

In furthering this GOAL, the Village will refer to the following POLICY STATEMENTS when considering an application for the construction of a wireless communication tower:

Policies

1. The Village recognizes that wireless communications towers provide a necessary service for emergency circumstances and help to protect public safety.
2. The Village also recognizes the economic benefits of increasing wireless communications services in the Village.
3. The Village further recognizes that the benefits of providing wireless communications services should not compromise the natural beauty and environmental integrity of the community.
4. The Village will encourage the co-location of antennas on existing towers in order to minimize the visual impacts and environmental impacts to the natural resources within the Village.
5. The Village will seek to minimize the total number of towers throughout the community without compromising the quality and reliability of wireless services.
6. The Village will encourage and require designers and developers of towers and antennas to minimize the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques.
7. The Village seeks to enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.
8. The Village recognizes that private developers may need to construct wireless communications towers on properties located outside of the Village jurisdiction (e.g. – the US Forest Service); and, in recognizing the relationship between the US Forest Service and private developers, the Village will assist in any negotiations for utility access or other easements that may be necessary to facilitate the appropriate siting and construction of a tower.
9. The Village will require that any new tower be designed to avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
10. The Village will require that every new tower comply with applicable federal laws, including, but not limited to, the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA) and those regulations administered by the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC).
11. The Village will require the proper management of the number and location of towers, antennas and related infrastructure such that ongoing maintenance of these structures does not impede residents, businesses and visitors.
12. Each applicant for a tower shall provide a performance bond in the form and amount acceptable to the Village to ensure the proper and timely removal of the tower to be constructed and for the removal of any and all facilities related to the wireless tower and antennas associated with the application.

Objectives

The Village will accomplish the following objectives in conformance with policies and regulations that address the following:

1. Adopt regulations for the siting and construction of wireless communication towers and antennas. This objective will be completed by the end of 2015. The Planning and Zoning Commission will review a draft of the regulations prior to adoption by the Village Council. The regulations should give discretion to the Planning and Zoning Commission to deny an application for the construction of a new wireless communications tower based on the relative conformity of the application to the Master Plan and any other application policy or regulation.
2. Work with private developers and property owners in constructing a wireless communication tower in the Kachina area. To be completed by the end of 2016.
3. Work with private developers and property owners in constructing a wireless communication tower in the Bull-of-the-Woods area. To be completed by the end of 2017.
4. Work with Taos Ski Valley, Inc. and the US Forest Service to construct a tower near the top of lift #6. To be completed by the end of 2017.
5. Work with private developers and property owners in constructing a Distributed Antenna System between Amizette and Arroyo Seco. This objective will be completed by the end of 2018.

IMPROVEMENTS PLAN & FACILITIES MAP

The Village worked with VIAM consultants who studied the most feasible and unobtrusive locations for the construction of wireless communications towers across the Village. The **Wireless Communications Tower Master Plan Map** identifies the preferred locations for the construction of new towers. The locations were selected based on the potential coverage, capacity, and continuity of the system.

CONCLUSIONS

The elected and appointed leadership of the Village believe it is necessary to adopt a Master Plan specific to the preferred locations of wireless communications towers in order to provide the community with the goals, policies, and objectives for increasing mobile phone services while protecting the beautiful landscapes within the Village.

Although the Master Plan does not identify a specific property for the preferred location of a new tower, the Master Plan does include specific selection criteria to be used for selecting a specific location. The Master Plan also includes a map which identifies the preferred locations for new towers. The Village believes these preferred locations will increase the reliability of service while minimizing the environmental and aesthetic impacts to the community.

Wireless Communications Master Plan



September 26, 2018:

Application for Conditional Use Permit to install a cell tower- Narrative:

The primary objective in locating a cell tower should be to maximize coverage, without imposing on anyone visually. This application seems to follow the intent of the ordinance and fulfills all the stated goals and objectives as listed in the VTSV Zoning Ordinance, Section 19.1.

