



**SANDOVAL COUNTY PLANNING AND ZONING COMMISSION  
NOVEMBER 30, 2016 PUBLIC MEETING**

To: Sandoval County Planning & Zoning Commission

From: Sandoval County Planning and Zoning Division Staff

Date: November 30, 2016

**SUBJECT: CU-16-003:** Request by Tom Walker, agent for Comment Wireless LLC, for a Conditional Use Permit for a new Telecommunications Tower, located within a portion of Lands of John Oliver Wiese, Small Holding Claim Number 4329, Section 30, Township 21 North, Range 1 West, NMPM, Cubita Road, outside the incorporated limits of the Village of Cuba, Sandoval County NM. The site is zoned Rural Residential Agricultural (RRA) and contains approximately 176.48 acres.

*The purpose of the request is to review and consider placement of a new telecommunications tower.*

**BACKGROUND INFORMATION:**

The Sandoval County Wireless Telecommunications Facilities Siting Ordinance (WTFSO) establishes regulations and requirements for Conditional Use Permit review in Section 7 (p. 8), Conditional Use Permit Application and Other Requirements. This request is for the placement of a new telecommunications tower at the above mentioned site. There is an existing Commnet telecommunications tower further south of the municipal limits of the Village of Cuba along U.S. Highway 550. The proposed new tower fills an area in the communications grid where connection improvements are needed.

The Ordinance establishes Telecommunications Districts (Section 8, p. 14) and standards for Height of Telecommunications Towers (Section 11, p. 16). The subject site is located in the Rural County Communications District (RCCD), which stipulates a maximum tower height of 195 feet. The height of the proposed tower is approximately 140 feet and is of a monopole design. Initial technical and engineering review of the proposed new tower has been completed at the administrative level with assistance from the County's telecommunications consultant Mel Patterson/Center for Municipal Solutions.

The Sandoval County Planning & Zoning Commission must consider the appropriateness of the requested Conditional Use Permit for this property. Staff will present summary information that addresses requirements of the WTFSO. The Planning and Zoning Commission will vote on a staff recommendation on this case. Requests for Conditional Use Permits are heard and ruled upon only by the Planning and Zoning Commission.

Sandoval County Wireless Telecommunications Facilities Siting Ordinance (WTFSO):

Section 7, Conditional Use Permit Application and Other Requirements, establishes Subsections A through AA which outline requirements for submittal of an application for Conditional Use Permit review. These requirements address the following:

- A. Compliance with Ordinance and Review.
- B. Required signatures.
- C. Rejection of incomplete applications.
- D. Certification of safety, authorization to conduct business in New Mexico.
- E. Conditional Use Permit approval required prior to facility modification.
- F. Documentation of technical and land aspects of subject site and tower.
- G. Efforts to secure a shared or co-located facility.
- H. Applicable structural requirements.
- I. Grounding and bonding of facility.
- J. Environmental Assessment Analysis/Visual Addendum.
- K. Visual Impact Assessment.
- L. Site screening.
- M. Representatives of record of the subject site.
- N. Site utilities.
- O. Other visual effects.
- P. Building materials, colors, textures.
- Q. Access and parking related to subject site.
- R. Applicable codes of operation of facility.
- S. Other applicable permits and licenses.
- T. Materials for pre-application meeting.
- U. Design to accommodate future demand.
- V. Negotiating for future shared use of facility.
- W. Pre-application meeting.
- X. Notice of intend to apply for tower modification.
- Y. Balloon test/visibility test and notice to community.
- Z. Federal Aviation Administration regulations.
- AA. Plans for potential County use of tower.

Based on allowances for relief as established in WTFSO Section 32, Relief, the applicant has requested timing relief from (F) Soils Studies (to be completed prior to obtaining a building permit and prior to the start of construction), (H) Structural Analyses (to be completed prior to obtaining a building permit and prior to the start of construction). Also requested by the applicant is timing relief from Section 14, Signage (to be installed during construction and prior to obtaining the

Certificate of Compliance upon final inspection), and Section 24, Performance Bond (to be completed prior to obtaining a building permit and prior to the start of construction).

The applicant has also requested relief from (Y) Balloon Test, as the distance of the subject site from the Village of Cuba does not warrant the visibility test. The applicant has provided photo simulations of the proposed telecommunications tower (included in the P&Z packet) which indicate placement, height, and the color of tower which will be a shade of black for visual blending purposes.

The County's telecommunications consultant has agreed with these requests, and Staff supports the consultant's findings. These findings are entered into this report as recommended Conditions of Approval.

WTFSSO Section 15, Lot Size and Setbacks, established the following: "(A) All proposed Towers and any other proposed Wireless Telecommunications Facility structures shall be set back from abutting parcels, recorded rights-of-way and road and street lines by the greater of the following distances: A distance equal to the height of the proposed Tower or Wireless Telecommunications Facility structure plus ten percent (10%) of the height of the Tower or structure, or the existing setback requirement of the underlying zoning district, whichever is greater. Any Accessory structure shall be located so as to comply with the applicable minimum setback requirements for the property on which it is situated" (WTFSSO, p. 18).

