APPROVED ON 6/7/2016

MINUTES
OURAY COUNTY PLANNING COMMISSION
REGULAR MEETING & WORKSHOP

May 17, 2016 6:00 – 8:00 p.m. (appx)

Meeting held at the Land Use/Road & Bridge Offices, Conference Room

111 Mall Road, Ridgway, Colorado

Attending:

PC:	Miller, Jackman, Peters, Parker, Williams, Orgren, Baskfield
Staff:	Castrodale, Sampson, Whitmore
Absent:	Carr

Note: These minutes are not intended to be a *transcription* of the hearing. Comments are abbreviated and paraphrased. Every intention is made to capture the intent and meaning of the comments made during the hearing.

I. Call to Order – Workshop of the Ouray County Planning Commission (6:02 P.M.)

1. The Planning Commission held a workshop to discuss Wildfire Regulations, and developed a record of what work had been done in order to efficiently revisit the topic after High Country Regulations had been completed.

II. Call to Order – Regular Meeting of the Ouray County Planning Commission (7:00 P.M.)

1. Election of Officers

- Vice-Chair Jackman noted that he would not be interested in being nominated for Chair, due to other work obligations.
- Peters suggested that Williams be Chair
- Williams noted that she would be willing to do so, but suggested that perhaps Parker could remain in the position while the Planning Commission reviews the High Country regulations.
- **MOTION:** Jackman moved to hold elections at the 1st planning commission meeting in August
- **SECOND:** Miller seconded motion
- **DISCUSSION:** No discussion was had
- **VOTE:** A vote was taken and the motion passed unanimously

2. **Public Hearing** (Beginning at approximately 7:00 PM): The purpose of the hearing is to review and make a recommendation to the Board of County Commissioners on a proposed new Land Use Code section addressing review and permitting of Communications Facilities.

- **Staff Introduction Presentation:**
    - Castrodale introduced the topic
    - No current regulations specifically for communication facilities
    - Process that is proposed is a stand-alone process. No longer requires a SUP review.
    - Castrodale noted the key points of the draft regulations.
        - Allows for necessary infrastructure
        - Encourages co-location, discourages proliferation of towers
        - Minimizes tower visibility and visual impacts
        - Lays out a clear process for the applicants
        - Adheres to federal guidelines
        - Allows for communication facilities in all zoning districts of Ouray County
        - Towers are limited to a maximum height of 180', but must provide justification to build above 50'
        - All new towers and all replacement towers will now require stealth design, unless otherwise approved by the county.
        - Buildings and equipment cabinets must blend
        - Ham Radio towers restricted to 35' unless the applicant obtains an approved variance.
    - Castrodale followed with his conclusion
        - Staff much more comfortable in processing applications with these regulations
        - Big improvement over current using SUP regulations for communication facilities
        - Promotes co-location and stealth towers
        - Clear and understandable regulations for the Staff and Applicants.
        - Staff is recommending that the Planning Commission forward the proposed regulations to the Board of County Commissioners with a recommendation of approval.

- **Public Comment (open at 7:12):**
    - Parker noted that communication facilities are highly regulated
    - No public comments made
    - Closed at 7:13
- **Planning Commission Deliberation:**

- Williams; how tall is the log hill tower.
  - Staff noted that they could not locate the drawings but that the application states 80'.
- Parker noted that there is language in the proposed code that says additional justification is required for any proposal over 50'
- Williams; not suggesting that we lower the height, but commenting that 180' is really high.
- Williams; Is there a difference between the terms "material adverse effect" and "undue impacts"?
- Whitmore, could be reworded but noted that it would cover many different criteria, including financial interests.
- Williams; noted a typo on 23.5(C)(2)
- Peters; is one mile notification sufficient for a tower on a large ranch
- Whitmore; standard to post with notice prior to approval
- Williams; noted that there could be a very large number of notices required within a mile.
- Castrodale; noted that we have done large notices in the past, and 1 mile shouldn't be a problem.
- Parker; language in K1 is undue impacts; language in 7 is material adverse. Seems like material adverse is more stringent. Both are subjective, but Williams could propose a change.
- Williams noted that she is not willing to make any changes to the section.
- Jackman; asked how the PC landed on the 180' maximum.
- Whitmore noted that the federal regulations limit to 199' without flashing lights and painting, etc. The PC backed down from there.
- Jackman, noted that towers over 50' needed additional justification from the applicant, but does it imply that 180' is okay?
- Whitmore – spells out a maximum, but there are more stringent application standards.
- Parker noted that Staff can require evidence that a 100' tower is required, and that an 80' tower isn't going to be sufficient.

