RESOLUTION No. 2008-048

A RESOLUTION OF THE
BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO
TO APPROVE THE SPECIAL USE PERMIT FOR DALLAS CREEK WATER COMPANY, INC.

WHEREAS, Dallas Creek Water Company, Inc., by and through its authorized agent, Black & Veatch Corporation ("Applicant"), has submitted its application for a Special Use Permit for a communications tower and equipment shelter to serve Verizon Wireless, Ouray County Emergency Services and the State of Colorado "CWIN" 800 MHz system ("Application") on a portion of a parcel of property located at 465 Tower Road South, Ridgway, Colorado ("Property")**;** and

WHEREAS, the Property is located in the South Mesa Zone and "public utilities" are a use allowed by Special Use Permit; and

WHEREAS, the Application was approved by the Ridgway Area Joint Planning Board ("JPB") at a continued public hearing on July 8, 2008 with the condition that an exception to the Visual Impact Regulations of Section 9 of the Ouray County Land Use Code ("Code") be granted by the Board of County Commissioners; and

WHEREAS, a public hearing was held by the Board of County Commissioners of Ouray County, Colorado ("Board") on August 25, 2008 to review the Application and hear evidence from the Applicant and the public and such hearing was continued to September 2, 2008; and

WHEREAS, on August 25, 2008 the Board reviewed the Application and the supporting materials, the Staff Report, the JPB minutes and resolution and heard evidence from Staff, the Applicant and Alan Staehle on behalf of Ouray County Emergency Services, and accepted into evidence numerous letters opposing the Application, letters supporting the Application, and heard public comment all as more fully described in the minutes from the public hearing; and

WHEREAS, on September 2, 2008, the Board allowed the Applicant and Alan Staehle to provide rebuttal information to the public comment portion of the hearing and the Board deliberated on the Application and its compliance with applicable portions of the Code; and

WHEREAS, the Application was submitted by the Applicant in March, 2008 and is therefore required to be reviewed under the provisions of Section 5 of the Code that were in effect at that time (pre-June 30, 2008) ("Applicable Code"); and

WHEREAS, based upon the Application, supporting materials, Staff Report and public comments, the Board has determined that the Application meets all of the conditions and review criteria set forth in Section 5.3 of the Code for a Special Use Permit;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO, AS FOLLOWS:

1. The Application for a communications tower is approved for only those uses shown on the plans and drawings dated August 7, 2008 and prepared by T-Rex Architex submitted by the Applicant at the public hearing on August 25, 2008 and as more specifically shown on page identified as "Z2 (2 of 3)" for all Ouray County Emergency Services, the State of Colorado and the proposed and future uses shown for Verizon Wireless.

2. The Application is approved, subject to the following conditions:

a. The approved Special Use shall be subject to the provisions of the Visual Impact Regulations of Section 9, as required by the provisions of Section 5.3 A (4) of the Applicable Code, and the Applicant shall be required to submit a building permit application and comply with the requirements for such process, including visual impact.

b. Applicant shall comply with the provisions of Section 19.3 of the Code for the issuance of a building permit.

c. No light(s) on the tower shall be allowed and if lights are subsequently required to be placed on the tower by any state or federal agency, the Special Use Permit shall be revoked.

d. If all of the uses for which the Special Use Permit application was issued are abandoned by the users in the future and the uses for which the tower was approved are no longer in use, the Special Use Permit shall be revoked and the tower structure and equipment shelter shall be removed.

e. Any additional use or expanded use other than as specified in Paragraph 1 above shall require a new Special Use Permit.

f. Prior to commencement of construction of the tower, all appropriate documentation for a sublease, license or other approval for the placement of the Ouray County Emergency Services and the State of Colorado antennae and equipment shall be entered into between Ouray County and Verizon Wireless.

APPROVED AND ADOPTED THIS ___ DAY OF SEPTEMBER 2008, RATIFYING ACTION TAKEN ON SEPTEMBER 2, 2008.

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO

Attest:

K. Keith Meinert, Chair

Don Batchelder, Vice Chair

Michelle Nauer, Clerk and Recorder
By: Linda Munson-Haley, Deputy Clerk of the Board

Heidi M. Albritton, Commissioner Member