We would like to install one tower on the Fraser mine outcropping, just below and to the NW of the visible peak of rock, adjacent to the old Fraser access road (see *Exhibit A-Aerial Photo*)

Narrative covering general requirements: Zoning Ordinance Section 19.4

- 1) Master Plan: The proposed location meets the goals and objectives stated in the Comprehensive Master Plan for cell towers/service.
- 2) Principal or Accessory Use: The proposed tower's principal use is that of a tower on which to mount antennae for cell or wireless internet service.
- 3) Lot size: The size of the entire parent lot is 1227 acres. The size of the proposed lot for this purpose is one-half acre, approximately 146'x146' in size. The proposed lot will be addressed through a summary subdivision application.
- 4) Inventory of Existing sites: We are only aware of one existing "tower" site in VTSV, on top of the resort center. This is an Accessory Site owned by other parties. Another temporary cell tower was erected over last winter by the base of Lift 4 in Kachina, but has been removed. I do not know specific heights or designs for these sites.
- 5) Aesthetics: The tower is proposed to be a mono-pole design with tree-like features that blends in with the surrounding forest. The finish will be in colors that also blend in. There are many natural trees surrounding the location to hide the base facilities and the distance to the site from any point of observation is adequate to help disguise the tower as well, from 600 to over 2000 feet.
- 6) Lighting: The proposed tower would only have artificial lighting on it if required by the FAA or other applicable authority, and then would be installed in accordance with their regulations. Those regulations might not comply with Village lighting, or "dark sky" ordinances. With the tower top being similar in height to those native trees around it, and being lower than the rock outcroppings nearby, it is possible the FAA will not require clearance lights.
- 7) State or Federal Regulations: Any installation on this site will comply with all applicable regulations from applicable authorities.
- 8) Building Codes; Safety Standards: The tower shall comply in every way and at all times to any applicable building codes in place with any applicable authority
- 9) Tower Height: The tower and all antennae will not exceed seventy-five feet in height from finished grade.
- 10) Nonessential services: I believe this is an anachronism. In anyone's world today, cellular and Wifi coverage is indeed an essential service; however, I acknowledge this statement in the ordinance.

- 11) Franchises: When any franchises are engaged for operation or construction of the tower, they will be certified and a copy will be filed in the Village offices.
- 12) All public notices required by the VTSV will have been in place the required number of days, and in the required locations, prior to the public hearing and P&Z Commission review.
- 13) Signs: Only one sign not greater than four feet square will be mounted on the tower no higher than eight feet up from the base. The sign will only state the owner and operator of the tower and any needed emergency information.
- 14) Buildings and Support Equipment: Any buildings associated with this tower will comply with Zoning Ordinance Section 7.1-4. Any equipment will be mounted inside a structure, not on top. The building housing the equipment will be no larger than 500 square feet. We propose an underground 10x10 equipment room. All State and Local building codes will be complied with.
- 15) Multiple Tower Plan: We have no other proposed site to apply for. There will however be multiple antennae for multiple service providers mounted on the one tower.
- 16) Performance Bond: VTSV has not established a Performance Bond formula for cell towers but we are aware there may be one required. I would ask that such an amount, if applicable, be established as part of this application consideration.

Narrative covering Conditional Use Permit: Zoning Ordinance Section 19.6.2.a

A site plan and parent property legal description have been included in this application. A site plan with elevations is included that shows location, type, and height of the proposed tower and antennas, on site land uses and zoning, classification of the site and all properties within the applicable setback distances, adjacent roadways, proposed means of access, setbacks from property lines, scaled site plan and elevation drawings showing distances and heights of the proposed tower and any other structures, topography, parking, and any other information I have been asked for by the planning officer. It shows the setback distances between the proposed tower and the nearest residence and the nearest residential property, and separation distance to any other towers is stated elsewhere in this application.

The landscaping plan is to keep the site as unblemished and native as possible with only re-vegetation after construction.

The method of fencing should be chain link, but that is specifically prohibited in the ordinance for some reason. It will not be visible from any other property so it is the most secure and strong type of fence for the environment. A chain link fence can be colored or stained to disguise itself. I respectfully ask for this variance to the ordinance for this location.

We are unprepared to yet identify the entities providing backhaul network for the proposed tower.

There do not seem to be any suitable or usable existing towers or alternative methods available for offering services that would be provided by the proposed tower.

From this proposed site, there should only need to be two other tower locations to fully cover the VTSV. One may be located by other applicants in Kachina Village, and another may be located on USFS property and not need a permit.

