TO: **Planning Commission**

SUBJECT: **DRAFT Minor Impact Decision**
Pilgrim Communications/Tarpon Towers
KVLE-FM Radio Tower
LUC-2015-27

DATE: **September 18, 2015 Planning Commission Meeting**

PREPARED BY: **Neal Starkebaum, Assistant Director**

APPLICANT: **Ron Crider**
Pilgrim Communications
P.O. Box 884
1445 State Highway 135
Gunnison, CO 81230

REPRESENTATIVE: **Wesley Hood**

PROJECT DESCRIPTION:
Pilgrim Communications/Tarpon Towers, represented by Wesley Hood, has submitted a land use change permit application to retain the existing 102' telecommunications tower. Land Use Change Permit LUC #13-00023, approved by the Planning Commission on December 6, 2013, permitted the installation of a new 200' telecommunications tower. The, existing 200 foot tower was planned to be removed. Since that time, the owner has reduced the height of the old, existing tower to 102 feet, and is now requesting approval to allow the existing tower remain on site to provide additional telecommunication service. This would allow existing, as well as additional antennas to be located on the tower in the future.

IMPACT CLASSIFICATION: This request is classified as a Minor Impact, pursuant to *Section 6-102: N. Freestanding Wireless Telecommunication Structures* of the Gunnison County *Land Use Resolution.* Construction and siting of a freestanding structure, building, pole, tower or antenna that provides wireless telecommunications services requires compliance with *Section 9-505: Freestanding Wireless Telecommunication Structures.*

LOCATION:
The site is located at 1445 Highway 135, 1.2–acres, in the NW/4SW/4 Section 25, T50N, R1W, N.M.P.M, which is approximately 1.5 miles north of the City of Gunnison, west of Highway 135.

SURROUNDING LAND USES:
Residential

BACKGROUND: The Board of County Commissioners approved LUC#1978-70, on May 1, 1978, Mountain Valley Broadcasting Corporation, for the construction of a 200' FM radio tower and building for a residence and broadcast station.

PLANS/REPORTS/SUBMITTALS:
Plans, reports, letters and other submittal documents informing this Decision include, but are not limited to:

- Copy of Minor Impact application

- "Tower Structural Analysis", stamped by Leo L. Roberts, Professional Engineer, dated October 24, 2015

This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.

PLANNING COMMISSION MEETING DATES:
The Planning Commission held meetings on the subject project on the following dates:

- September 4, 2015 - Work Session
- September 18, 2015 - Public Hearing
- September 18, 2015 - Work Session

SITE VISIT:
The Planning Commission determined that a site visit was not necessary, as the members were familiar with the tower and its location.

PUBLIC HEARING:
A public hearing was held on September 18, 2015. At that ……..

REVIEW AGENCY COMMENTS:
A copy of the application was distributed to the following agencies: City of Gunnison, Colorado. Comments were received from the following agencies:

<u>City Of Gunnison:</u>
Comments were received from the City of Gunnison, dated September 11, 2015. The City has no objections to the request.

APPLICABLE STANDARDS OF THE *GUNNISON COUNTY LAND USE RESOLUTION:*

Divisions 9-100, 9-200, 9-300 and 9-400 are not applicable, as none of the standards addressed within those Divisions are proposed or affected by this application.

Section 9-505: Freestanding Wireless Telecommunication Structures.
B. General Standards.

1. Safety Setback.
The tower meets the free-fall radius of 102' and is well within the property lines.

2. Design.
The design of the tower is a steel triangular, lattice tower, with tensioned guyed wires attached to concrete anchors.

3. Height.
The pre-existing 200' tower has been reduced to 102'.

4. Buffering.
An existing six foot fence, with latticed fabric provides buffering at the base of the tower. Additionally, the applicant indicates that due to the lower height, the tower does not have to be painted red and white, per FAA regulations. To buffer the tower, the

applicant will paint the tower a neutral, sand color, to assist in visually blending the tower into the background.

5. **Exterior Lighting.**
   No security or other lighting is proposed. Federal Aviation Administration lighting is not required.

6. **Access Roads**.
   No new access roads are proposed; the site will be accessed from the existing driveway.

7. **Design Safety**.
   The applicant submitted a "Tower Structural Analysis", stamped by Leo L. Roberts, Professional Engineer, dated October 24, 2015, noting that the structural members are satisfactory.

8. **Utilities Shall Be Located Underground**.
   Existing utilities will be replaced.

Section 10-102: ***Locational Residential Development.***
Not applicable. No residences are proposed by the application.

Section 10-103: ***Residential Density.***
Not applicable. No residences are proposed by the application.

Section 10-104: ***Locational Standards for Commercial, Industrial and Other Non-Residential Development.***
The Primary Locational Standard applies, as the proposed project is located the City of Gunnison's municipal three-mile plan area. Comments were received from the City of Gunnison, dated September 9, 2015.

Section: 11-102: ***Voluntary Best Management Practices.***
Voluntary; not mandated. The applicant is encouraged to utilize these practices during construction, as appropriate.

Section 11-103: ***Development in Areas Subject to Flood Hazards.***
Not applicable. County maps indicate that the site is not located within an area subject to flood hazards.

