

Commissioner Sheehan moved that the following Resolution be adopted:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF JEFFERSON
STATE OF COLORADO
RESOLUTION NO. CC02-204

Case No. 00015485RZP1	Map No. 164
Applicant:	Pinnacle Towers, Inc.
Location:	11534 Plainview Road (Section 1, Township 2 South, Range 71 West)
From:	Agricultural-One (Special Use) Zone District
To:	Planned Development Zone District
Purpose:	Development of a Multi-Use Telecommunications Site
Approximate Area:	40.68 Acres

WHEREAS, Pinnacle Towers, Inc. filed an application with the Planning and Zoning Department of Jefferson County to rezone the herein described property in Jefferson County from Agricultural-One (Special Use) Zone District to Planned Development Zone District; and

WHEREAS, a public hearing was held by the Jefferson County Planning Commission on September 5, 2001, which hearing was continued for additional testimony and deliberations to September 26, October 10, and November 7, 2001, at which time the Planning Commission, by formal resolution, unanimously recommended denial of the subject rezoning application; and

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WHEREAS, the Applicant subsequently made revisions to the subject rezoning application such that this Board, after considering the revisions at a public hearing on December 10, 2001, remanded the case back to the Planning Commission for further review, which review was carried out by the Planning Commission at a public hearing on February 6, 2002, and continued to February 13, 2002, at which time the Planning Commission, by formal resolution, unanimously recommended denial of the revised rezoning application; and

WHEREAS, after notice as provided by law, a public hearing was held by this Board on March 18, 2002, which hearing was continued for additional testimony and deliberation to March 25 and April 9, 2002, and for decision only to April 30, 2002; and

WHEREAS, based on the study of the Comprehensive Plan and the Zoning Resolution, recommendations of the Jefferson County Planning Commission, review of the Jefferson County Planning and Zoning Department, comments of public officials and agencies, and testimony and written comments from all interested parties, this Board finds as follows:

1. That proper posting, publication and public notice was provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of Jefferson County.
2. That the hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested parties were heard at those hearings.
3. That the proposal does not substantially conform with the North Mountains Community Plan because it does not conform with the policy recommendations regarding Public Services (Fire Protection), Mountain Site Design Criteria (Architecture/Scale/Massing); and Visual Resources. The Visual Resources section of the Plan contains recommendations to ensure that development is sensitive to the visual resources of the surrounding area in terms of intensity of development, site and building design, building height, exterior lighting, and ridgeline development. The proposal fails to conform with these recommendations.
4. That the proposal does not substantially conform with the Telecommunications Land Use Plan because it does not conform with the policy recommendations regarding Visual Impacts and Tower Siting.

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- a. The Plan's Visual and Noise Impact section recommends that telecommunication facilities result in minimal visual impact for residents in the immediate area and for those who view the facilities from a distance. The Plan recommends numerous policies for achieving minimum visual impact, including the use of guyed towers, locating towers away from key public viewpoints, sensitive siting of towers, sensitive siting and screening of related structures and equipment, avoidance of lighting and painting, and tower and antenna consolidation. The proposal fails to meet these recommendations.
 - b. The Plan's Tower Siting section recommends that towers and structures be located in the area of least visual impact within the site which will allow the facility to function consistent with its purpose, that the applicant show its proposed equipment cannot be accommodated and function as required by its construction permit or license without unreasonable modifications on any other existing facility, that the applicant make reasonable efforts to obtain waivers of FAA coloring and lighting requirements, that the Official Development Plan specify a time frame within which towers to be consolidated will be removed, that the applicant show that adequate fire protection is available, and that new towers should be permitted only when an equal face area of existing tower(s) can be removed. The proposal fails to meet these recommendations.
5. That the proposal does not meet minimum standards for telecommunications facilities contained in the Jefferson County Zoning Resolution for the following reasons.
- a. The applicant failed to provide copies of easements necessary for access to the site. The applicant has failed to produce evidence that it holds valid easements over all properties traversed by the current physical access road to the site.
 - b. The proposal does not demonstrate adequacy of public services to the site. The property is currently included in the Coal Creek Canyon Fire Protection District. The Coal Creek Fire Protection District has required that the road to the site be upgraded to address access and service problems; however, the applicant has not proposed such road upgrades. The applicant has stated that the Fairmount Fire Protection District would serve the site; however, the applicant has failed to provide documentation evidencing a commitment by Fairmount to serve the site.

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- c. The proposal does not demonstrate that no alternative existing site is available to accommodate the equipment at a reasonable cost or other business terms.
- 6. That the proposal is incompatible with existing and allowable land uses in the surrounding area.
- 7. That for the above-stated reasons, the applied for rezoning is not in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the residents of Jefferson County.
- 8. That each of the factors set forth above is adequate independently to support this resolution.

NOW, THEREFORE, BE IT RESOLVED that Rezoning Application Case No. 00015485RZP1 to amend Jefferson County Zoning Map No. 164 to rezone the Agricultural-One (Special Use) Zone District to Planned Development Zone District for the following described unincorporated area of Jefferson County, be and hereby is DENIED.

Legal Description:

N ½ of N ½ of the NW ¼, Section 1, Township 2S. Range 71W. of the 6th Prime Meridian.

Commissioner Holloway seconded the adoption of the foregoing Resolution. The roll having been called, the vote was as follows:

Commissioner Richard M. Sheehan	Aye
Commissioner Patricia B. Holloway	Aye
Commissioner Michelle Lawrence, Chairman	Aye

The Resolution was adopted by unanimous vote of the Board of County Commissioners of the County of Jefferson, State of Colorado.

Dated: April 30, 2002