

SPECIAL USE PERMIT APPLICATION – TOWER(S)

Please Attach "Letter of Request" to this Application

PLEASE READ NOTE AND SIGN BELOW:

THE SUBMITTED APPLICATION PACKAGE REQUIRES SPECIFIC REPORTS/INFORMATION WHICH MAY NOT BE ADEQUATE AS DETERMINED THROUGH THE REVIEW PROCESS. ADDITIONAL INFORMATION MAY BE REQUIRED. ALSO, THE ACCEPTANCE OF THE APPLICATION PACKAGE DOES NOT MEAN THE SPECIFIC INFORMATION HAS BEEN APPROVED AND IN FINAL FORM. REVISIONS TO THE INFORMATION AND/OR REPORTS MAY BE REQUIRED. REQUESTS FOR WAIVERS OF ANY OF THESE REQUIREMENTS MUST BE ACCOMPANIED BY A LETTER OF JUSTIFICATION. THE PUEBLO COUNTY PLANNING COMMISSIONERS WILL HEAR THE WAIVER REQUEST CONCURRENTLY WITH THE APPLICATION. DENIAL OF THE WAIVER REQUEST SHALL RENDER THIS APPLICATION INCOMPLETE AND RESULT IN THE REQUIREMENT FOR A NEW SUBMITTAL ACCEPTANCE DATE AND REVIEW PERIOD. YOUR SIGNATURE BELOW INDICATES ACCEPTANCE OF THESE CONDITIONS.

Date: _____ Type of Application:

Special Use Permit No.

Applicant's/Representative's Signature

NOTICE: All information, including emails, submitted to Pueblo County Department of Planning and Development is considered public record and is therefore available for public review.

Assessor's Tax Parcel No. _____

1. **Please list the name, address, and telephone number of the following (some may not be applicable);**

Applicants(s): _____

Address: _____

Telephone Numbers: _____

Email Address: _____

Property Owner(s): _____

Address: _____

Telephone Numbers: _____

Email Address: _____

Applicant's Representative: _____

Address: _____

Telephone Numbers: _____

Email Address: _____

Address of Property _____

2. Zone district _____

3. Legal description of the property _____

(If lengthy, please attach)

4. Please list any previous applications (e.g., map amendments, zoning variances, special use permits, subdivision variances) in connection with this property _____

5. Fee Paid \$ _____

REGULATIONS

The following are the new regulations:

1) INTENT

The intent of this subsection is to provide a set of performance standards governing the establishment of telecommunication tower(s) including, but not limited to, the submission requirements for both new towers and co-location requests within those zone districts where the same is expressly permitted in accordance with the rules and regulations as outlined in the Pueblo County Code.

2) DEFINITION

TELECOMMUNICATION TOWER(S): Any structure that is designed and constructed primarily for the purpose to supporting one (1) or more antenna clusters, microwave dishes and/or a combination thereof for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. Equipment shelters and support facilities constructed in conjunction with the tower shall be considered accessory structures but must be constructed within the specifically leased area.

3) PERFORMANCE STANDARDS

(a) **ALLOWABLE USES:** A telecommunication tower(s) shall be permitted as a use-by-review in all Agricultural and Industrial Zone Districts.

To the extent feasible, the use of "stealth technology" should be used as the best method to mitigate and/or camouflage visual impacts. Stealth technology consists of, but is not limited to, the use of grain bins, silos or elevators, church steeples, water towers, clock towers, bell towers, false penthouses or other similar "mimic" structures. Such "mimic" structures shall have a contextual relationship to the adjacent area.

(b) **MINIMUM AREA:** The minimum lot area of any parcel of land proposed for the establishment of a telecommunication tower(s) shall be at least one-half ($\frac{1}{2}$) acre (21,780 square feet) in size. There shall be no minimum size requirements for the leased area.

(c) **SETBACKS:** All telecommunication tower(s) shall be setback, at a minimum, the overall height of the tower from any property line. All measurements shall be from the leading edge of the tower structure. Setbacks for guyed wire bases will be the same as required for an accessory structure in the zone district in which the tower is located.

There shall be no minimum setback standard for related accessory buildings and support facilities provided the construction/placement of said buildings and support facilities are contained within the designated fenced leased parcel.

(d) **HEIGHT LIMITATIONS:** The height of any telecommunication tower(s) shall be governed by the building height limit as imposed in each of the respective Agricultural and Industrial Zone District classifications.

