

RESOLUTION NO. PCPC 17-019

THE PUEBLO COUNTY PLANNING COMMISSION (PCPC)

**A RESOLUTION DENYING SPECIAL USE PERMIT NO. 2017-003 FOR
THE ESTABLISHMENT OF A WINDMILL STEALTH TYPE LATTICE
TELECOMMUNICATIONS TOWER (WITH AN OVERALL HEIGHT OF 100 FEET)
AND RELATED ACCESSORY BUILDINGS AND SUPPORT FACILITIES ON A 3,500
SQUARE FOOT LEASED PARCEL OF LAND IN AN A-2, AGRICULTURAL
(MINIMUM 5 ACRE) ZONE DISTRICT, LOCATED ON PARCEL H, SUBDIVISION
EXEMPTION NO. 94-05 BEING WITHIN A PORTION OF THE NE¼ OF
SECTION 2, TOWNSHIP 21 SOUTH, RANGE 64 WEST OF THE 6TH P.M.,
PUEBLO COUNTY, COLORADO**

WHEREAS, the Pueblo County Planning and Development Department received an application for Special Use Permit No. 2017-003 on March 1, 2017, submitted by Powder River Development Services, LLC, on behalf of Eco-Site Inc., c/o Brandon St. Michel and Steve Warner; and

WHEREAS, the Special Use requested is to allow the establishment of a windmill stealth type lattice telecommunications tower (with an overall height of 100 feet) and related accessory buildings and support facilities on a 3,500 square foot leased parcel of land in an A-2, Agricultural (minimum 5 acre) Zone District; and

WHEREAS, pursuant to the Pueblo County Code, Title 17, LAND USE, Division I. ZONING, Chapter 17.12, *AGRICULTURAL ONE (A-1) AND TWO (A-2) DISTRICTS*, specifically Section 030 (*Uses by Review*) of the Pueblo County Code identifies "Telecommunication Tower(s)" is allowed as a use-by-review if approved by the Pueblo County Planning Commission; and

WHEREAS, the property is under the ownership of Thad S. and Denise Vider, is physically addressed as 790 Lane 28, and is legally described as: *Parcel H, Subdivision Exemption No. 94-05 being a portion of Lot 2, Block 53, St. Charles Mesa*; and

WHEREAS, a public hearing, preceded by proper public notice, was opened by the Pueblo County Planning Commission on April 19, 2017 and, based upon a request by the applicant, was continued to the June 21, 2017 public hearing of the Pueblo County Planning Commission; and

WHEREAS, a public hearing was opened by the Pueblo County Planning Commission on June 21, 2017 and, based upon a second request by the applicant, was continued to the August 16, 2017 public hearing of the Pueblo County Planning Commission; and

WHEREAS, a public hearing, was held by the Pueblo County Planning Commission on August 16, 2017, 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

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WHEREAS, at the conclusion of the public hearing for Special Use Permit No. 2017-003, a motion to APPROVE Special Use Permit No. 2017-003 with staff's recommendation was made; and

WHEREAS, based upon a roll call vote, the motion failed by a vote of 4 to 5;
and

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

- The proposed use is listed as a permissible use-by-review in the A-2, Agricultural Zone District. However, not all listed uses are necessarily feasible or logical in some areas of Pueblo County that are located within an A-2 Zone District, so the Planning Commission is given the opportunity to consider the compatibility of the proposed use with surrounding uses.

The stated purpose of the A-2 Zone District as listed in the Pueblo County Code is "... retain and promote the appropriate use of dry range and irrigated lands and encourage open use of the land in keeping with its natural characteristics and agricultural functions".

- The Pueblo Regional Development Plan identifies the area as "Country Residential" which encourages land uses to remain more rural in character. The establishment of a stealth windmill type telecommunication tower on land that is not agriculturally utilized or directly adjacent to any established agricultural use seems incompatible and does not promote the stated purpose of the zone district designation or support the rural character of the area.
- The applicant has NOT complied with Chapter 17.120, *SUPPLEMENTARY REGULATIONS*, specifically Section 260 **Telecommunication Tower(s)**, Section 3) PERFORMANCE STANDARDS, Paragraph (g) **Use of Existing Facilities/Co-Location Availability** of the Pueblo County Code.

The applicant **HAS NOT EXHAUSTED** all possibilities of co-location on existing facilities; they have simply failed to pursue the possibility due to their determination that other existing facilities could not fully address and/or accommodate their needs or don't satisfy their desired coverage objective.

- The proposed use **is not** compatible within the context of the surrounding parcels of land which in turn **does not create** a harmonious environment with that of the surrounding properties, the majority of which are residentially developed with only a few, further south, being occupied and/or utilized agriculturally.

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NOW, THEREFORE, BE IT RESOLVED due to the failure of the original motion, Special Use Permit No. 2017-003 allowing for the establishment of a windmill stealth type lattice telecommunications tower (with an overall height of 100 feet) and related accessory buildings and support facilities on a 3,500 square foot leased parcel of land in an A-2, Agricultural (minimum 5 acre) Zone District was DENIED.

PASSED AND ADOPTED this 16th day of August 2017, in Pueblo County, Colorado.

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

By: Donald L. Bruestle
Donald L. Bruestle, Chairman

ATTEST:

By: Jandy Blanes
Recording Secretary