



Archuleta County
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MEMORANDUM

TO: Archuleta County Planning Commission

FROM: Flora Goheen; Planning Technician

DATE: September 25, 2019

RE: AT&T Wireless Tower Conditional Use Permit (CUP) on Lot 19 Replat of Village Service Commercial at 80 Bastille Dr. (PLN19-419)

EXECUTIVE SUMMARY

AT&T Wireless, represented by Justin Causey, Md7 LLC, has applied for a Board Conditional Use Permit for the **ATT Wireless Tower CUP**, on Lot 19 Replat of Village Service Commercial at 80 Bastille Dr., Pagosa Springs, CO (PLN19-419), property owner Pagosa Secure Storage LLC. The property is zoned Commercial (C). The proposal is for a 90' tall CMRS monopole, with concurrent requests for Variance from the maximum height of 40' in the Commercial zone and from paving on a paved street (PLN19-420).

REVIEW PROCEDURE

Archuleta County Land Use Regulations Section 3.2.3 Conditional Use Permit (CUP) provides for Conditional Uses, which require review and evaluation with respect to their effects on surrounding properties and Archuleta County at large. For a Board CUP, the Planning Commission recommends conditions to the Board of County Commissioners, according to the Review Criteria in Section 3.2.3.4.

Public notice was provided to the Application for publication in the *Pagosa Springs Sun*, to be posted on site, and mailed to neighboring property owners as required by Section 2.2.3.

DISCUSSION

Applicants propose to construct and operate a 90'-tall monopole for cellular phone service, at the rear of this lot which was re-plated in 1975. Property owners currently operate mini-storage warehouses with apartments and outdoor storage, which pre-exist adoption of county-wide zoning in 2006, and should be considered legal non-conforming uses.

The *Archuleta County Community Plan* of 2001, Future Land Use Map, designates this area for Commercial development. The four blocks west of North Pagosa, between US HWY 160 and Park Ave, are zoned Commercial (C). The *Archuleta County Land Use Regulations* classifies a cell tower as a Commercial Mobile Radio Systems (CMRS) facility, with specific standards in Section 5.6.3.

- New towers need to be open for co-location of multiple providers.
- Freestanding towers shall be visually screened from adjacent residential development public right-of-way.
- Maximum height in the Commercial (C) zone is 40', so a height variance is required.

The Federal Communications Commission (FCC) regulates any aspects of public health concerns about radio waves. The County is not allowed to consider any testimony about health effects of cell phones.

This application was referred to local utilities & referral agencies for review, as provided in Section 2.2.5. Those received prior to preparation of this staff report include:

- County Engineering had no objections to the tower. The driveway must be designed and paved to meet Section 27.1.7.3 of the Archuleta County Road & Bridge Design Standards, or a variance approved (since this is a non-conforming property, Applicant as requested a concurrent application PLN19-420 to be considered by the Board of Adjustment).
- County Engineering noted calculations for stormwater runoff shall be submitted by a qualified Colorado Engineer. Final site plans would need to be approved by the County Engineer and the Planning Dept. prior to construction.
- After construction, the applicant shall submit a signed and sealed letter from the design engineer that the site and drainage were built to plan.

PLPOA has covenant control in this area, and is working with the Applicant and Property Owner to review the proposed use.

Cell Tower Review Standards

For any CMRS facility, the Planning Commission's review criteria in Section 5.6.3.9 include:

- (1) Existing or approved towers cannot accommodate the telecommunications equipment planned for the proposed tower.
- (2) The tower shall not constitute a hazard to aircraft.
- (3) The tower shall be placed on the property to contain on site all ice-fall or debris from tower failure.
- (4) The proposed tower shall provide for shared capacity, if technically practicable.
- (5) The tower shall have the least practicable adverse visual impact on the environment.
- (6) The proposed tower shall not emit radiation that will adversely affect human health.
- (7) The proposed tower shall be the minimum height needed to accommodate the antenna.
- (8) The proposed tower shall comply with all applicable federal and state regulations.

- (9) The design of the proposed tower shall insure structural integrity. The proposed tower shall have adequate measures to discourage unauthorized climbing and to insure the security thereof.
- (10) All reasonably possible sites for the tower have been considered, and the proposed site is the most appropriate, available site from a land use perspective.

Conditional Use Permit Review Standards

A Conditional Use is a use allowed in a zoning district only when the Applicant can demonstrate how they will mitigate any potential impacts on the community. The Planning Commission's review criteria in Section 3.2.3.4 include:

- (1) The relationship and impact of the use on the development objectives of Archuleta County.
- (2) The effect of the use on light and air, distribution of population, transportation facilities, utilities, schools, parks and recreation facilities, and other public facilities.
- (3) The effect of the use upon traffic, with particular reference to congestion, vehicular and pedestrian circulation, safety and convenience, traffic flow and control, access, maneuverability, and removal of snow from the roads, sidewalks and parking areas.
- (4) The effect of the use upon the character of the area in which the proposed use is to be located, including the scale and bulk of the proposed use in relation to surrounding uses.
- (5) The adequacy of the design features of the site to accommodate the proposed use, including but not limited to accessibility, service areas, parking, loading, landscaping and buffering, lighting, etc.
- (6) The effect of the use upon the natural resources and wildlife habitat areas.
- (7) Such other factors and criteria as the Planning Commission and the Board of County Commissioners deems applicable to the proposed use.

Finally, before acting on the application, the Planning Commission must make necessary findings under Section 3.2.3.5:

- (1) That the proposed location of the use, the proposed access to the site, and the conditions under which the use would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- (2) That, if required by the proposed use, there are adequate and available utilities and public services to service the proposed use, without reduction in the adequacy of services to other existing uses. These utilities and public services may include, but are not necessarily limited to, sewage and waste disposal, water, electricity, law enforcement, and fire protection.
- (3) That the proposed use will be compatible with adjacent uses, including but not limited to site design and operating factors, such as the control of any adverse impacts including noise, dust, odor, vibration, exterior lighting, traffic generation, hours of operation, public safety, etc.

Applicant's narrative address details of current operations and proposed future operations, and how they meet the above criteria.

RECOMMENDATION AND FINDINGS

Based on evidence provided, if the Applicants have met the goals and objectives of the Land Use Regulations, then **the Planning Commission would find that:**

- A. The application **DOES meet** Performance Standards for CMRS facilities in Section 5.6.3 of the *Archuleta County Land Use Regulations*, and
- B. The application **DOES meet** the review criteria for a Conditional Use Permit in Section 3.2.3.4 of the *Archuleta County Land Use Regulations*, and
- C. The application **DOES meet** the required findings for a Conditional Use Permit in Section 3.2.3.5 of the *Archuleta County Land Use Regulations*, and

That the Planning Commission recommend approval of the Pagosa Secure Storage LLC request for AT&T Wireless Tower Conditional Use Permit (CUP) on Lot 19 Replat of Village Service Commercial at 80 Bastille Dr. (PLN19-419), with the following conditions:

- 1. Approval is contingent on approval of a Resolution for Variance from Maximum Height.
- 2. Applicant's final site plans shall be approved by County Engineering and Planning Staff.
- 3. Applicant shall make space available on the tower for co-location of antenna array and cabinets.

PROPOSED MOTION

I move to recommend approval of the AT&T Wireless Tower Board CUP, with the Findings A, B and C, and conditions #1-3 of the Staff Report.

ATTACHMENTS.

- Attachment 1: Area Maps
- Attachment 2: Review Comments
- Attachment 3: Applicant Narrative
- Attachment 4: Building Plans