- **Planning Commission Recommendation:**
  - Williams noted that the draft isn't dated
  - Castrodale added a date to the draft
  - **MOTION:** Williams moved to forward the draft section 23 dated 05-17-2016 to the BOCC with a recommendation for approval
  - **SECOND:** Peters seconded motion
  - **DISCUSSION:** None

- **VOTE:** A vote was taken and the motion passed unanimously

Whitmore clarified that the notices may have been a bit misleading; these revisions are being considered as a package, and that the next hearing was also pertaining to communication facilities, and that starting it earlier than 8:00 would not be an issue.

3. **Public Hearing** (7:30): The purpose of the hearing is to review and make a recommendation to the Board of County Commissioners on proposed revisions to Section 2 of the Ouray County Land Use Code. Revisions being proposed in conjunction with possible adoption of a new code section addressing Communications Facilities.

- **Staff Introduction Presentation:**
  - Castrodale noted the changes to Sections 2
- **Public Comment (open at 7:33):**
  - No public comments
  - Closed at 7:33
- **Planning Commission Deliberation:**
  - Jackman asked if Whitmore was acceptable to the definitions.
  - Whitmore; yes
  - Jackman asked if "fixed structure" was common term and what it meant
  - Castrodale; yes it is common, and it is opposed to mobile structures
  - Jackman; what does ground network mean?
  - Castrodale; cable, fiber optic, conduit, etc.

- **Planning Commission Recommendation:**
  - **MOTION:** Baskfield moved to accept the changes to section 2; which includes the definition for "communication facilities" and the changes to the definition of "Public Utility", and recommend approval to the BOCC.
  - **SECOND:** Miller seconded motion
  - **DISCUSSION:**
    - Jackman asked if the definition of Public Utility should be reworded.
    - Planning Commission decided not to revise the definition.
  - **VOTE:** A vote was taken and the motion passed unanimously

4. **Public Hearing** (7:37): The purpose of the hearing is to review and make a recommendation to the Board of County Commissioners on proposed revisions to Section 3 of the Ouray County Land Use Code. Revisions being

proposed in conjunction with possible adoption of a new code section addressing Communications Facilities.

- **Staff Introduction Presentation:**
  - Castrodale noted the changes to Sections 3
    - Clarifying height limits
    - Adding the use of "Communication Facility"
- **Public Comment (open at 7:44):**
  - No Public Comment
  - Closed at 7:44
- **Planning Commission Deliberation:**
  - Orgren; asked if the use should note "pursuant to Section 23 of this Code".
    - The Planning Commission discussed the proposed change and noted that additional code references are nice for readability, but also add potential for missing a code reference if changes are made down the road (ie; code section renumbering).
  - Parker asked about the spelling of a word, but it was determined to be accurately spelled.
- **Planning Commission Recommendation:**
  - **MOTION:** Peters moved to approve the changes to Section 3 and recommend approval to the BOCC.
  - **SECOND:** Williams seconded motion
  - **DISCUSSION:** No discussion was had
  - **VOTE:** A vote was taken and the motion passed unanimously

5. **Request for Approval of Minutes; 5/3/2016**
   - **MOTION:** Miller moved to approve the minutes of 5/3/2016
   - **SECOND:** Williams seconded motion
   - **DISCUSSION:** No discussion was had
   - **VOTE:** A vote was taken and the motion passed unanimously

6. **New Business**
   - Parker noted that the PC requested a press release and he had distributed a draft to the Planning Commission.
   - Peters; 3rd paragraph, do we want to add a website to access?
     - Staff can provide a general link.
     - Staff can email packets if they can't find it on-line.

  - Keep time-frame flexible
- Jackman – proposed a revision to the last paragraph. New language was developed.
- Baskfield – should we add the questions from the BOCC.
  - Parker noted that the packets will have the questions listed.
  - The press noted that they could possibly list the questions in an article.
- The Planning Commission finished by massaging the language pertaining to public comment in the work sessions.
- Parker reviewed the upcoming meeting schedule.

7. Adjourn Regular Meeting

- **MOTION:** Williams moved to adjourn
- **SECOND:** Orgren seconded motion
- **DISCUSSION:** None
- **VOTE:** A vote was taken and the motion passed unanimously

Submitted By:

Bryan Sampson
Associate Planner

Approved By:

Randy Parker
Chair