Narrative covering Conditional Use Permit: Zoning Ordinance Section 19.6.2.b

Factors considered in granting conditional use permits for towers:

- 1) The proposed tower will be less than or equal to the maximum allowable height of 75 feet, including any antenna.
- 2) In this location, the proposed tower will be approximately 500 horizontal feet from the nearest residential zone, and approximately 600 feet from the nearest existing residential structure. The proposed tower site sits approximately 250 feet higher than, and to the east of, the nearest residential structure.
- 3) All the surrounding property within a 500 foot radius is currently undeveloped (other than the access road), and given the extremely steep terrain is likely to be used primarily for recreational development.
- 4) The area immediately surrounding the proposed site (100 foot radius) is covered with large rock outcroppings.
- 5) The site is hidden by mature (or dead) Spruce and Fir trees, which average 70 to 80 feet tall. Some leafy undergrowth and small evergreens make up the low ground cover.
- 6) The proposed tower is intended to be virtually invisible, both in the design of the structure itself and in the actual location. A mono-tower design will simulate a tall tree trunk, and a bushy tree top similar to others in the area will hide the antenna from view. With the tower being located far uphill and away from most home's view, the only way to really see the tower will be from the village core, one of the few places it will be "sky lined". The proposed tower site is approximately 2000 feet from the village core, so it will still be difficult to differentiate the tower from the surrounding trees.
- 7) There is an old road already cut, going from the public right-of-way on Bull of the Woods Road to the proposed tower site. The road has not been maintained regularly so will require some cleaning to facilitate traffic and allow for trenching. The fiber optic and electric lines can be buried in this road all the way to the site. A concrete bunker will be required to house the control equipment, and we propose to locate this building mostly underground, just uphill from the Northside gate, adjacent to the old road.
- 8) This proposed site offers coverage of almost the entire community, from Amizette, up Hondo Canyon, and all the way to Kachina Village. Most of the ski slopes are also covered from this location. There is no other site that can accomplish this, so in a practical sense, there really are no alternative single-sites. It will require multiple sites to cover as much area with line-of-site signal.

Once approved, this proposal will be followed by a summary subdivision request, in order to create a legal lot of record for the location of this tower. The lot is proposed to be one/half acre in size, to be zoned as special-use, solely for the purpose of a cell tower and related equipment. The legal description for the parent property is shown on ***Exhibit B-Legal Description***.

A proposed site plan showing elevations and the proposed legal lot of record is attached as ***Exhibit C-Site Plan and Elevation***.

All setback requirements are accounted for in this application. All separation distances required in the ordinance are accounted for in this application. Minimum separation distance to residential property would be calculated at 150', or 200%, of the height of the proposed tower. Separation for the proposed site is 500 feet.

According to the separation chart for distances to other towers on Page 71 of the Zoning Ordinance, the separation for this proposed tower from another tower should be more than 750 feet. Distance from the proposed tower to the only existing tower is more than 2000 feet.

Security fencing should provide security year around, and in this location that may not be possible without the use of a chain link fence. The fence would, however, could be disguised and need not be visible from any other property in the Village. If another form of fencing is recommended by the Planning Official, this applicant will comply.

The natural landscaping of the hillside is adequate to completely hide the mechanics of the tower and equipment. Only re-vegetation after construction will be needed.

Photos of the site from various points in the community, and, from the site to various points in the community, will be presented at the P&Z Hearing for reference.

