

RESOLUTION NO. 2013-7
BOARD OF COUNTY COMMISSIONERS
OF RIO BLANCO COUNTY, COLORADO

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF RIO
BLANCO COUNTY, COLORADO, APPROVING A SPECIAL USE PERMIT FOR THE
CONRADO/MERCURY TOWERS 105-FT TELECOMMUNICATION TOWER**

WHEREAS, Joe and Kelly Conrado with Mercury Towers (the "Applicants") have applied for a Special Use Permit on the southwest portion of a 80.172-acre parcel owned by Joe and Kelly Conrado in Rio Blanco County, Colorado; and

WHEREAS, the subject property is located in the NE¼ of Section 27, Township 1 North, Range 94 West, of the 6th Principal Meridian, specifically PIN#140926200043; and

WHEREAS, the Applicants are proposing under the Special Use Permit to construct a permanent 105-ft telecommunication tower immediately south of the existing barn; and

WHEREAS, the Applicants are also proposing to install a temporary 100-ft Tower on Wheels (TOW) to utilize until such time as the construction of the 105-ft permanent tower is completed; and

WHEREAS, the subject property with an existing hay barn in the southwest portion of the property, is currently zoned Agriculture, which allows towers and related structures through the Special Use Permit process; and

WHEREAS, the Rio Blanco County Board of Commissioners ("Board") conducted its initial public hearing on the Special Use Permit application on November 19, 2012 upon notice duly given; and

WHEREAS, the Board, after reviewing the initial Application and supporting materials, and considering comments from staff, the Applicants, and the general public, gave the Applicants specific criteria to apply to the design and location of the tower, asked for additional information, and continued the public hearing to December 11, 2012; and

WHEREAS, the Applicants, at the commencement of the December 11, 2012 public hearing, requested and were granted a continuance of the public hearing to January 28, 2013 in order to consider alternatives and to provide the Board with additional information at that time; and

WHEREAS, the Board has reviewed applicable Colorado Statutes, the Rio Blanco County Master Plan, the Rio Blanco County Land Use Resolution, the January 11, 2013 updated application materials submitted by the Applicants, the materials submitted by members of the public at the various hearings, and conducted a complete hearing in Meeker for the amended Special Use Permit Application on January 28, 2013; and

WHEREAS, the Board, at the January 28, 2013 hearing, voted 3 for/0 against the Conrado/Mercury Tower Special Use Permit and set February 11, 2013 as the date for final approval of the SUP and adoption of this Resolution.

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF RIO BLANCO COUNTY, COLORADO FINDS AS FOLLOWS:

- A. The amended application is complete;

- B. The public hearings before the Board were extensive and complete, pertinent facts, matters, and issues were submitted, and any interested parties were given an opportunity to be heard at the hearing;
- C. Joe and Kelly Conrado and Mercury Towers have paid the appropriate application fee and impact fee;
- D. The appropriate ad valorem taxes have been paid for the subject property, in accordance with Section 30-28-110 C.R.S.
- E. The record is complete;
- F. The proposed Special Use Permit is in the best interests of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Rio Blanco County.

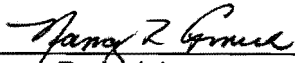
THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Rio Blanco County, Colorado:

