



**Rio Arriba County**  
**Planning and Zoning Department**

**Director**  
**Thomas M. Aragon**

**PUBLIC HEARING MEETING MINUTES**  
**PLANNING & ZONING COMMITTEE**  
**CONDITIONAL USE PERMIT CUP 2018-C004**  
**FEBRUARY 7, 2018**

**MEETING CALL TO ORDER:**

The meeting was called to order at 10:01 am by Planning & Zoning Committee Chairman Benny Roybal.

**ROLL CALL:**

Planning & Zoning Committee Members present: Chairman Benny Roybal, Benny Martinez, Miguel Trujillo, Manuel Trujillo and Chris Lovato, **Members Not Present:** JR Trujillo  
Staff: Director, Thomas M. Aragon, Administrative Assistant, Jill E. Archuleta, Assistant Planner, Michael Garcia.

**APPROVAL OF MINUTES: SUP-2017-S034, November 2, 2017**

Chairman Roybal asked for review and a motion to approve the November 2, 2017 Minutes. Member Benny Martinez made a motion to approve, Member Chris Lovato seconded motion; all in favor, motion was carried.

**OPEN PUBLIC HEARING CASE NO: 2018-C004 BRAZOS CANYON, T-MOBILE 110' COMMUNICATION TOWER**

Chairman Roybal declared the public hearing open. Chairman Roybal advised those in attendance of the general rules and conduct of the public hearing, including the right to appeal. All that wish to speak will be sworn in, please state your name and address for the record. Chairman Roybal asked Staff to begin the presentation of the Staff Report.

**PRESENTATION:**

Michael Garcia, Assistant Planner presented the Staff Report as follows:

**STAFF REPORT**

**BACKGROUND:**

**Case No: 2018-C004 Conditional Use Permit, (CUP) Class II, Small Scale Mixed Use:**

This application has been made pursuant to the requirements of the Rio Arriba County Design and Development Regulation System, Ordinance 2012-001 (Conditional Use Permit). Branch Communications has submitted a Conditional Use Permit application on behalf of T-Mobile for a 110' monopole communication tower with at least (3) additional cellular carriers to improve wireless coverage to the residents. An 8' high coyote fenced enclosure and existing access driveway will lead to the tower site. The tower will be located at 76B Brass Cap Road Brazos Canyon, NM. Approval of a Conditional Use Permit is required to establish the proper zoning for the project.

***FINDING OF FACT:***

1. Legal notice for this Public Hearing has been made pursuant to Ordinance 2012-001 by posting meeting notice placard at the subject property; by sending meeting notice letters via Certified Mail to 28 property owners within at least the 500-foot radius; by publishing a public notice at the Tierra Amarilla Post Office; and by posting notice on the County website.
2. The subject property is also identified by Assessor's UPC# 1-025-172-450-180. The property is zoned County Rural Agricultural District (CRAD) as are all the surrounding properties.
3. The tower is to be situated on a leased portion of an 18.00-acre parent parcel located at 76B Brass Cap Road in Brazos Canyon. The parcel is currently owned by David & Yvonne Sainz. The parent parcel is predominantly forested with mix conifer trees. The proposed tower is approximately 90 feet from an existing Commnet telecommunication tower creating a clustering of communications towers in the area.
4. The proposed lease area will consist of a 40' X 50' (2,000 Sq. Ft.) tower site to be enclosed with an 8-foot high coyote fence.
5. This tower is one of two towers to provide a permanent coverage solution for their communications network in the Brazos canyon area. This tower will also improve E911 services to the area as well. The enhanced communication range provided by this tower will be a health and safety benefit to the County.
6. The proposed tower is a monopole design made of non-reflective galvanized steel painted dark green, all the antennas and all tower mounted equipment will also be painted dark green in the same manner as the existing Commnet Tower, blending in with the conifer trees in the surrounding area. The proposed height of 110-feet is necessary to provide coverage to the area that T-Mobile wants to acquire.
7. Rio Arriba County Tower Ordinance 2007-02 Section II. Development Standards allows for a 70' maximum height. This conditional use permit, if approved, shall provide the variance needed to construction the proposed 110' tower height requested by T-Mobile.
8. The 110-foot tower is approximately 320 feet from the nearest property line of the parent parcel, and will therefore require a Fall Radius report prepared by a NM Professional Engineer stating that in the event of structural collapse, the tower will be contained fully within the parent parcel.
9. Access to the tower will be via a 30-foot wide access easement into the parent parcel for a total distance of approximately 850 feet to the tower. The access easement will be maintained for tower construction and long term access to the facility as well as residential use.
10. The communication tower will initially have transmission equipment to support T-Mobile network. The tower will have additional antenna space for the collocation of at least three (3) additional carriers.