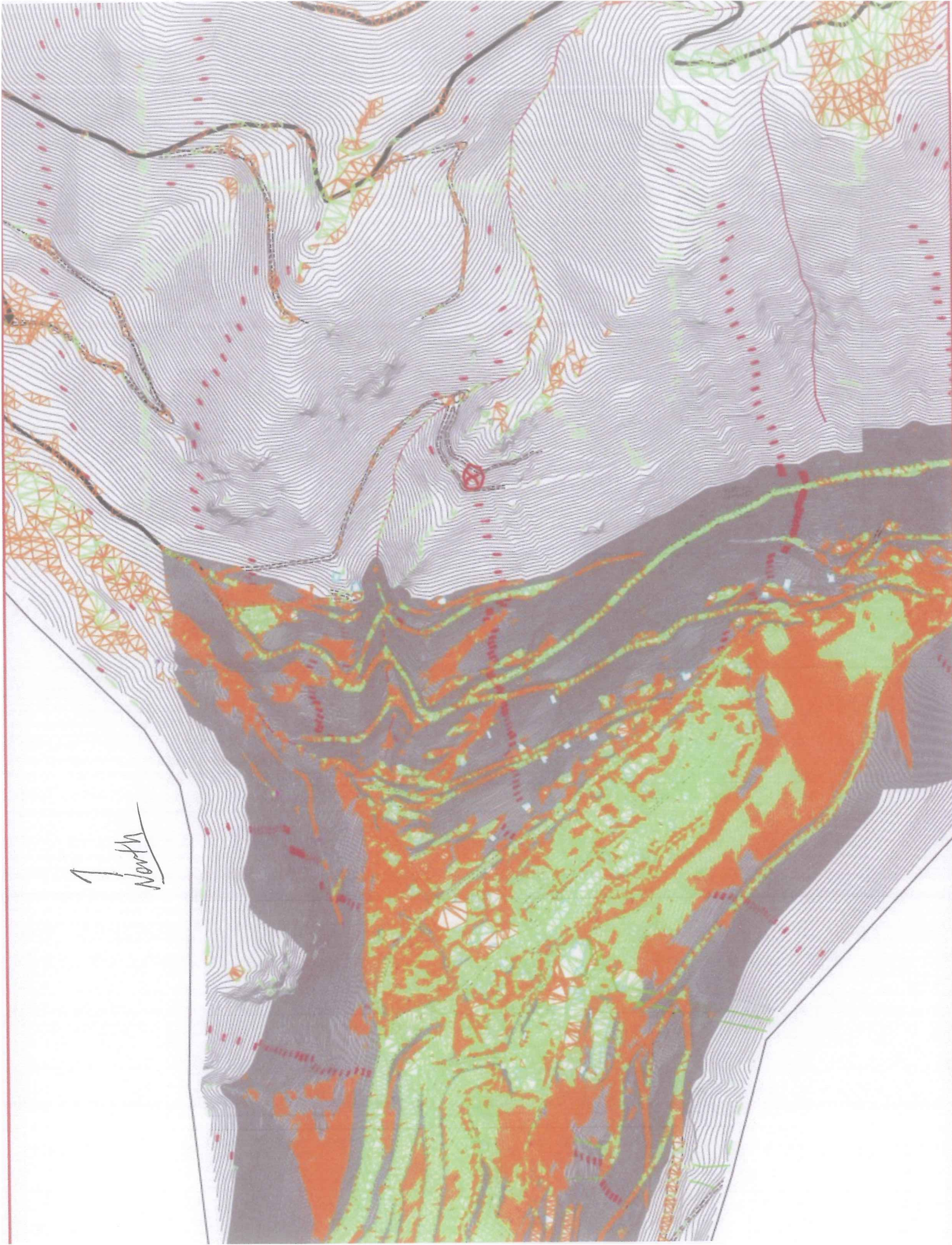
Thank you.