(e) **LIGHTING:** Any telecommunication tower(s) that is proposed to be established with an overall height of 150 feet or greater shall be required to file with the Federal Aviation Administration Form 7460-1 *Notice of Proposed Construction or Alteration* for the proposed tower.

Lighting of telecommunication tower(s) shall only be permitted as required by the Federal Aviation Administration and shall be governed by the *Federal Aviation Administration Obstruction Marking & Lighting Advisory Circular (AC 70-7460-1K)*.

- (f) FENCING: The boundary of the leased parcel surrounding the telecommunication tower(s) and its related accessory buildings and support facilities shall be fenced with a minimum 6-foot security-type fencing.
- (g) USE OF EXISTING FACILITIES/CO-LOCATION AVAILABILITY: In an attempt to minimize the proliferation of telecommunication towers throughout Pueblo County, all possibilities of co-location on existing facilities (within a 3 mile radius) must be exhausted prior to the submission of an application for the establishment of new telecommunication tower(s).

In addition, subject to review and analyses, all telecommunication tower(s) established within Pueblo County shall be constructed and made available as to permit co-location of, at minimum 2 additional, functionally equivalent service providers.

- (h) OTHER APPLICABLE REGULATIONS: All telecommunication tower(s) must meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communication Commission, and/or any other agency of State or Federal Government with the authority to regulate towers and antennas.
- (i) SUBMITTAL REQUIREMENTS: Applications for the construction of any new telecommunication tower(s) shall be by special use permit. The co-location or installation of additional antennas/dish receivers, transmitting equipment and/or related accessory buildings and support facilities for other service providers on existing facilities shall be by zoning compliance review.

The forms and associated submittal checklists for the previously mentioned applications will be provided by the Department of Planning and Development and assessed an application fee as adopted by the Pueblo Board of County Commissioners by resolution.

SPECIAL USE PERMIT APPLICATION CHECKLIST for TELECOMMUNICATION TOWER(S)
THE FOLLOWING ITEMS MUST BE SUBMITTED IN .PDF FORMAT ALONG WITH THE APPLICATION:

Applications for the construction of any **new** telecommunication towers (pursuant to Section 17.120.160) shall include, but are not limited to, the following:

- _____ 1. A letter of request that contains:
 - _____ Date of application
 - _____ Owner and representative contact information (address, phone number and email address)
 - _____ Assessor's Parcel Number and present zoning
 - _____ Request and reason for the special use permit
 - _____ Applicant's statement of whether or not potable water and/or wastewater services will be provided.
 - _____ Signature of owner or representative* (NOTE: A Letter of Consent authorizing the representative to act in owner's behalf **must be included**)

- _____ 2. Proof of ownership by recorded deed

- _____ 3. **Overall Site Plan** (drawn to scale) of the subject property that contains:
 - _____ Parcel dimensions and acreage
 - _____ Location of Existing and Proposed structures, towers, related accessory equipment with setbacks dimensions from all of the improvements to the property boundary
 - _____ North Arrow and Scale
 - _____ Name of access road to site(s)
 - _____ Access and/or Utility Easement(s) (Existing and Proposed)

Enlarged Site Plan of the Leased Parcel (drawn to scale) that contains:

 - _____ Leased Parcel dimensions and acreage
 - _____ Legal Description of Leased Parcel
 - _____ Proposed tower, size of leased area surrounding the proposed related accessory buildings and support facilities with the four (4) setback dimensions from the leading edge of the proposed tower, the boundary of the leased area all to the boundary of the leased parcel and between improvements
 - _____ Overall height of the proposed related accessory buildings and support facilities
 - _____ Overall height and type of security fencing encompassing the leased parcel
 - _____ North Arrow and Scale
 - _____ Name of access road to site(s)
 - _____ Access and/or Utility Easement(s) (Proposed)

Tower Diagrams and/or Elevations (does not have to be drawn to scale, but needs to be legible) that contains:

 - _____ Overall tower height **including** any attached lightning rod or lighting fixtures
 - _____ Overall height of the proposed antenna/dish receivers
 - _____ Areas available for co-location of additional service providers
 - _____ North Arrow and Scale (if applicable)

(NOTE: None of the drawings required above shall be larger than 11" x 17" and ALL items must be submitted in PDF format.)

