

**RESOLUTION NO. PCPC 18-022**

**THE PUEBLO COUNTY PLANNING COMMISSION (PCPC)**

**A RESOLUTION APPROVING SPECIAL USE PERMIT NO. 2018-013 FOR A PUBLIC UTILITY PURSUANT TO TITLE 17, LAND USE, DIVISION I. ZONING, CHAPTER 17.120, SUPPLEMENTARY REGULATIONS, SPECIFICALLY SECTION 130C. (SPECIAL UTILITY FACILITY) OF THE PUEBLO COUNTY CODE FOR THE INSTALLATION AND OPERATION OF AN OUTDOOR WARNING SYSTEM, SPECIFICALLY FIVE (5) EMERGENCY EVACUATION SIRENS ON FIVE (5) LEASED PARCELS OF LAND IN THE A-1, AGRICULTURAL, A-3, AGRICULTURAL, AND/OR S-1, PUBLIC USE ZONE DISTRICTS**

**WHEREAS**, the Pueblo County Planning and Development Department received an application for Special Use Permit No. 2018-013 on October 3, 2018, submitted by Beulah Fire Protection & Ambulance, c/o Bryan Ware, Fire Chief, Pueblo County Sheriff's Office, Department of Emergency Management, c/o Mark Mears, Bureau Chief, and Pueblo County Sheriff's Office, c/o Dylan Jacketta, Master Deputy; and

**WHEREAS**, the Special Use requested is to allow a *Public Utility* pursuant to Title 17, LAND USE, Division I. ZONING, Chapter 17.120, *Supplementary Regulations*, specifically Section 130C. "*Special Utility Facility*" more specifically the installation and operation of an Outdoor Warning System, specifically five (5) emergency evacuation sirens on five (5) leased parcels of land; and

**WHEREAS**, pursuant to Title 17, LAND USE, Division I. ZONING, Chapter 17.12, *AGRICULTURAL ONE (A-1) AND TWO (A-2) Districts* and Chapter 17.16, *AGRICULTURAL THREE (A-3) AND FOUR (A-4) Districts*, specifically Section 030 (*Uses By Review*) of the Pueblo County Code identifies "*Utilities*" as a permitted use in the A-1 and A-3 Zone Districts only upon issuance of a special use permit; and

**WHEREAS**, pursuant to Title 17, LAND USE, Division I. ZONING, Chapter 17.84, *PUBLIC USE DISTRICT (S-1)*, specifically Sections 030 (*Uses By Review*) of the Pueblo County Code identifies "*any use of land or buildings by a public agency or others on public land*" as a permitted use in the S-1 Zone District only upon issuance of a special use permit; and

**WHEREAS**, there are five (5) properties subject to the special use permit request, all of which encompass a 2,500 square foot leased area as identified on the Land Use Agreements titled North Creek Emergency Sirens Project, executed between the Beulah Fire Protection & Ambulance District and those land owners of those properties described below:

Ralph M. Bonham, 3900 North Creek Road, based upon a Warranty Deed recorded on August 24, 1989 as Reception No. 896539 in Book 2458 at Page 380 (**Outdoor Warning Site HB-1**);

Scanlan Family Trust Dated April 11, 2013, 4300 North Creek Road, based upon a Warranty Deed recorded on August 28, 2013 as Reception No. 1953781 (**Outdoor Warning Site HB-2**);

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Ralston Hills Baptist Church, 4632 North Creek Road, based upon a Warranty Deed recorded on July 20, 2015 as Reception No. 2010556 (**Outdoor Warning Site HB-3**);

Linda Kay Caple, no known address, based upon a Warranty Deed recorded on December 4, 1989 as Reception No. 903511 in Book 2474 at Page 90 (**Outdoor Warning Site HB-4**); and

Helen Louise Hedlund Even and Donna Patricia Abel, no known address, based upon a Personal Representative's Deed recorded on May 12, 1998 as Reception No. 1218418 in Book 3122 at Page 237 (**Outdoor Warning Site HB-5**); and

**WHEREAS**, a public hearing, preceded by proper public notice, held by the Pueblo County Planning Commission on November 14, 2018 and, at which time, all those present at the hearing who desired to be heard were heard and their testimony recorded; and

**WHEREAS**, the Pueblo County Planning Commission has reviewed and taken administrative notice of the application documents, evidence presented at the hearing, and the contents of the Planning Director's file; and