Kachina

1 North

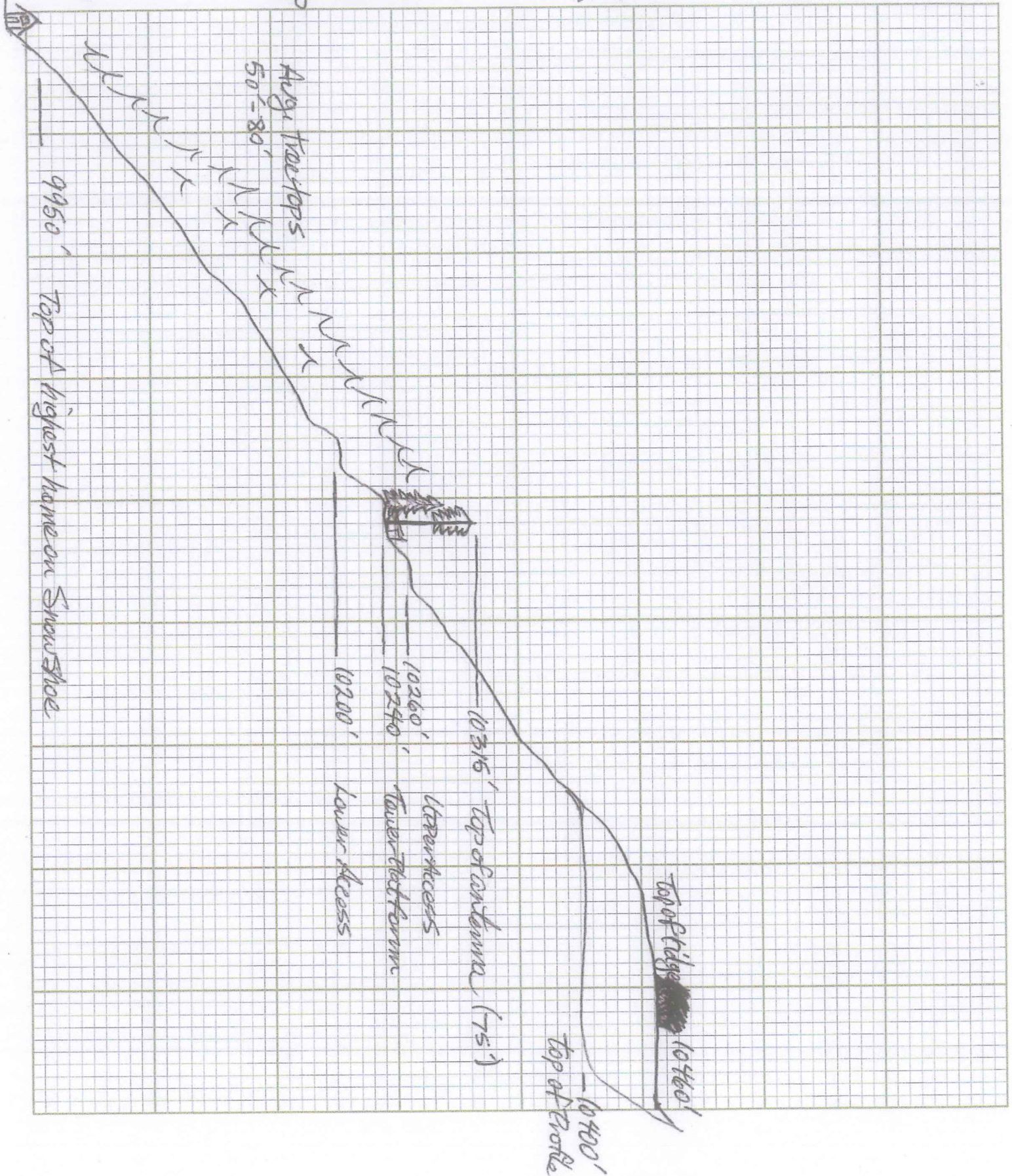


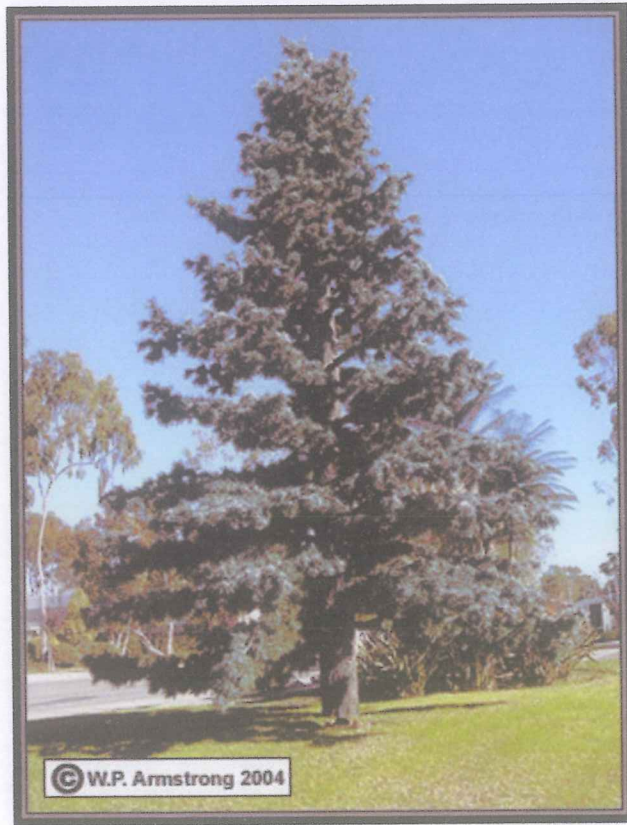
1
North





OWNER Pattison Trust LLC
PROJECT Proposed Cell tower - Elevation / Site Plan
MADE BY Roger Pattison DATE 7/22/2016 SHEET 2 OF 2







September 26, 2018

To whom it may concern:

As part of the Conditional Use Application submitted for the placement of a cell tower in the Village of Taos Ski Valley, the applicant: Pattison Trust LLC, hereby states that construction of the proposed tower will accommodate collocation of additional antennas for future users, in accordance with the Zoning Ordinance Section 6.2.a.8.

ACCEPTED AND AGREED TO:

Roger C Pattison: Agent/Manager Pattison Trust LLC

STATE OF _____)

) ss.

COUNTY OF _____)

The above and foregoing SETTLEMENT AGREEMENT & RELEASE OF CLAIMS was acknowledged before me by _____, this ____ day of September, 2018.

Witness my hand and official seal. My commission expires:_____.

Notary Public