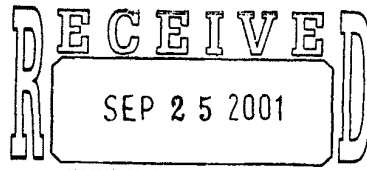


COAL CREEK CANYON HOMEOWNER ASSOCIATIONS

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September 25, 2001

JEFFERSON COUNTY
PLANNING AND ZONING

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

RE: Master plan conformance, Pinnacle Towers Inc. ("PTI") application for rezoning and exemption from platting (Case Nos. 00015485RZP1/EXP1)

Dear Planning Commissioners,

We understand that every application is unique, and that every application review must therefore vary. But the policies and criteria that applications are measured against do not vary. The master plan doesn't change to suit individual applications. And that is why we are concerned about the recent staff report, which seems to evaluate PTI's application using special criteria that are unique to this case only.

We examined the staff reports for two major broadcast tower applications that you have considered during the previous three years (Bear Creek Development, and Lake Cedar Group), and selected a few criteria for comparison that were common to all. In particular, we compared Staff's treatment of plan criteria for visual resources, mountain site design, and tower siting.

The earlier staff reports were generally consistent in their treatment of criteria, and generally consistent in their evaluation of conformance with the master plan. For example, both reports found substantial nonconformance with the applicable community plan criteria for visual impacts. That was an entirely expected result, since tall broadcast towers can't be effectively screened, and a finding of substantial nonconformance was simply a frank acknowledgement of the obvious.

In comparison, the staff report for PTI's application has unpredictable and inconsistent findings. Again using the example of visual impacts, the current staff report acknowledges that there is "no way to eliminate the visual impacts of the site," but then inexplicably finds full conformance with the community plan. The community plan criteria for evaluating visual impacts are similar for each application, yet the current staff review reaches the exact opposite finding on plan conformance.

Similar contradictions are found for the tower siting and review criteria regarding demonstration that no alternative site exists. The two earlier staff reports found substantial nonconformance with this criterion because other sites, most notably Squaw Mountain, responded affirmatively. Squaw Mountain also responded affirmatively to PTI's application, and stated that they could accommodate all of PTI's proposed equipment. But without explanation, the current staff report finds PTI's application to be in full conformance with this criterion. Same alternative site, same plan criterion, but totally opposite findings on plan conformance.

In our view, the County's master plan defines basic policies and criteria for new tower development in order to prevent their uncontrolled growth, and to limit the multiplication of undesirable impacts. Yet the intent of the master plan can only be realized if plan criteria are consistently applied to every application.

Consistent use of review criteria is particularly important for applicants like PTI, who have not committed adequate resources to studying problems. We therefore respectfully urge you to conduct your own, independent assessment of plan conformance for your consideration of PTI's application, and not rely solely on the staff report.

The attachment to this letter includes our detailed comparison of the specific impact areas where review criteria appear to have been inconsistently applied.

Sincerely,



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

Attachment: Comparison of staff reports

CC: Marily Nixon, Assistant County Attorney

Visual Resources

It is generally recognized that large multi-use towers cannot be effectively screened (Telecommunications Land Use Plan, Visual & Noise Impacts, Policy 4.c). Such towers are therefore unlikely to conform to the visual resources criteria in the applicable community plans. That assessment was reflected in the staff reviews of the recent proposals submitted by the Bear Creek Development Corp., and Lake Cedars Group, LLC. However, the staff assessment for the current proposal inexplicably found conformance with visual resources criteria while simultaneously noting that the visual impacts of the proposed towers cannot be eliminated. This self-contradictory finding is inconsistent with past practice.