11. The proposed communication tower is consistent with the following goals of the County's Comprehensive Plan:

**Economic Development - Goal 9:** Improve and expand the telecommunications system to provide local jobs and education opportunities to support business growth

**Hazard Mitigation - Goal 5:** Upgrade and enhance the County's emergency response system to ensure that all areas have adequate police, fire and emergency services.

**STAFF RECOMMENDATION: Conditional Use Permit #2018-C004**

Based on the Findings of Fact, together with 11 proposed Conditions of Approval; the Planning & Zoning Department has concluded that Conditional Use Permit Case 2018-C004 is a compatible land use within the CRAD and recommends Approval with the following Conditions.

1. Prior to the issuance of a County Development Permit, the applicant shall submit to the Planning & Zoning Department the following supplemental documents for review and approval:
  - a) One set of final engineering design plans stamped "Issued for Construction"
  - b) Proof of compliance with NM State Historic Preservation
  - c) Proof of compliance with all NEPA requirements.
  - d) Proof of FCC compliance
  - e) A fall radius letter prepared by a Professional Engineer that demonstrates that any structural failure will be contained within the parent parcel.
2. A Rio Arriba County Business License shall be obtained by T-Mobile and the Lessor of the tower site. The licenses shall be maintained for the duration of the lease (contact P&Z 505-753-7774).
3. Construction shall commence within one-year of the approval date of the Development Permit or it will expire and be subject to reapplication.
4. The proposed tower and related appurtenances shall be constructed in substantial accordance with plans and specifications submitted with this Conditional Use Permit application.
5. Site identification information (site name, E-911 address, owner, local emergency contacts, FCC registration number, 24/7 NOC contact) shall be clearly posted at the fenced tower enclosure and the driveway gate.
6. The access gate lock code and/or key shall be provided to the Brazos Canyon Fire Chief and the Rio Arriba County Fire Marshall to be used for emergency access purposes only.
7. Applicant shall coordinate with Rio Arriba County Emergency Management staff for determination of co-locatable repeater requirements (contact Emergency Mgt. 505-753-1941)
8. Electric service extension to the tower from the existing NORA distribution lines shall be underground and in conduit.

***APPLICANT TESTIMONY:***

Darren Hunter a representative on behalf of Branch Communications for T-Mobile began with explaining how they have been working with Mr. & Mrs. Sainz for a year and half now to get an agreement to place a 110' Communication Tower on his property to improve the communications service in the Brazos Canyon area. The existing tower is interrupted by the height of trees surrounding the tower which shoot signals directly at the trees. Therefore, T-Mobile is proposing an identical tower design with additional height for better service in the Brazos Canyon. Mr. Hunter stated that they have been working on the restrictive covenants situation to address any interruptions to this proposal. The Board began with asking Mr. Hunter the possibilities of an extending the height of the existing tower versus a new install. Mr. Hunter stated that it was too short to use the existing tower to get the coverage that T-Mobile is proposing. Member Chris Lovato asked who would be conducting the maintenance service to the Tower. Mr. Hunter explained how Branch Communication Services have their own maintenance crew to service the Tower and also stated it would be minimal service of twice a year. Mr. Hunter reassured the board and public no lighting will be visible on this tower. Mr. Hunter concluded the applicant testimony to give the audience the opportunity to speak and ask any questions.

