

COAL CREEK CANYON HOMEOWNER ASSOCIATIONS

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January 3, 2002

Susan Wood

By Hand Delivery, and Fax (303) 271-8744

Ms. Susan A. Wood, Case Manager
Jefferson County Planning and Zoning Department
100 Jefferson County Parkway STE 3550
Golden, CO 80419-3550

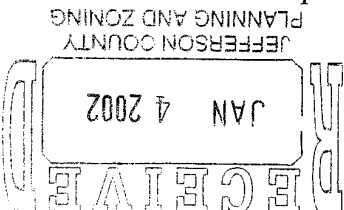
RE: Comments on amended application dated December 7, 2001, Pinnacle Towers Inc.
(PTI) application for rezoning and exemption from platting (Case Nos.
00015485RZP1/EXP1)

Dear Ms. Wood,

CCCHOA has reviewed the amended application, and weighed it against the specific criteria set forth in the County's master plan, regulations, and policies. With respect to these plans and policies (and the surrounding land uses), PTI's amended application is not a good faith attempt to correct the failings of the original application. PTI's amendment fails to bring their application into substantial conformance with applicable County plans and policies, and the proposed zoning change continues to be incompatible with the existing and allowable land uses in surrounding areas.

PTI's amendment does not address the findings of fact made by the Planning Commission in their November 7, 2001 resolution recommending denial:

- Copies of easements demonstrating legal access were not provided.
- Proof of an access road conforming to County standards was not provided.
- No demonstration was provided that existing sites can't accommodate the proposed equipment; PTI has still not identified customers or specific equipment.
- No demonstration was provided that tower face area would not substantially increase, nor was it demonstrated that comparable towers would be removed from the vicinity of Eldorado Mountain (or even anywhere in the county).
- No demonstration was provided that the net result of the amended proposal – the addition of a large lighted tower dominating the skyline vista, and a substantial net increase in tower face area – would have minimal visual impact.
- No demonstration was made that the proposed 70 dBA noise standard provides adequate noise mitigation for the proposed diesel generators and other installed



equipment. The Land Development regulation provides a minimum noise standard of 45-55 dBA for parks and residential areas (Part II, Section 12.1), and the North Mountains Community Plan and the Telecommunications Land Use Plan advise that lower dBA limits are necessary for compatibility with existing ambient conditions (e.g., the 19-26 dBA ambient measured in the nearby Crescent Park subdivision).

The fact that the amendment does not address the Planning Commission's findings is consistent with PTI's December 10, 2001 testimony before the Board of County Commissioners. As you may recall, PTI's representative asked the board not to remand the application back to the Planning Commission because even PTI believed the amendment would be inadequate to change the Planning Commission's findings and recommendation. Clearly this amendment is intended to accomplish that goal.

PTI's amendment contains little new information, consisting of only the following few meager documents: (1) a 1-page cover letter from PTI; (2) revised written restrictions; (3) a 1-page argument about conformance with the Zoning Resolution; (4) a 1-page affidavit from PTI's consulting engineer (which lacks proper certification or seal); and, (5) revised architectural drawings. PTI provided no new impact studies, no proof of access, no surveys demonstrating a safe and conforming access road, no evidence of customers, no list of specific broadcast equipment needing to be accommodated, no letters from other tower owners consistent with the revised application, no concrete agreements to remove comparable towers, no face area analysis, nor any new or meaningful proposed mitigation of impacts to surrounding landowners.

Because PTI's amendment does not address the fatal defects identified with previous versions of their proposal, our previous comments still apply, and this letter therefore supplements our earlier reviews of the application. We request that our previous comments, including our testimony before the Planning Commission, be included in the administrative record for the revised application and be considered fully for all subsequent County recommendations and decisions.

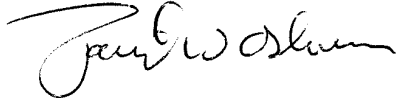
CCCHOA provides additional detailed comments and information in the following attachments:

1. *Analysis of Responsiveness of PTI Amended ODP Written Restrictions (12/07/01) to Planning Commission's Resolution and Findings of Fact (11/07/01)*, prepared by CCCHOA
2. *Analysis of Conformance of PTI Amended ODP Written Restrictions (12/07/01) to Jeffco Master Plan and Zoning Resolution*, prepared by CCCHOA
3. *Background Environmental Noise Assessment, Crescent Park and Surrounding Areas*, A CODA Acoustics, LLC, prepared for CCCHOA (provides ambient noise measurements)
4. *Structural Analysis Report, Existing 120' Self-Supporting Tower, Manufacturer is Unknown, Located at Eldorado Mountain CO*, Michael T. De Boer, P.E.,

prepared for Pinnacle Towers (provides dimensions needed to determine face area of existing tower)

We continue to request that the application be denied.

Sincerely,

A handwritten signature in black ink, appearing to read "David W. Osborn". The signature is fluid and cursive, with a large initial "D" and "O".

