

**Eldorado Mountain Communications Site Official Development Plan
Written Restrictions**

February 21, 2001

A. Titles and Names.

Property Owner: Pinnacle Towers Inc.
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Title of ODP: Eldorado Mountain Communications Site Official Development Plan.

Date of Preparation: May 30, 2001

Revision: 3-010530.

B. Property Address, Description, and Zoning.

Property Address: 11534 Plainview Road, Golden, Colorado 80403

Property Description: N1/2 N1/2 NW1/4, Section 1, Township 2 South, Range 71 West, 6th P.M., Jefferson County, Colorado.

Current Zoning: A-1 with Special Use Permits 81-4 and 84-4.

Proposed Zoning: Planned Development for Multiple-Use Telecommunications Site and compatible uses.

C. Statement of Intent.

This Official Development Plan ("ODP") for the Eldorado Mountain Communications Site (the "Site") authorizes use of the subject property as a multiple-use electronic or telecommunications transmission and reception site.

D. Permitted Uses.

The following uses and auxiliary uses are permitted subject to compliance with all applicable state and federal statutes and regulations.

1. Use Area A—Primary Development Area

Use Area A consists of 9.82 acres, more or less. The following uses are permitted in Use Area A:

- a. All types of electronic and telecommunications devices including, without limitation, radio and television broadcast and broadcast auxiliary uses; point-to-point microwave, point-to-multipoint microwave and microwave repeater or relay uses; paging, mobile radio, repeater and radio-telephone uses, telemetry and data collection, amateur radio uses and satellite radio transmission and reception uses; RF and non-RF based Meteorological Data Collection uses, including without limitation Doppler and other weather radar antennas and associated facilities. Such uses shall include erection and installation of towers and other antenna support structures including antennas, support buildings and transmission and reception equipment as otherwise permitted hereby.
- b. Metallic and non-metallic wire- or cable-based telecommunications uses including overhead and/or underground transmission lines, switching, exchange and processing facilities and uses.

2. Use Area B—Limited Development Area.

Use Area B consists of 30.86 acres, more or less. The following uses are permitted in Use Area B:

- a. Road or drive ways; overhead and/or underground electric and telecommunications transmission lines and/or other utility facilities and uses; underground conduits and natural gas transmission lines, including vaults, handholds, utility cabinets and risers; grounding systems; and fences and security gates are permitted in Use Area B.
- b. No structures or facilities other than electric and telecommunications transmission lines, fences and security gates shall be placed in that portion of Use Area B lying east of Use Area A. Such facilities shall be designed and constructed so that they shall not be visible to the naked eye when viewed from State Route 93.

E. Accessory Uses.

1. Use Area A—Primary Development Area.

- a. Above-ground or underground storage of propane, diesel, and/or other fuels, diesel, propane, natural gas and/or other fuel distribution and regulator facilities, not to exceed 40,000 gallons capacity. Storage and use of such fuels shall be in accordance with the requirements of Colorado Revised Statutes §§8-20-201, et seq., 8-20-401, et seq., 8-20.5-101 et seq., 8-20.5-201 et seq., 8-20.5-301, et seq., as amended, and any successor provisions; and Colorado Code of Regulations 7 C.C.R. 1101-14, as amended, and any successor provisions.
- b. Electric generation, switching, overhead and/or underground transmission, and distribution uses including substation uses

- c. Private heliport, or helicopter landing facility not to exceed 2,500 feet in area, elevated or upon grade. Said heliport shall be used by Site owner, tenants and emergency service providers only, and shall be used only between the hours of 8:00 a.m. and 9:00 p.m. except in emergencies including service outages of facilities located at the Site. Helicopters shall approach the heliport from the west and take off to the west. Heliport lights shall be remotely activated by helicopters prior to landing.
 - d. Other uses customarily ancillary to Permitted Uses and/or operation of electronic sites.
2. **Use Area B—Limited Development Area.**
 - a. Uses customarily ancillary to the Permitted Uses..

F. Temporary and Emergency Uses.

1. Heavy equipment, machinery and vehicles, construction trailers, temporary sanitation facilities, materials and equipment storage, and other temporary uses accessory to the construction and/or removal of telecommunications towers and associated buildings and facilities shall be permitted on any portion of Use Area A. Such equipment, machinery, vehicles and/or facilities shall be removed within 60 days of completion of construction or removal of said towers, buildings or facilities.
2. Temporary towers, antennas, equipment and other structures and facilities may be placed, installed or erected in Use Area A to permit expeditious restoration of operation or service in the event of service outage, destruction or loss of facilities, or in the event of and during public emergencies for the purpose of assisting with such emergencies. Such temporary facilities shall be subject to applicable standards for human exposure to RF emissions. Such temporary structures and/or facilities shall be removed within 60 days of completion of restoration or repair of permanent facilities.

G. Lot, Tower and Building Standards.

The number, height, and size of facilities and structures which may be constructed or erected at the site shall be limited by the provisions of this ODP, and shall comply with engineering standards generally adopted and applied by Jefferson County, subject only to vested rights of Applicant in its site specific development plan pursuant to C.R.S. 24-68-101, *et seq.*

1. **Lot Standards'**
 - a. The minimum lot area shall be 1,250,000 square feet.
 - b. The minimum Front Setback shall be 50 feet.
 - c. The minimum Side Setback shall be 50 feet.
 - d. The minimum Rear Setback shall be 1700 feet.