- _____ 4. Written documentation that ALL possibilities of co-location on existing facilities (within a 3 mile radius) have been addressed and/or exhausted (if applicable)

- _____ 5. Copy of draft access easement which includes a legal description and supplemental map of the access to the leased parcel.

- _____ 6. A copy of the Federal Aviation Administration Form 7460-1 *Notice of Proposed Construction or Alteration* AND Type and Description of any proposed lighting (if applicable)

- _____ 7. A nonrefundable application fee of \$ _____

SPECIAL USE PERMIT – TOWER(S) **SUPPLEMENTAL INFORMATION**

The submittal deadline is 2:00 p.m. on the 1st Wednesday of each month. Complete applications will be scheduled before the Pueblo County Planning Commission. Information on the specific hearing dates can be obtained from the Department of Planning and Development or online at <http://county.pueblo.org/government/county/department/planning-and-development/planning-and-development> under “Related Files”.

Notice of the public hearing will be sent to property owners whose property abuts or is within three hundred feet (300 ft.) of the exterior boundaries of the subject property and published in the newspaper. Notice of the proposed special use permit will be posted on or near the subject property.

The Planning Commission considers the following factors in reaching its decision:

- (1) Is the requested use listed as a Special Permitted Use in the district in which the parcel is located?
- (2) Will the granting of the Special Use appeal substantially modify the Land Use Plan or the intent, purpose and spirit of this resolution?
- (3) Does the Special Use proposal incorporate reasonable means to create an environment harmonious with that of the surrounding properties?
- (4) Will the Special Use adversely affect the public health, safety, or welfare?

GUIDELINE FOR A “LETTER OF REQUEST”

Where applicable, please provide the following information, in a letter format, to serve as a “Letter of Request” for all Department applications:

1. Date of Application.
2. Owner and Owner’s Representative or Consultant (Addresses, telephone numbers, email addresses).
3. Site location, dimensions and size of property (in feet and acres), and present zoning.
4. Action requested and the reason/purpose for the request (Incorporate answers to the above four factors considered by the Commissioners).
5. Existing and proposed facilities, structures, roads, etc.
6. **WAIVER OF ANY REQUIRED INFORMATION/REPORTS AND JUSTIFICATION FOR THE WAIVER MUST BE INCLUDED IN THIS LETTER.**

NOTICE: THE PUEBLO BOARD OF COUNTY COMMISSIONERS AND THE PUEBLO COUNTY PLANNING COMMISSION ENCOURAGE YOU TO TALK WITH YOUR NEIGHBORS REGARDING YOUR PROPOSED LAND USE OR ACTIVITY.

As a part of the processing of your land use application, notice of your proposed use or activity will be sent to all property owners within three hundred (300) feet of the property, a poster style notice will be posted on or near the property and a public notice will be published in the newspaper. The notice will briefly provide the time and date of the Planning Commission and Board of County Commissioners (when applicable) meetings or hearings related to your request.

The Pueblo Board of County Commissioners and the Pueblo County Planning Commission strongly encourage you to meet with the residents/owners in the area prior to these meetings or hearings to explain your proposed use or activity and to listen to concerns or suggestions the area residents may have. Such meetings may alleviate many concerns of the area residents/owners and may lead to a more efficient public meeting/hearing process.



DIVISION OF WATER RESOURCES

John W. Hickenlooper
Governor

Mike King
Executive Director

Dick Wolfe, P.E.
Director/State Engineer

CHECKLIST FOR COUNTY SUBMITTALS REGARDING PROPOSED LAND USE ACTIONS

The following checklist should be completed to ensure all submittals to the Division of Water Resources regarding proposed land use actions include the necessary information required by this agency. Please note that by statute, this agency has 21 days to respond to County submittals; therefore, please submit complete packet of materials with all supporting documentation and labeled exhibits at least 21 days prior to the date comments will be needed by. Incomplete submittals will be returned to the County for additional information. Sections A and B are to be submitted to State Engineers Office, 1313 Sherman Street, Rm 818, Denver, CO 80203. For Sections C and D: **submit to the Division of Water Resources at 310 E. Abriendo, Ste. B, Pueblo, Colorado 81004.**