***PUBLIC TESTIMONY:***

Chairman Roybal swore in Carol Moore a volunteer fire fighter. Carol stated that the existing restrictive covenants for the Cache Mundy Estate that were put in place in 1994. They clearly state that all members of the covenant must give written approval for any incoming towers placed on any land owner properties of the described area in the covenants. Ms. Moore disagrees with other residents complaining of how this tower proposal will be obstructing views. As a private owner she is in favor for the T-Mobile Tower being placed in the area. Carol is supporting the Tower and is extremely eager to see better communication service in the area in case of any emergency situations.

Chairman Roybal swore in Jane Hyde. Ms. Hyde stated that she is not from Ticonderoga Subdivision. Jane mentioned the different mobile and internet services that are available in the area and how they are not effective and dependable. As an elderly woman on a fixed income she wants to see the T-Mobile Tower go up in the proposed area especially, in case of a medical emergency. Ms. Hyde has stated, she is in favor of the T-Mobile tower proposal.

Chairman Roybal swore in Yvette McGee. Ms. McGee received an e-mail and read it on behalf of Mr. & Mrs. Allen and Dierdre Wilson opposing the placement of the T-Mobile Tower. Ms. McGee, clearly advised the Board and audience that their views are not her views. The Wilsons are not in favor of the tower proposal due to concerns such as the height and lighting. The covenants that are put in place must have written permission from the residents in order to allow development of any new structure such as towers on the properties.

Chairman swore in Donald Valdez. Mr. Donald Valdez, spoke on his behalf as a resident, not as a Rio Arriba County employee. Donald is concerned about the view and appearance of the proposed Tower. Donald asked why T-Mobile could not carry on their service on the existing tower. Donald understands the necessity of better communication in the area, but is not in favor of the proposal.

Chairman Roybal recalled Mr. Darren Hunter, representative of Branch Communications for T-Mobile. Member Miguel Trujillo stated to Mr. Hunter to clearly listen and answer the public's questions and concerns of the T-Mobile Tower proposal. Mr. Hunter began by clarifying that there will not be lighting placed on top of the proposed tower. Lighting is required for tower heights over 199 feet. The concern of the view and design of the proposed tower, Mr. Hunter stated that he could inform T-Mobile of designing the

tower as a Monopine design that will camouflage the tower as a tree, to better blend into the surroundings. Mr. Hunter also addressed the concern of collocating on the existing Commnet Tower on the property. He stated that the tower is too short for T-Mobile projected coverage of the area and could not be used. The proposed tower design will have efficient space to carry up to 3 additional carriers for collocation of antennas.

Chairman Roybal called upon Planning & Zoning Director Thomas Aragon. Mr. Aragon clarified to the public and Committee Members the County's position on Restrictive Covenants put in place for the proposed Cache Mundy Tract C-1 through Tract C-4 area that the proposed tower is to be placed. Mr. Aragon stated that the restrictive covenants are agreements between the individual land owners and enforced by the governing board that hold the covenants, not the County. Mr. Aragon stated that in some situations the County may find themselves in the middle of interpreting covenants, however the County has no part or jurisdiction in enforcement of restrictive covenants. It is up to the governing board who will make the decisions referencing the restrictive covenants to enforce the restrictive covenants with the property owners under their jurisdiction.

***PLANNING AND ZONING COMMITTEE RECOMMENDATION:***

Chairman Roybal closed the public hearing testimony and asked members of the Committee for a motion to approve or deny case number 2018-C004 Brazos Canyon, T-Mobile 110' Communication Tower. Member Benny Martinez made a motion to approve with staff recommendations and to change the design of the tower to Monopine design to camouflage the tower to the surrounding area. Member Chris Lovato second the motion. Member Miguel Trujillo reaffirmed that absolutely no lighting or beacons are to be placed on top of the tower. Chairman Roybal asked for the Committee's vote of the T-Mobile tower proposal, all members voted in favor, motion carried with conditions of approval.

**ADJOURN:**

Meeting adjourned at 11:07 am. Chairman Roybal thanked everyone for their attendance and efforts.

**Minutes Submitted by Jill E. Archuleta, Administrative Assistant I**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**Michael Garcia, CFM, CZO Assistant Planner**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**Planning and Zoning Committee:**

Signed and Approved by Chairman: \_\_\_\_\_ Date: \_\_\_\_\_