2. Tower Standards

- a. A maximum of three towers may be constructed and maintained on the Site with a maximum permissible height, including antennas and obstruction lighting, of four hundred fifty feet if built upon the highest grade within Use Area A. The height of towers constructed on grades below the highest grade on the site may be increased by the number of feet by which the grade on which such tower is located below the highest grade within Use Area A.
 - b. Width of base of towers: 45 feet or less. Platforms and pedestals for servicing the tower and mounting antennas or other equipment, and any antennas or equipment, shall not extend more than 10 feet from the face of any tower. "Starmounts" and "T-tops" or "Bar-tops" are not permitted at this site.
 - c. Towers shall be set back a distance equal to one-half their height from all property boundaries; provided, however, in the event Owner has obtained an easement from an adjacent property owner for a tower fall area, the tower shall be set back a distance equal to one-half its height from the easement boundary.
 - d. In the event that three towers are constructed at the Site, the SU84-4 tower, or any replacements thereof, shall be removed within six (6) months of completion of the third tower. At such time that there have not been any antennas on a tower or the use of a tower has been abandoned for six consecutive months, it will be removed within 180 days of the end of said six month period.
 - e. Permit to construct a second or third new tower at the site shall not be granted unless the applicant demonstrates that (i) the tower is required to support facilities which cannot be placed on an existing tower at the site due to structural, NIER, RF interference, Quiet Zone protection or other regulatory considerations, or to provide for location of backup antennas on a separate tower from that on which station(s) main antennas are located, (ii) the facilities are new facilities not previously authorized in the market and the tower will have the capability of supporting additional facilities, or (iii) a tower(s) located within the County with equivalent face area will be removed.
 - f. To the extent consistent with Federal Aviation Administration ("FAA") and Federal Communications Commission ("FCC) regulations regarding the marking and lighting of communications towers, towers and antennas, equipment and other facilities located thereon, except transmission lines, shall be a gray color consistent with unpainted, galvanized tower members.
 - g. In the event that more than one tower in addition to the 180-foot tower constructed pursuant to SU84-4 or any replacement thereof is erected at
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the Site for which obstruction lighting is indicated by applicable FAA regulations, the applicant shall request a waiver of any FAA and/or FCC regulations necessary to install obstruction lighting on only the tallest tower constructed at the Site.

- h.** In the event that white obstruction lighting is used on the tower during daytime, such lighting shall be deflected away from the ground to the maximum extent permitted under applicable regulations.
- i.** In the event that lighting is required on any tower constructed at the Site, the applicant shall request a waiver to install the minimum number and intensity of obstruction lighting possible, to operate at the slowest flash rate permissible.
- j.** Towers shall comply with the provisions of TIA/EIA-222-F, Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, or any applicable revised or replacement version of such standards that are in effect (i) upon or after approval of this ODP, and (ii) at the time that an enforceable contractual commitment for a tower is made. As a condition to the issuance of a building permit for construction of a tower, Owner shall deliver to the Zoning Administrator a written certification from a professional engineer that the Tower, as fully engineered, complies with the preceding standards.
- k.** The towers and site as engineered for purposes of the illustrative site design submitted with the application will accommodate at least eleven (11) digital television broadcast, eleven (11) analog television broadcast and eight (8) FM broadcast stations, as well as auxiliary broadcast and additional non-broadcast RF transmission facilities subject to RF interference constraints. Nothing in these written restrictions shall limit the number of broadcast station facilities which can be placed at the Site.
- l.** Nothing in this ODP shall require Owner to construct a tower and/or associated facilities for which Owner does not have sufficient committed tenants to want investment in construction of the tower, consistent with industry standards.
- m.** In the event that collisions by birds with towers constructed at the Site are found to occur, Owner shall implement reasonable mitigation measures. In determining the reasonableness of any measure, the type and number of birds determined to be colliding with the tower, the cost of the measures, and the demonstrated efficacy of the measures shall be considered.

4. Other Support Structures.

Transmission and Reception Antenna and devices may be mounted, *inter alia*, upon buildings, building-mounted antenna support grids, waveguides/ice-bridges/cable trays supporting transmission lines between support buildings and towers, buildings, and antenna mounting grids attached to buildings. No Support Structure, antenna and/or other device shall extend more than 30 feet above the

top of the building, ice bridge or other structure on which they are mounted, whichever is less.

5. Ground-Mounted Antennas.

No ground-mounted satellite transmission and reception antennas shall exceed a height of 30 feet above the highest adjacent grade.

