



## LEGISLATIVE STAFF REPORT

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**MEETING DATE:** January 9, 2025

**ITEM TITLE, PRESENTER:** Consideration and Approval of a Conditional Use Permit for a Temporary Meteorological Tower, Scott Schutte, AES Clean Energy

**RECOMMENDATION:** Make a motion approving the Conditional Use using the findings and conditions as provided by staff (state each condition as part of the motion).

Make a motion denying the Conditional Use based on findings of fact due to the following reasons: (statements of findings for substantial evidence).

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### SUMMARY

In November 2024, the county received a request for a conditional use permit from AES Clean Energy to install a 60-meter (approximately 200 feet) temporary meteorological tower. The applicant is planning on building a temporary structure for weather studies as part of an investigation for potential energy production in the future.

**Property:**

Parcel: #32S24E255400, 160.44 acres

**Current Zoning:**

This parcel is currently zoned as Agricultural as per 2025 Zoning Map

### ORDINANCE SECTIONS

The Agricultural Zone is designated to promote and preserve, in appropriate areas, conditions favorable to agriculture and to maintain greenbelt open spaces. Such districts are intended to include activities normally and necessarily related to the conduct of agricultural production and to provide protection from the intrusion of uses adverse to the continuance of agricultural activity.

Commercial Energy Production is considered a Conditional Use in the Agricultural (AG) Zone as per the 2025 Use Table. By definition, a CONDITIONAL USE is a land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

In authorizing any Conditional Use, the Planning Commission shall impose such requirements and conditions as are necessary for the protection of adjacent properties and public welfare. Their Planning

Commission shall not authorize a Conditional Use Permit unless the evidence presented is such to establish:

- (1) That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and
- (2) That the proposed use will comply with the intent, spirit, regulations, and conditions specified in the Ordinance for such use and the Zoning District where the use is to be located, as well as make the use harmonious with the neighboring uses in the Zoning District; and
- (3) The Planning Commission shall itemize, describe, or justify the conditions imposed on the use.

**Possible Conditions May Include:**

- Prior to construction, the applicant shall apply for and receive a San Juan County building permit.
- The applicant shall apply for, receive, and maintain a San Juan County business license and be subject to regular inspections associated with the business license – to include a review of compliance with the CUP conditions.
- The construction and operation of the tower shall comply with the International Fire Code and the San Juan County Fire Policy – and be subject to inspection by fire authorities.
- The tower shall be operated in compliance with federal regulations.
- The tower shall not be used for outdoor advertising, signage, or similar uses without first obtaining permission from San Juan County.
- This permit shall be null and void if the tower is abandoned or the tower is not maintained for 90 days. After abandonment or non-maintenance, the tower shall be removed at owner's expense.
- Any neighbor or adjacent property owner or person reasonably expected to be at or near the facility during construction, maintenance, or other activity which has the potential to harm an individual shall be informed of the activity and provided with safety information, as appropriate.
- The facility shall be kept clean and free from rubbish, flammable waste material or other noxious or nuisance substances.
- The tower will require a variance from the San Juan County Land Use Ordinance which establishes a maximum height for structures at 50'.