

I. CALL TO ORDER

Vice-Chair Vernon McCallister called the meeting to order at 1:30pm. Other members present were Pam Bricker, Craig Franke, Janice Slade and Rose Vanderpool, Secretary. Members absent: Dwight Freeman and Gary Seger.

II. Vice-Chair asked if there were any additions or changes to the agenda, there were no changes requested agenda stands as submitted. Vice-Chair McCallister then asked for additions or corrections to the November 18<sup>th</sup>, 2008 minutes. Mr. Franke moved to approve the minutes as corrected; Pam Bricker seconded motion. Motion carried with 4 ayes 0 nays and 2 abstentions.

III. NEW BUSINESS

Two Conditional Use Applications were submitted for a 195' cellular tower by NE Colorado Cellular Inc. 1224 W Platte Ave., Fort Morgan, Colorado, 80701 (dba Viaero Wireless)

Wayne and Sharon Nash property located at 8934 West County Road 7 North, Del Norte, Colorado 81132, and upon gaining approval from the county the easement will be sold to NE Cellular Inc.

Legal description: NE corner of Section 28; 40N; Range 6E NMPM Rio Grande County. Vice-Chair Vern McCallister read letters submitted for the Wayne and Sharon Nash in opposition, there were no letters received in favor. Rose Richardson neighboring property owner who lives to the North of the 7N directly across the proposed location of the tower site which would be approximately 350 feet of her home, Mary Slattery Quintanilla, Sheryl & Owen Scherzer and Mr. Gilliam are very opposed to this tower. (See file)

Vice-Chair Vern McCallister turned the floor over to Henry Jacobson who explained why they chose this location. Primarily the company chooses low density areas. The Engineer Study shows this area to be a good location for clear transmitting. Cheryl Scherzer is concerned with health, aesthetics', and the area is already compromised with gravel pits, power lines, dust and an asphalt plant. Mr. Jacobson explained that we compromise ourselves everyday when we put our cell phones to our heads. Cell phones are more harmful than the tower, they put out a ½ watt, that's a billionth time more than the tower, microwaves in your homes emit more harmful magnetic waves than this tower would as do electronics in your home.

Christine Wright asked if the tower could be moved where the gravel pits are. Mr. Jacobsen stated that, that area is not feasible. The farther we go from town the harder it is to get the frequency needed. The FDA and FCC have spent a lot of money researching health issues and you can Google, and all kinds of reports come up, but things have progressed and get better. Science vs. emotion – while trying to promote better communications cities, states and county government can't deny an application on radio frequency emissions alone. (FCC Rulings on RF Exposure Issues) Ms. Wright asked what kind of compensation did the Nash's receive and what

kind of compensation would neighbors get? Mr. Jacobsen stated that he has never seen it done to compensate surrounding property owners.

Craig Franke stated that in fairness to adjacent property owners are there alternate locations within the area that would not impact property owners.

Vice-Chair McCallister then moved on to the next item, which is the same application for a cell tower but it is located in Monte Vista, CO 81144. Legal description: N½NE¼NE¼ of Section 31-39N; Range 8E NMPM Rio Grande County. The easement is for surface use only approximately 1.6 acres. The parcel is owned by Marcia G. Spielman and upon gaining approval from the county the easement will be sold to NE Cellular Inc.

A letter and a petition were given to the Planning Commission by affected neighboring property owners. Chris Padilla has concerns with health issues as well as Pearl Gutierrez who stated that there is a school nearby and that there are children who attend this school that have hearing impairments and the tower could interfere with hearing aid use. Mr. Jacobsen stated that, that was the case with analog but now everything is digital with different modulations there shouldn't be a concern with that. Alisha Reis Community Development Director for the City of Monte Vista was present and they have concerns that this proposed tower may interfere with their emergency radio tower that is located south and about a ¼ mile or so of this proposed location and is requesting assurance from NE Cellular Inc/Viaero that this cell tower will not interfere with the emergency tower. Mr. Jacobson stated that this tower is operated off of a different frequency and should not interfere. Mr. Jacobson will work on a letter of assurance for the City of Monte Vista.

Susan Lucero stated that she spoke with her financial institution and the Assessor's Office and both claimed that property values will be affected. This tower will be about 350' or less from her house she is greatly affected and asked if they could move the location somewhere else on the parcel.

Janice Slade, Planning Commission Member had to excuse herself from the meeting due to other commitments and therefore, a quorum was no longer present.

Vice-Chair then rescheduled the meeting for March 17<sup>th</sup>, 2009 at 1:30pm in the Commissioners' Meeting Room, Room 208 Del Norte, CO 81132.

IV. Next item on the agenda was to recommend approval of Oil and Gas Regulations to the Board of County Commissioners'.

Rose Vanderpool Rio Grande County Land Use Administrator had received a verbal recommendation from Chairman Dwight Freeman who was absent to recommend Saguache County's Oil & Gas Regulations and a written recommendation from Janice Slade for the same.

Craig Franke made the motion to accept the absentee recommendations and Pam Bricker seconded the motion. Motion carried with 2 present 2 abstentions 1 absent. Motion to adjourn: Meeting adjourned at 4:00pm.

V. On Wednesday, February 18<sup>th</sup>, 2009, Rose Vanderpool met with Rio Grande County's attorney Bill Dunn to ask the validity in how the Planning Commission voted on the Oil & Gas recommendation to the Board of County Commissioners' Mr. Dunn stated that the Planning Commission could not accept the absentee recommendations. The Board of County Commissioners suggested that I schedule a special meeting with the Planning Commission because a quorum was not present for adequate vote, unanimously, all PC Members agreed (via telephone) and called for a special meeting for Thursday, February 19<sup>th</sup>, 2009 at 2:00pm at the office of Chairman Dwight Freeman (Sun Flower Bank) in Monte Vista.

VI. Adjournment

Meeting adjourned at 4:00pm.

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Secretary

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Chairman

Special Meeting held by the Rio Grande County Planning Commission Thursday, February 19<sup>th</sup>, 2009 at the Sun Flower Bank/United Potato Board Room, Monte Vista, CO 81144.

Planning Commission

Special Meeting held Thursday, February 19<sup>th</sup>, 2009 was held at the above location.

I. Call to Order

Chairman Freeman called meeting to order at 2:00pm. Members present were

Pam Bricker, Craig Franke, and Janice Slade

Members Absent: Vern McCallister and Gary Seger.

II. New Business: Is to rectify business held on Tuesday, February 17<sup>th</sup>, 2009 regarding the recommendation to adopt the Saguache County Oil & Gas Regulations to the Board of County Commissioners.

Chairman Freeman who ascertained that a quorum was present entertained a motion; Pam Bricker moved to recommend to the Board of County Commissioners' to adopt the model code for Oil and Gas Regulations from Saguache County, this will be an addendum to the Rio Grande County Land Development Code; Craig Franke seconds motion; Gary Seger came in late. Motion carried with 3 ayes 1 nay and 1 absent.

III. Other Business: NE Cellular Inc/Viaero Wireless had called Rose the day before to inform her that alternative sites had been discussed with both applicants. The Planning Commission decided to do an onsite visit to each location, this was unofficial business, and this was just to visually see what was proposed.

IV. Adjournment.

Meeting adjourned at 4:00pm.

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Secretary

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Chairman