Table 1. Inconsistent Visual Resources Assessment

| Case | Applicable Plan | Plan Criteria | Staff Assessment |
|--|---|--|---|
| <p>Bear Creek Development Corporation, Case No. 98015352SUP1 (denied). 300-foot guyed tower, 2,000 sf building, expand existing building by 2,500 sf. Staff Report dated 3/22/99, prepared by Michael J. Picano, Jr.</p> | <p>Central Mountains Community Plan</p> | <p><i>Minimize visual disruption by ensuring that when and if development occurs it makes maximum use of the natural screening capabilities of the landscape and employs practical siting design as set forth in the Mountain Site Design Criteria.</i></p> | <p>Nonconformance: The tower would create a visual disruption on the subject site. <u>There are no ways to screen the proposed tower.</u> Staff recognizes the fact that no broadcast tower can be screened and still provide consistent service to its designated areas. The proposed tower cannot be screened or integrated with the natural characteristics of the site. The tower will be lighted and colored...applicant proposes to paint the tower a galvanized grey.</p> |
| <p>Lake Cedar Group, LLC, Case No. 98015154RZP1 (denied). 854-foot guyed tower, 32,250 sf building. Staff Report dated 3/4/99, prepared by Timothy W. Carl.</p> | | <p><i>No additional development should occur within the designated scenic corridors unless the development can be screened or mitigated.</i></p> | <p>Nonconformance: Lookout Mountain is identified as a "prominent feature" within the Central Mountains area... <u>The proposed 854 foot consolidated tower will be visually prominent on Lookout Mountain.</u></p> |
| <p>Pinnacle Towers, Inc., Case No. 00015485RZP1 (pending), Three 510-foot lattice towers, 33,000 sf building. Staff Report dated 8/30/01, prepared by Susan A. Wood.</p> | <p>North Mountains Community Plan</p> | <p><i>Minimize visual disruption by ensuring that when and if development occurs it makes maximum use of the natural screening capabilities of the site.</i></p> <p><i>Development on ridges should be sensitive to visual resource areas shown on the Visual Resources map and the appropriate criteria in the Mountain Site Design Criteria sections should be followed. Examples of the criteria are: a. Buildings and other structures should be located to avoid a dominant silhouette on the top of the ridge.</i></p> | <p>Conformance: Further, they propose to use galvanized grey colored towers with daytime strobes and flashing red lights at night. While these efforts will diminish the impact, <u>there is no way to eliminate the visual impacts of the site.</u></p> |

Mountain Site Design

Large, multi-story industrial equipment buildings and tall towers generally violate the Mountain Site Design Criteria sections of the applicable community plans. While this fact is likely unavoidable for telecommunications sites, the fact of the nonconformance must still be noted, and steps taken to mitigate other visual impacts, such as building integration, texture, etc. The Mountain Site Design criteria assessment for the current application was not done because the Staff Report deemed Eldorado Mountain to not be a visual resource, even though it is highlighted as a Major Landform on the visual resources map, and is part of the Mountain Backdrop.

Table 2. Inconsistent Mountain Site Design Assessment

| Case | Applicable Plan | Plan Criteria | Staff Assessment |
|---|---|---|---|
| <p>Bear Creek Development Corporation, Case No. 98015352SUP1 (denied). 300-foot guyed telecommunications tower, 2,000 sf building, expand existing building by 2,500 sf. Staff Report dated 3/22/99, prepared by Michael J. Picano, Jr.</p> | <p>Central Mountains Community Plan</p> | <p><i>Development should be integrated, through its design, with the existing natural characteristics of the site, i.e., color, line, texture, and form.</i></p> | <p>Nonconformance: The proposed tower cannot be screened or integrated with the natural characteristics of the site. The tower will be lighted and colored in compliance with Federal standards. The applicant proposes to paint the tower grey instead of the optional red and white stripes, and it will utilize a white strobe during the day... The building will be integrated with the site's natural characteristics through color, texture, and recessed construction.</p> |
| <p>Lake Cedar Group, LLC, Case No. 98015154RZP1 (denied). 854-foot tower, 32,250 sf building. Staff Report dated 3/4/99, prepared by Timothy W. Carl.</p> | | <p><i>Maximize the use of existing vegetation and natural landforms where possible.</i></p> <p><i>Utilize an architectural design emphasizing natural materials, light, shadow, depth, and texture in all exterior building surfaces.</i></p> | <p>Nonconformance: Clearly, an 854-foot consolidated telecommunications tower cannot meet all design policies established in the Community Plan. The proposal has attempted to use design and topographic criteria for placement of the transmitter building into the site, rather than creating a dominant feature. This includes placing the building at an angle to reduce the visual plane of the building, and terracing the structure into the hillside.</p> |
| <p>Pinnacle Towers, Inc., Case No. 00015485RZP1 (pending), Three 510-foot towers, 33,000 sf building. Staff Report dated 8/30/01, prepared by Susan A. Wood.</p> | <p>North Mountains Community Plan</p> | <p><i>Design and site buildings to: a.) Be in proportion to the size of the lot, to the surrounding landform and vegetation, to existing buildings and to the intended user, rather than appearing monumental in scale; b) Be placed sensitively within a site, rather than to dominate or overpower a site. Integrate buildings into the site through the use of landscaping, earthwork, or natural landforms.</i></p> | <p>Conformance: Eldorado Mountain is not noted as a visual resource. It is noted as a significant landform.</p> <p><i>CCCHOA Note: Eldorado Mountain is identified as a Major Landform on the NMCP Visual Resources Map, and is part of the Mountain Backdrop.</i></p> |

Tower Siting & Review: Alternative Sites

An important issue for both the Zoning Resolution and the Telecommunications Plan review criteria is the potential availability of alternative sites that would remove the necessity for building new towers. Squaw Mountain has been identified as an alternative site for all applications, although apparently a new tower might need to be constructed at the site, and translators may be required. While Squaw Mountain may not be an ideal site, it has been the stated reason for a staff finding of nonconformance on the two previous applications.