The Rural Residential Agricultural (RRA) zone district minimum setbacks are 25 feet to the front property line, 10 feet to the side property lines, and 10 feet to the rear property line. Adding 10% of the height of the proposed telecommunications tower (14 feet) to each setback dimension, the minimum required distances are 39 feet to the front property line, 24 feet to the side property lines, and 24 feet to the rear property line.

The setback photo illustration included in the packet for this request indicates a front setback distance of 1,415 feet (from the tower location to Cubita Road), 800 feet and 1,000 feet to the nearest side property lines, and 2,150 feet to the nearest segment of the rear property line. Accessory structures related to the proposed tower include utility cabinets located at the base of the tower and are situated at the same setback distances. The minimum setback distances required by WTFSSAO Section 15 have been met.

All other applicable requirements for this request have been met by the applicant.

## STAFF RECOMMENDATION

Therefore, in the matter of **CU-16-003**, the following Findings of Fact for this request are as follows:

### FINDINGS OF FACT

- (1) **CU-13-003** is a request by Tom Walker, agent for Comment Wireless LLC, for a Conditional Use Permit for a new Telecommunications Tower, located within a portion of Lands of John Oliver Wiese, Small Holding Claim Number 4329, Section 30, Township 21 North, Range 1 West, NMPM, Cubita Road, outside the incorporated limits of the Village of Cuba, Sandoval County NM. The site is zoned Rural Residential Agricultural (RRA) and contains approximately 176.48 acres.
- (2) The purpose of the request is to build a new telecommunications tower on the subject site. The proposed new tower would be approximately 140 feet in height and is of a monopole design.
- (3) The approval of a Conditional Use Permit for this request provides for appropriate regulatory review and oversight of the proposed tower height extension as established in the Sandoval County Wireless Telecommunications Facilities Siting Ordinance (WTFSSO).
- (4) Based on allowances for relief as established in WTFSSO Section 32, Relief, the applicant has requested a timing relief from Section 7, Conditional Use Permit Application and Other Requirements, (F) Soils Studies (to be completed prior to obtaining a building permit and prior to the start of construction), (H) Structural Analyses (to be completed prior to obtaining a building permit and prior to the start of construction). Also requested by the applicant is timing relief from Section 14, Signage (to be installed during construction and prior to obtaining the Certificate of Compliance upon final inspection), and Section 24, Performance Bond (to be completed prior to obtaining a building permit and prior to the start of construction). The County's telecommunications consultant has agreed with these requests, and Staff supports the consultant's findings.
- (5) The applicant has also requested relief from Section 7, Conditional Use Permit Application and Other Requirements, (Y) Balloon Test, as the distance of the subject site from the Village of Cuba does not warrant the visibility test. The applicant has provided photo simulations of the proposed telecommunications tower (included in the P&Z packet) which indicate placement, height, and the color of tower which will be a shade of black for visual blending purposes. The County's telecommunications consultant has agreed with this requests, and Staff supports the consultant's findings.
- (6) The County consultant's findings regarding requests for relief as detailed above are entered into this report as recommended Conditions of Approval.
- (7) All other applicable requirements for this request have been met by the applicant.

- (8) To date, Staff has not received any letters and/or comments of concern from citizens regarding this request.

**Staff recommends that the Planning and Zoning Commission APPROVE CU-16-003 for a Conditional Use Permit for the proposed new telecommunications tower, with recommended CONDITIONS OF APPROVAL:**

**CONDITIONS OF APPROVAL**

- (1) Regarding Section 7, Conditional Use Permit Application and Other Requirements, (F) Soils Studies, the Soils Study shall be completed prior to obtaining a Building Permit and prior to the start of construction of the tower.
- (2) Regarding Section 7, Conditional Use Permit Application and Other Requirements, (H) Structural Analyses, the Structural Analyses shall be completed prior to obtaining a Building Permit and prior to the start of construction of the tower.
- (3) Regarding Section 7, Conditional Use Permit Application and Other Requirements, (Y) Balloon Test, the applicant is granted relief from this requirement.
- (4) Regarding Section 14, Signage, the required signage shall be installed during construction of the tower and prior to obtaining the Certificate of Compliance upon final inspection.
- (5) Regarding Section 24, Performance Bond, a Performance Bond in the amount of \$75,000.00 shall be provided to the Sandoval County Planning and Zoning Division prior to obtaining a building permit and prior to the start of construction of the tower.
- (6) The applicant shall notify the County of all completed tower and tower-related construction on the subject site, within 10 working days of completion, so that final inspections and the application process may be completed.
- (7) The applicant must pay all costs and fees associated with the processing of this application.