- Name of proposed project: _____
- Definition of proposed land use action (please select only one below)
- Cluster development as defined by §30-28-403, C.R.S.
- **Proceed to Section A (Below)**
 - Subdivision as defined by §30-28-136(h)(l), C.R.S.
- **Proceed to Section B**
 - Land division exempted from statutory subdivision process identified in §30-28-133, C.R.S.
- **Proceed to Section C**
 - Special use, zoning, or other land use action that does not involve a division of land
- **Proceed to Section D**

Section A – Cluster Development

By March 11, 2011 memorandum from the State Engineer, this office recommended that all Counties forward land use actions that split parcels of land but do not involve the subdivision of land as defined in §30-28-101(10)(a), C.R.S., including cluster developments, for comment in any case where the land has an existing well(s) or permit(s) issued for construction of a well. In such a case, this office will inform the County that upon completion of the cluster development, the existing well owner(s) or permit holder(s) must re-permit the well consistent with a procedure outlined in Section 3, Attachment B of the State Engineer's March 4, 2005 memorandum to all county land use planning directors, and summarized below.

No later than ten days after County approval of a cluster development, the County shall notify this office of such approval and shall provide a copy of the rural land use plan that includes the cluster development. The plan must include **a copy of the survey plat that describes the entire land area associated with the plan, identifies the set aside open space area, and describes the residential lots within the land area.** Additionally, the plan should include limitations imposed on water usage for each lot and for the development as a whole sufficient to demonstrate that usage in the development does not exceed one acre-foot of annual withdrawal for each full 35 acres in within the development. For example, a cluster development with seven lots on 150 acres contains four full 35-acre parcels. Therefore, four acre-feet annually is available to the lots in the development and split evenly among the seven lots, four acre-feet allows for 0.57 acre-feet annually per lot.

Office of the State Engineer

1313 Sherman Street, Suite 818 • Denver, CO 80203 • Phone: 303-866-3581 • Fax: 303-866-3589

<http://water.state.co.us>

DIVISION OF WATER RESOURCES

Checklist for County Submittals
Updated September 14, 2011
Page 2 of 4

Section B – Subdivision

This section applies to any division of land considered by the County to be a subdivision, as defined by §30-28-136(h)(l), C.R.S.

- A plat map of the proposed subdivision with an identified location that includes a quarter-quarter, section, township, range and principle meridian (PLSS) – **Please include as Exhibit A to submittal, and flag as such.**
- Water Supply Information Summary, Form No. GWS-76 (incomplete forms may be returned to the County for additional information and may subject the submittal to further processing time) – **Please include as Exhibit B to submittal, and flag as such.**

*Please thoroughly complete Form No. GWS-76. It should be noted that for Item 9, Estimated Water Requirements, standard water use rates used by this office, as found in the Guide to Colorado Well Permits, Water Rights, and Water Administration, are 0.3 acre-foot (97,755 gallons) per year for each ordinary household, 0.05 acre-foot (16,293 gallons) per year for four large domestic animals, and 0.05 acre-foot (16,293 gallons) per year for each 1,000 square feet of lawn and garden irrigation. Any incomplete GWS-76 may be returned to the county, which may subject the evaluation to further processing time. Particular attention should be paid to Item 10, Water Supply Source, to ensure a proposed source of water is included for **each parcel of land** involved in the subdivision. If the water supply source is a municipality or quasi-municipality, the applicant **must** provide a letter of commitment which references the subdivision name and the level of commitment in terms uses to be served and quantity of water to be supplied.*

- Evidence of physical adequacy (please select only one below) – **Please include as Exhibit C to submittal, and flag as such.**
 - Source is a municipality or quasi-municipality

A report is required to document the following:

- A summary of water rights owned and controlled by the municipality
- The anticipated yield of said rights in both an average and dry year
- The present demand on the municipality, and the anticipated demand due to commitments for service entered into the municipality that are not yet supplied
- The amount of uncommitted firm supply the municipality has available for future commitment and development
- A map of the municipality's service area

Please note the SEO maintains files for various municipalities and therefore, this information may not be necessary. However, the SEO may request updated information from the municipality/applicant if the information on file has not been updated within 3 calendar years, or when the commitments reach a total that is approximately 90% of the firm yield.

- Source is wells
 - Information to show the pumping rate(s) of well(s) will be enough to meet said demands and uses

DIVISION OF WATER RESOURCES

Checklist for County Submittals
Updated September 14, 2011
Page 3 of 4

Section C – Subdivision Exemption

This section applies to any land division exempted by the County from the statutory subdivision process identified in §30-28-133, C.R.S.

