In compliance with Town ordinances requiring underground utility installation, CEMEX will feed a new meter underground from, and adjacent to, the SCE Station. However, to move power from the power meter to the CEMEX Facility, located several miles to the east of the SCE Station, CEMEX has planned to install an overhead line. A small fraction of the overall overhead line length will be located on parcels 0463-201-57, 0463-201-03, and 0463-201-21, which are contiguous parcels owned by CEMEX within the Town of Apple Valley (the "Town Parcels"). The balance of the power line will be located on CEMEX's privately owned land in San Bernardino County.

CEMEX requests special permission to allow this overhead line to be installed over the Town Parcels, recognizing the unusual circumstances under which such installation need not be underground, as permitted under Code Section 14.38.060, which states:

"The Council may grant special permission, on such terms as the Council may deem appropriate, in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures."

Victorville Plant

16888 North E Street, Victorville, CA 92394-2999, (760) 381-7600, Fax (760) 245-0191

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The unusual circumstances CEMEX believes exist are:

- The power line will be privately developed and owned by CEMEX, not a public utility, for CEMEX's exclusive use. No service connections off of the line can or will be developed by others.
- The power line will be operated solely in conjunction with the CEMEX Facility, and will be removed or disconnected upon completion of service to the CEMEX Facility.
- The power line will be operated adjacent to an existing CEMEX private gated road, and adjacent to CEMEX's privately owned railroad.

CEMEX requests your guidance in presenting this matter to the Town Council for special permission. CEMEX looks forward to continued cooperation with the Town, and working through this matter with you. If you require any additional information or have any questions, please contact me at (760) 381-7608

Sincerely,



Gene H. Tondini
Project Manager