David W. Osborn
President, Crescent Park Land and Homeowners Association

Attachments (4)

CC: Dannie Brindle, Acting County Administrator
Preston Gibson, Director, Current Planning

Attachment No. 1

ANALYSIS
of
Responsiveness of PTI Amended ODP Written Restrictions (12/07/01)
to Planning Commission's
Resolution and Findings of Fact (11/07/01)

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Responsiveness of PTI Amended ODP Written Restrictions (12/07/01)
to Planning Commission's
Resolution and Findings of Fact (11/07/01)

1. Summary of responsiveness of PTI's amended ODP to Planning Commission findings of fact

Planning Commission Resolution	Responsiveness of Revised ODP
A.1. <i>Unresolved access issues</i>	No effort to respond
A.2. <i>Unresolved fire protection issues</i>	No effort to respond
A.3. <i>Specific Equipment, Z.R. §15.F.2</i>	No effort to respond
A.4. <i>Tower face area issues</i>	No effort to respond
B.1. <i>Visual resource incompatibility</i>	Not responsive
B.2. <i>Noise incompatibility</i>	Not responsive

2. Analysis of responsiveness of PTI's amended ODP to Planning Commission specific findings of fact

A.1. *Unresolved access issues*: No Effort to Respond. The amended ODP does not address the Planning Commission finding that the applicant has failed to provide copies of the necessary road and utility easements demonstrating legal access, as required by the Zoning Resolution (Section 15.F.1).

A.2. *Unresolved fire protection issues*: No Effort to Respond. The amended ODP does not address the PC finding that the applicant has not proposed a modified access road that would meet County road standards, as required by the Zoning Resolution (Sec. 15.C.3.g) and the Telecommunications Land Use Plan (Policy 1.f.) to demonstrate adequacy of public services.

A.3. *Non-compliance with Zoning Resolution Section 15.F.2 and Telecommunications Land Use Plan (demonstration that no existing site is available to host proposed equipment)*: No Effort to Respond. The amended ODP does not address the Planning Commission finding that the applicant has failed to demonstrate that existing telecommunication facilities cannot host the proposed equipment, as required by the Zoning Resolution (Section 15.F.2.). Applicant has failed to identify any specific equipment or licensed broadcast customers needing accommodation on the proposed towers.

A.4. Tower face area issues: No Effort to Respond. Applicant has not addressed the Planning Commission finding that the applicant must provide an analysis of tower face area and demonstrate that an equal amount of face area can be removed or credited, as required by the Telecommunications Land Use Plan (Tower Siting and Review Policy 2.c.1). The applicant proposes to remove one tower of unspecified height (purportedly a small, unlit tower used for 2-way communications) at another location in the county following the construction of one large tower at Eldorado Mountain. The net result of the amended proposal is the addition of a large lighted broadcast tower dominating the skyline vista, and a substantial net increase in tower face area both at Eldorado Mountain and considering the county as a whole. Based on documents provided by the applicant, our analysis indicates that the applicant is proposing to be allowed to increase tower face area at Eldorado Mountain by a factor of 17-24 (see Attachment No. 2 to cover letter).

B.1. Visual resource incompatibility: Not Responsive. The amended ODP specifies a one 450-foot and one 180-foot tower (both 45 feet wide at the base), whereas the previous ODP specified three 450-foot towers (also 45 feet wide). This change potentially reduces the visual impacts – but only in comparison to the previous ODP. Substantial visual impacts in comparison to the actual existing and allowable land use remain. The net result of the amended proposal – the addition of a large lighted tower dominating the skyline vista, and a substantial net increase in tower face area – would have substantial visual impact. The amended application does not address the PC finding that the applicant must demonstrate that the proposed towers would result in a minimal visual impact, as required in the Telecommunications Land Use Plan (Policy 1, page 9) or that the development is sensitive to visual resources as discussed in the North Mountains Community Plan (Goals, Objectives, and Visual Resource Policies 1, 2, 3, 4, and 14).

B.2. Noise incompatibility: Not Responsive. The amended ODP eliminates the previous request for a heliport, but fails to reduce noise impacts to a compatible level. The purported lessening of impacts is at best only in comparison to the previous ODP.

The noise impacts from the proposed diesel electric generators and other installed equipment were not demonstrated to have been reduced to compatible levels. The revised ODP instead proposes a 70 dBA noise limit for off-site locations. But the 70 dBA level would exceed State noise standards for residential lands (50-55 dBA), and would also violate the County's minimal noise standards for parks and residential areas (45-55 dBA; Part II 12.1 of the Land Development Regulation). The North Mountains Community Plan advises that even lower noise limits may be required for compatibility of new development with existing ambient conditions (e.g., the Jeffco planning staff recommended a 45 dBA noise standard for off site noise levels near this area during a previous rezoning case).

It should also be noted that while the elimination of the proposed heliport would appear to eliminate the noise associated with helicopter operations, the applicant has admitted in writing to prior unauthorized helicopter use at the site by the former owner (who, according to the applicant, still maintains a residence at the site, and has an ongoing business relationship with the applicant that is pursuant to the site).