A plat map of the proposed parcels with an identified location that includes a quarter-quarter, section, township, range and principle meridian (PLSS).

Proposed Residential Parcels Created by Exemption: Total number of parcels to be created: _____

Are any of the proposed parcels are intended to be used for drinking and sanitary facilities inside an individual commercial business ____ Yes ____ No

Proposed Parcel One: Lot name/number: _____ Size of Parcel: _____

Proposed Uses: Residential Only Commercial or Commercial and Residential

Proposed number of residences: _____ or number of existing residences to remain on created parcel: _____

Proposed size of home lawn/garden: _____ square feet

Proposed non-commercial livestock watering: Yes No

Source of water uses listed above:

Municipality: Name of Entity: _____ or

Existing permitted well, Permit Number: _____ or

Unregistered Well: Yes No or

Proposed well to be constructed: Yes No

Surface Spring, Court Adjudication Number and Spring Name _____

Other _____

Waste Water Method:

Municipal

Septic with Leach Field

Closed Vault, Waste Water hauled to: _____

Proposed Parcel Two: Lot name/number: _____ Size of Parcel: _____

Proposed Uses: Residential Only Commercial or Commercial and Residential

Proposed number of residences: _____ or number of existing residences to remain on created parcel: _____

Proposed size of home lawn/garden: _____ square feet

Proposed non-commercial livestock watering: Yes No

(Note: outside watering may not be available outside of Designated or Denver Basin, or in any over appropriated basin.)

Source of water uses listed above:

Municipality: Name of Entity: _____ or

Existing permitted well, Permit Number: _____ or

Unregistered Well: Yes No or

Proposed well to be constructed: Yes No

Other _____

Waste Water Method:

Municipal

Septic with Leach Field

Closed Vault, Waste Water hauled to: _____

Additional parcels: copy this information and submit in similar format and attach.

If commercial use is requested for any of the parcels utilizing wells, the appropriate Commercial Drinking and Sanitary Well Worksheet, as selected, must also be completed and submitted with this form.

For parcels outside of Designated Basin described on **Attachment D** use Form Number GWS-57

Commercial Drinking and Sanitary Well Worksheet. For Parcels located in the Designated Basins of

Colorado use Form Number GWS-61 Commercial Small Capacity Well Water Use Breakdown Worksheet.

Forms available at: www.water.state.co.us

DIVISION OF WATER RESOURCES

Checklist for County Submittals
Updated September 14, 2011
Page 4 of 4

Section D – Special Use, Zoning, and Other Land Use Actions

This section applies to special use, zoning, and any other land use action submittals that do not involve a division of land unless the parcel is included in Section C.

- A map of proposed improvements with an identified location that includes a quarter-quarter, section, township, range and principle meridian (PLSS)

Existing Parcel Information

Legal description: _____ Size of existing parcel: _____ Acre\Square feet (circle)

Proposed Uses: Residential Only Commercial or Commercial and Residential

What are the current uses of water on this parcel?

Each item must be answered, if not applicable, mark as NA

Number of existing homes: _____ – If one or more, date this use was established: _____

Home lawn/garden irrigation: Yes No

If yes, amount: _____ Acre/square feet (circle)

Date this use was established: _____

Livestock watering: Yes No – If yes, date this use was established: _____

What will be the proposed use of water for this parcel?

Number of proposed homes (Including the home above if it will remain) _____

Lawn/Garden watering, amount: _____ Acre/square feet (circle)

Livestock watering: Yes No

Number of employees per day _____ days open per year _____

Number of Customer per day _____ days open per year _____

Bed / Breakfast Customers per day _____ days open per year _____

Other water needs described: _____

Source of water for the uses described above: (If more than one source is utilized for parcel, describe)

_____ ;
 Is Municipal water available to parcel: Yes No Are the uses described above proposed to be provided by a municipality? Yes No ;

Name of Provider _____

Is Water Hauled: Yes No

Existing permitted well – If so, permit number: _____

Substitute Water Supply Plan, (name) _____

Unregistered well

Surface Spring, Court Adjudication Number and Spring Name _____

Waste Water Method:

Municipal

Septic with Leach Field

Closed Vault, Waste Water hauled to : _____