1. The Conrado/Mercury Tower Special Use Permit Application #12-7, to utilize a temporary 100-ft TOW and to construct a permanent 105-ft telecommunication tower in the southwest portion of the subject property, is hereby approved, as presented, subject to the following conditions:
 - a. Compliance with the Rio Blanco County Building Official's January 22, 2013 recommendations (except subparagraph 6 in Exhibit A). (Exhibit A)
 - b. Coordinate with the Rio Blanco Fire Protection District to address, to the District's satisfaction, their comments relating to the Knox Lock System for the compound and the orientation of the propane tank in the email dated January 16, 2013. (Exhibit B)
 - c. Coordinate with the Colorado Parks and Wildlife prior to the construction of the tower.
 - d. Compliance with the Colorado State Forest Service's October 22, 2012 recommendations on wildfire mitigation. (Exhibit C)
 - e. Provide documentation of final FAA approval of the tower prior to commencing construction activities.
 - f. Provide a County-approved, location-specific weed management plan with map at the time of submittal of the building permit application for the 105-ft tower.
 - g. Any lighting of the tower and fenced compound area shall comply with Section 269 of the Land Use Resolution, as amended, and shall not be intrusive or disruptive to adjacent land owners.
 - h. An amendment of this SUP shall be required for future lease holders co-located at the site prior to the issuance of building permits for their facilities.
2. If any section, subsection, sentence, clause, phrase or portion of this Resolution is, for any reason, held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The Board of County Commissioners of Rio Blanco County, Colorado declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase, or portion herein, despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions would be declared invalid or unconstitutional.

DULY MOVED, SECONDED, AND PASSED ON A VOTE OF 3 FOR AND 0
AGAINST, THIS 11th DAY OF FEBRUARY 2013.

BOARD OF COUNTY COMMISSIONERS OF
RIO BLANCO COUNTY, COLORADO

ATTEST:




Nancy R. Arnick
Clerk and Recorder


By: _____
Shawn J. Bolton, Chairman



Jon D. Hill, Commissioner



Jeffrey D. Eskelson, Commissioner



EXHIBIT A

Rio Blanco County Building Department

1/22/13

Mercury Towers Comments:

1. Structural strength of the tower must be designed meeting all applicable RBC Building Code requirements and referenced standards adopted by RBC. IBC 2006, TIA/EIA-222
2. All foundations for structures, including the support and set up of the temporary Tower, must be designed by a Colorado Licensed Engineer and reference a site Soils Investigation. IBC Section 1802
3. Every Factory built Non residential building must be approved by and display an insignia issued by the Colorado Division of Housing. Resolution #35
4. Propane tank installation and associated piping and equipment must meet all applicable requirements of NFPA 58 and the RBC Fire Code. 2006 IFC
5. The temporary Tower must be issued a Building Permit and shall conform to the structural strength, fire safety and any other applicable Rio Blanco County Building and Fire Codes. IBC 107.2
6. All recommendations made by the Fire Chief, the Colorado State Forest Service and all applicable requirements of the RBC Fire Code shall be considered required.

Jeff Kummer
Rio Blanco County Building Official

Anna Smith

From: sallen@meekerrescue.com
Sent: Wednesday, January 16, 2013 12:43 PM
To: ASmith@co.rio-blanco.co.us
Subject: FW: SUP 12-7 Updated Materials

Anna,

I have reviewed the updated material.

I addressed the "four digit" combination lock in my last review. Again, we will require a Knox Lock system for the compound. We will also require a Knox Box on the building due to the hazardous materials inside. I thought this was already agreed upon by Mercury last time?? Why did they revert back to the original system??

The propane tank needs to be rotated so the tank is not pointed towards the entrance of the compound.

They refer to the "County Emergency Response Department". I do not know who or where this agency is?? Please have Mercury advise me who this is and why they are referred to.

No fire extinguisher placements are on the map.

The fifteen foot of turn around space is not sufficient for a large fire truck.

The driveway will be maintained year round for emergency services access.

Steve Allen

EXHIBIT C

Anna Smith

From: Kamie.Long@colostate.edu
Sent: Monday, October 22, 2012 10:01 AM
To: ASmith@co.rio-blanco.co.us
Subject: RE: SUP #12-7 Referral Agency Packet -- Conrado/Mercury Tower

The only concern the Colorado State Forest Service has in regards to SUP #12-7 and wildfire mitigation is that all weeds that will grow due to site disturbance are mitigated and not allowed to grow over 6 inches within 30 feet of any structure and not allowed to grow over 1 foot tall outside of the 30 foot buffer for 70 feet. A total of 100 feet mitigated around all structures for weeds.

Thank you,

Kamie Long
970-248-7325