6. Building Standards.

- a. Height limit: 60 feet above highest adjacent grade, including mounting grids and other antenna support structures, and devices or parapets intended to ameliorate the visual impact of the structure; but excluding antennas, other transmission and reception devices. Antennas, other transmission and reception devices shall not exceed a height of 30 feet above the top of any building.
- b. A maximum of five buildings may be constructed at the Site, with a total aggregate ground floor area of 26,400 square feet, and a total floor area of 79,200 square feet, including existing buildings.
- c. Buildings Located on Ridgeline. The support buildings located at the eastern end of Use Area A and on the ridgeline, on the date of approval of this ODP, shall be colored or screened to match the surrounding terrain and/or vegetation within eight (8) months of the date of such approval. Upon any expansion of said buildings, or construction of additional buildings along the ridgeline, the buildings shall be designed and constructed to provide an irregular, ridge-like profile when viewed from the east or west, connecting into any adjacent rock outcroppings.
- d. Other Buildings. Support buildings not located on the ridgeline shall be colored to match the surrounding terrain and/or vegetation

7. Equipment. Equipment, including without limitation ground-mounted satellite antennas, electric transformers, HVAC and other equipment located at the site shall be colored or screened to match the surrounding terrain within 60 days of installation or, in the event of screening with plantings, within a reasonable period considering season and weather.

8. Fencing. Fencing at the site, if any, which is visible from Route 93 or from residential areas south or west of the site shall be colored to match the surrounding terrain. Fencing may be constructed of wood, chain link, plastic, fiberglass, masonry or a combination thereof. Fencing shall not exceed a height of ten feet.

9. Signs. Signs posted or placed within the ODP Area, including signage placed to warn of elevated radio frequency fields, shall not exceed six (6) square feet in area, shall not be self-illuminated or directly illuminated at night, and shall not be visible from Colorado Route 93. Freestanding signs (signs which are not mounted on a building, tower, fence or other structure) shall not be higher than seven (7) feet.

10. **Lighting.** Exterior lighting, other than FAA obstruction lighting placed on the a tower, is permitted within Use Area A, and shall be downcast to avoid casting a glare on adjacent properties. Lighting shall be limited to that reasonably necessary for security of the site and safety of authorized users of the site.
11. **Retaining Walls.** Design and construction details for any retaining wall(s) exceeding three (3) feet in height shall be provided Jefferson County Department of Planning and Zoning and approved prior to construction. Retaining walls visible from off-site shall not exceed eight feet in height, or shall incorporate design elements reasonably approved by the Department to reduce their visual impact.
12. **Revegetation/Screening.** Screening of buildings, equipment and other facilities may be by planting native species of trees, shrubs, grasses or other plants; placement of berms, rocks and boulders, or combinations thereof; fencing or fiberglass screening colored to match surrounding terrain; or equivalent methods. Within twelve months of the date of final approval of this ODP, native species of grasses shall be seeded in un-vegetated areas of Use Area A other than road or drive ways, parking areas and walkways.

H. Permitting.

Jefferson County Miscellaneous Zoning Permits, Building Permits, Fence Permits or other permits required by the Jefferson County Zoning Resolution shall be obtained prior to erection, construction or installation of facilities, as appropriate, except as follows:

1. Antennas with rated input powers of 1,000 watts or less may be granted Miscellaneous Zoning Permits "To Rated Power," and transmitters with aggregate transmitter output powers equal to or less than the rated input power of the antenna may be connected to the antenna without further permit from Jefferson County.
2. A permits shall not be required for temporary or permanent replacement of an antenna with an antenna which has an equal or lesser face area and an equal or lesser input power rating than the antenna being replaced; or for replacement of a transmitter connected to an antenna with a transmitter operating on the same frequency or frequencies and with the same or lower transmitter output power.
3. Upon Owner demonstrating to Jefferson County Planning and Zoning Department's reasonable satisfaction that an antenna mounting area is restricted and not accessible to the public (e.g., because it is located on a roof or isolated against a steep slope, fenced and/or marked with radio frequency hazard warning signs)("Restricted Area"), RF transmitting facilities operating with less than 1,000 watts transmitter output power or less and/or antennas with than 1,000 watts or less rated input power, may be installed in such Restricted Area without prior application for or issuance of a Miscellaneous Zoning Permit.
4. When facilities are installed in a Restricted Area without a prior permit pursuant to subsection 3 above, applications for required permits shall be filed within 30

days after the date of installation of such facilities. Owner, operator and/or licensee of facilities installed without a prior permit shall bear all risk of denial of such application and shall remove the facilities promptly upon any denial of such application which becomes final and no longer subject to administrative or judicial review. NIER studies or measurements shall not be required upon installation of antennas operating with 1,000 watts transmitter output power or less.

5. Information contained in applications for Miscellaneous Zoning Permits for facilities to be installed at the Site which identifies or tends to identify any licensee, tenant, or customer at the Site shall be accorded confidential treatment.

I. Radio Frequency Issues.

1. Pursuant to Section 2.N.1. and 2. of the Jefferson County Zoning Resolution, calculations and measurements of NIER shall be required prior to or upon installation or modification of RF transmitting facilities operating with more than 1,000 watts transmitter output power.
2. Owner shall certify annually that it has implemented measures to assure that the public and workers at the Site are not exposed to radio frequency fields in excess of the applicable limits, and describe such measures.

J. Parking.

A minimum of six (6) automobile parking spaces shall be provided within Use Area A for users of the transmitter building(s).