Section 11-104: ***Development in Areas Subject to Geologic Hazards*****.**
County maps indicate that the site is not located within an area subject to geologic hazards.

Section 11-105: ***Development in Areas Subject to Wildfire Hazards.***
Not applicable. The site is in an area of low wildfire hazards.

Section 11-106: ***Protection of Wildlife Habitat Areas.***
Not applicable. This is an existing tower. No new or additional impacts to Gunnison Sage-grouse or wildlife.

Section 11-107: ***Protection of Water Quality*****.**
Not applicable. The site is not near a water body.

Section 11-108: Development on Ridgelines.
Not applicable. The site is not on a ridgeline.

Section 11-109: *Development That Affects Agricultural Lands.*
Not applicable. No agricultural lands are affected by the request.

Section 11-110: *Development of Land Beyond Snowplowed Access*
Not applicable. The site is not beyond snowplowed access.

Section 11-111: *Development on Inholdings in the National Wilderness*
Not applicable. The site is not within the National Wilderness.

Section 11-112: *Development on Property Above Timberline.*
Not applicable. The site is not located above timberline.

Section 12-103: *Road System*.
No new access roads are proposed; the site will be accessed from the existing driveway.

Section 12-104: *Public Trails*.
Not applicable. There are no public trails associated with this use.

Section 12-105: *Water Supply*.
Not applicable. No water is proposed nor required for the proposed use.

Section 12-106: *Sewage Disposal/Wastewater Treatment.*
Not applicable. No sewage disposal is required for this use.

Section 12-107: *Fire Protection*.
The property is located within the Gunnison Fire Protection District.

Section 13-103: *General Site Plan Standards And Lot Measurements.*
Not applicable.

Section 13-103: *General Site Plan Standards and Lot Measurements*
Not applicable. No building lots are proposed in this application.

Section 13-104: *Setbacks from Property Lines and Road Rights-of-Way.*
The proposed tower meets the property line setbacks.

Section 13-105: *Residential Building Sizes and Lot Coverages.*
Not applicable. No residences are proposed in this application.

Section 13-106: *Energy and Resource Conservation.*
Not applicable. No structures are proposed in this application that are subject to the standards of this Section.

Section 13-107: *Installation of Solid Fuel-Burning Devices*
Not applicable. No installation of solid fuel-burning devices is contemplated by the application.

Section 13-108: *Open Space and Recreation Areas*
Not applicable. No open space is required.

Section 13-109: ***Signs.***
Not applicable. There are no signs proposed as part of the application.

Section 13-110: ***Off-Road Parking and Loading.***
Not applicable. No off-road parking is required.

Section 13-111: ***Landscaping and Buffering.***
A six foot fence, with latticed fabric, is existing at the base of the tower and the perimeter of the equipment building, to provide buffering.

Section 13-112: ***Snow storage****.*
Not applicable. No snow storage is required.

Section 13-113: ***Fencing***
An existing six foot fence is located at the base of the tower.

Section 13-114: ***Exterior Lighting.***
No lighting is proposed, and the applicant indicates that no mandated Federal Aviation Administration lighting is required.

Section 13-115: ***Reclamation And Noxious Weed Control.***
No site disturbance. The tower is existing.

Section 13-116: ***Grading and Erosion Control.***
No site disturbance. The tower is existing.

Section 13-117: ***Drainage, Construction and Post-Construction Stormwater Runoff.***
No site disturbance. The tower is existing.

Section 13-119: ***Standards to Ensure Compatible Uses*****.**
The proposed use will not result in significant net adverse impact to adjacent lands.

FINDINGS:
The Commission finds that:

1. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the site plan as submitted. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution.*

2. *This application is classified as a Minor Impact Project pursuant to Section 6-102: N. Freestanding Wireless Telecommunication Structures of the Gunnison County Land Use Resolution and Section 9-505: Freestanding Wireless Telecommunication Structures.*

3. The replacement tower complies with the standards found in Section 9-505: Freestanding Wireless Telecommunication Structures. B. General Standards.

4. The applicant described an ongoing demand for additional telecommunication services in the County, which will entail increasing demand for additional antennas. Currently, the existing tower has a 42% load capacity for antennas. Retaining the existing tower, with the loading available for additional antenna may minimize the potential for new cell towers on a different site.

5. The applicant indicates that due to the lower height, the tower does not have to comply with FAA regulation regarding required paint color. The tower is currently painted navigational red and white. The applicant indicates that they will repaint the tower a neutral, sand color.

6. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the site plan as submitted. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution.*

7. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.

DECISION:
The Gunnison County Planning Commission, having reviewed all the documentation submitted to the County and included within the Planning Office file relative to this application, including all exhibits, references and documents as included therein, and including provision of a public hearing, and having reached the above cited Findings, hereby determines that LUC #2015-27, Pilgrim Communications/Tarpon Towers, is classified as a Minor Impact Project, is approved with the following conditions, and that such approval be memorialized by recordation of a Certificate of Minor Impact with the Gunnison County Clerk and Recorder:

1. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the site plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution.*

2. The applicant shall repaint the tower a neutral, sand color, within 30 days of the recordation of the Certificate of Minor Impact.

3. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.

4. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.

5. Approval is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.