**WHEREAS**, at the conclusion of the public hearing for Special Use Permit No. 2018-013, a motion to APPROVE Special Use Permit No. 2018-013 with staff's recommendation was made; and

**WHEREAS**, the members of the Planning Commission made the following findings based upon evidence and testimony presented at the hearing:

- A. The proposed use is listed as a permissible use-by-review in the A-1, A-3, and S-1 Zone Districts.
- B. The Pueblo Regional Development Plan identifies the property to be located within two (2) classifications: "*Large Parks, Open Space, Greenways & River Corridors*" and "*Rural Ranch*". The Development Plan does not address specific uses, including the placement of Special Utility Facilities, in Pueblo County but is intended as an advisory and evolving document that provides guidance for a variety of growth related issues.

Other special use permits for similar facilities have been approved by the Pueblo County Planning Commission in Eastern Pueblo County in association with the Chemical Stockpile Emergency Preparedness Program, including a 1997 approval for nineteen (19) facilities on various parcels of privately owned land and again in 2005 for the addition of one (1) facility on the Chemical Depot.

- C. The facilities will be mounted upon regulation-sized utility poles in close proximity to existing power lines. The overall height of the facilities will be between thirty-five (35) to forty-five (45) feet in height which is in conformance with the development standards for the zone district designation each property is located in.

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- D. The intent of the installations is to warn area residents of emergencies involving flooding and severe weather. The granting of the special use permit should not adversely affect the public health, safety, or welfare.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of Pueblo County, Colorado, by a vote of 8 to 0 does hereby APPROVE Special Use Permit No. 2018-013 allowing a *Public Utility* pursuant to Title 17, LAND USE, Division I. ZONING, Chapter 17.120, *Supplementary Regulations*, specifically Section 130C. "*Special Utility Facility*" more specifically the installation and operation of an Outdoor Warning System, specifically five (5) emergency evacuation sirens, subject to the following conditions and Directive to Staff:

1. The approval of Special Use Permit No. 2018-013 shall be for the installation and operation of a Special Utility Facility (Outdoor Warning System), specifically emergency evacuation sirens, on five (5) leased parcels of land (containing 2,500 square feet each) according to the maps included within the November 5, 2018 staff report at Exhibits 2 and 3.
2. The overall height of the Special Utility Facility (Outdoor Warning System) shall not exceed forty-five (45) feet for those sites Titled HB-1, HB-2, and HB-3. A maximum height of thirty-five (35) feet shall be imposed for the remaining two (2) sites (HB-4 and HB-5).
3. Upon completion of the installation of Special Utility Facility (Outdoor Warning System), the applicant shall submit to the Department of Planning and Development final AS-BUILT drawings (stamped and signed) in the appropriate .pdf format and in hard copy.

The drawings will need to be titled appropriately and include the final AS-BUILT GPS coordinates, overall height of the tower (AGL), the setback from the installation to the property line along North Creek Road, the property's Assessor's Tax Parcel Number, and current land owner.

4. Improvements to the site covered by Special Use Permit No. 2018-013 shall be governed by the final as-built drawings. Any additional improvements and/or modifications directly associated with the Special Utility Facility (Outdoor Warning System) to the five (5) leased parcel of land will require an amendment to this special use permit PRIOR to the modification being made.
5. None of the Special Utility Facility (Outdoor Warning System) shall be lighted.

**DIRECTIVE TO STAFF DIRECTIVE:** The Department of Planning and Development is directed to conduct an administrative review of the property during the months of October/November 2019 and to present a report to the Pueblo County Planning Commission at its November 2019 meeting. If the use is not established and/or the property is not in full compliance with the Pueblo County Code and/or all of the conditions of approval, the Commission may, at its discretion, direct staff to schedule the permit for a public hearing at the November 2019 meeting. The Commission, at its discretion, may also direct staff to conduct an administrative review and/or schedule the permit for public hearing at an earlier date, if deemed necessary. **THIS DIRECTIVE TO STAFF IS NOT INTENDED AS A CONDITION OF APPROVAL.**

**RESOLUTION NO. PCPC 18- 022 (CONT.)**

**PASSED AND ADOPTED** this 14th day of November 2018, in Pueblo County, Colorado.

**THE PLANNING COMMISSION  
OF PUEBLO COUNTY, COLORADO:**

By:   
Kiera Hatton, Chairperson

**ATTEST:**

By:   
Recording Secretary