Table 3. Inconsistent Tower Siting and Review Assessment – Alternative Sites

| Case | Applicable Plan | Plan Criteria | Staff Assessment |
|---|---|--|---|
| <p>Bear Creek Development Corporation, Case No. 98015352SUP1 (denied). 300-foot guyed telecommunications tower, 2,000 sf building, expand existing building by 2,500 sf. Staff Report dated 3/22/99, prepared by Michael J. Picano, Jr.</p> | <p>Telecommunications Land Use Plan</p> | <p><i>The applicant must show that their proposed equipment cannot be accommodated and function as required by its construction permit or license without unreasonable modifications on any other existing facility.</i></p> | <p>Nonconformance: There is a possibility for the proposed tower to be placed on Squaw Mountain. However, this would create a loss in signal strength, thus creating the need for translators which would be located along the “line-of-sight” in order to carry the signal consistently to the broadcast area.</p> |
| <p>Lake Cedar Group, LLC, Case No. 98015154RZP1 (denied). 854-foot tower, 32,250 sf building. Staff Report dated 3/4/99, prepared by Timothy W. Carl.</p> | | | <p>Nonconformance: The County has received several responses from other telecommunications facilities that indicate they could accommodate this proposal... from Mt. Morrison, Squaw Mountain, and Eldorado Mountain. Mt. Morrison can accommodate a tower... however, the site does not currently have a tower. Squaw Mountain... can accommodate broadcast facilities... Site is zoned for broadcast facilities... A tower would still need to be constructed. The facilities on Eldorado Mountain are at maximum capacity. The facility would need to be amended to allow for an additional tower... would require either a rezoning or special use review.</p> |
| <p>Pinnacle Towers, Inc., Case No. 00015485RZP1 (pending), Three 510-foot towers, 33,000 sf building. Staff Report dated 8/30/01, prepared by Susan A. Wood.</p> | | | <p>Conformance: With the exception of Squaw Mountain Communications, Clear Creek County, all responding tower owners have noted that they cannot accommodate the proposed facilities on existing towers.</p> |

Tower Siting & Review: Tower Face Area

The Telecommunications Plan calls for a reduction in tower face area if new towers are to be built. In the previous two applications, staff found conformance where face area was reduced, and found nonconformance where it was increased. In the current application, tower face area would apparently increase by more than 1,000 percent, yet staff inexplicably found conformance.

Table 4. Inconsistent Tower Siting and Review Assessment - Tower Face Area

| Case | Applicable Plan | Plan Criteria | Staff Assessment |
|---|---|--|---|
| <p>Bear Creek Development Corporation, Case No. 98015352SUP1 (denied). 300-foot guyed telecommunications tower, 2,000 sf building, expand existing building by 2,500 sf. Staff Report dated 3/22/99, prepared by Michael J. Picano, Jr.</p> | <p>Telecommunications Land Use Plan</p> | <p><i>New towers should be permitted only when an equal face area (one face width x height) of existing tower(s) can be removed or as credited in c.2), c.3), or c.4) below. If a new tower is proposed in a major use transmission area, the tower(s) to be removed must come from that area.</i></p> | <p>Nonconformance: The proposed 300 foot tall tower will be replacing a 60 foot tower which is much wider. The proposed 300 foot tower will be 8 feet across, giving it a face area value of 2,400 square feet. The existing 60 foot tower to be replaced has a 20 foot face, giving it a face area value of 1,200 square feet.</p> |
| <p>Lake Cedar Group, LLC, Case No. 98015154RZP1 (denied). 854-foot tower, 32,250 sf building. Staff Report dated 3/4/99, prepared by Timothy W. Carl.</p> | | | <p>Conformance: The total square footage to be removed will be 15,667 square feet versus 11,880 square feet that will be added with the new tower. <u>A reduction in square footage will occur.</u></p> |
| <p>Pinnacle Towers, Inc., Case No. 00015485RZP1 (pending), Three 510-foot towers, 33,000 sf building. Staff Report dated 8/30/01, prepared by Susan A. Wood.</p> | | | <p>Conformance: The applicant proposes to remove a tower only if a third tower is built onsite. If so, the applicant proposes to remove the existing 160-foot tower. It is unknown what face area might ultimately be credited if the towers do serve to consolidate area facilities.</p> <p><i>CCCHOA Note: Our calculations indicate a 6,300 square foot face area for a single 420-foot tower using drawings provided by PTI. Face area for requested 510-foot towers would be higher. Face area of the existing 160-foot tower is less than 1,670 square feet. Thus tower face area would increase by more than 1,000 percent, from less than 1,670 square feet to more than 18,900 square feet.</i></p> |