

It was moved by Commissioner KNUDSEN that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

COUNTY OF JEFFERSON

STATE OF COLORADO

RESOLUTION

Case Number: 00015485RZP1
Applicant: Pinnacle Towers
Location: 11534 Plainview Road
Map Number: 104 and 105
From: Agricultural-One (Special Use)
To: Planned Development
Purpose: To develop a multi-use telecommunications site.
Approximate Area: 40.0 Acres

The Jefferson County Planning Commission hereby recommends DENIAL of the above application on the basis of the following facts:

1. That the factors upon which this decision is based include evidence and testimony presented in this case.
2. The Planning Commission finds that:

Based on the evidence and testimony presented in this case, this Commission finds that the Applicant has made several substantive changes to their original application. These include reducing the number of towers from three to two, with only one reaching a height of 450 feet above grade, reducing the quantity of flammable material kept on site, eliminating the heliport and proposing more stringent noise standards for the emergency generators thereby reducing noise impacts, and reducing the size of the proposed transmission buildings. However, the Applicant has not addressed a number of the critical issues noted in the previous Denial resolution unanimously adopted by this Planning Commission on November 7, 2001.

A. The Proposal is not in compliance with the Zoning Resolution and Jefferson County Telecommunications Land Use Plan:

1. Unresolved access issues. Sec. 15 F.1.f of the Zoning Resolution (Planned Development For Telecommunications Towers) requires copies of any easements necessary for access, guy wire anchors or other off-site uses. The Applicant does not have any road or utility easements for that portion of the proposed access road, which is the current physical access road, that crosses State Parks land because they have not negotiated and reached an agreement on such access with Colorado State Parks, which in turn would require approval from a federal agency, the Bureau of Land Management. Furthermore, the Applicant has not provided adequate proof of legal access across any other properties adjacent to the site.
2. Unresolved fire protection issues. Sec. 15 C.3.g of the Zoning Resolution says that the Planning Commission may consider the adequacy of the public services available to serve the proposed use. Tower Siting and Review Policy 1.f, Telecommunications Land Use Plan (Page 13), states that the applicant should show that adequate fire protection is available. No alternative fire protection agreement has been provided at this time. The Coal Creek Canyon Fire Protection District has stated that they cannot begin to address the several fire protection related issues until such time as safe access for fire

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protection is assured via an access road meeting County road standards. The Applicant has not proposed to modify the access road to meet County road standards.

3. **Equipment issues.** The proposal does not meet the requirements of Section 15 F.2.b(1) of the Zoning Resolution with respect to minimum standards for proposed equipment, or Tower Siting and Review Policy 1.b of the Telecommunications Land Use Plan demonstrating that no existing site is available to accommodate the proposed equipment, because no specific equipment proposal was presented in the application.
 4. **Tower face area issues.** The proposal significantly increases tower face area on the site. Tower Siting and Review Policy 2.c.1 of the Telecommunications Land Use Plan states that new towers should be permitted only when an equal face area can be removed or credited. Without an analysis to show otherwise, the Applicants proposal still does not meet the intent, let alone the specifics, of this policy.
- B. The proposal is not in conformance with portions of the North Mountains Community Plan and the Telecommunications Land Use Plan and it is incompatible with the surrounding land uses based on visual and noise criteria.**
1. **Visual resource nonconformance and incompatibility.** Visual and Noise Impacts Policy 1 of the Telecommunications Land Use Plan (Page 9), states that, "Telecommunication facilities should result in a minimal visual impact for those residents in the immediate area and for those in the larger community who view these facilities from a distance", and Policy 6.c says to locate towers away from key public viewpoints. The Goal, Objectives and Visual Resources Policies 1, 2, 3, 4, and 14 of the North Mountains Community Plan (Pages 46, 47) essentially require a development to be sensitive to the visual resources of the surrounding area. A proposed new tower with a height of 450 feet is actually placed for a maximum visual impact by being located on a front range ridge line at the top of El Dorado Mountain, which is immediately adjacent to the plains, and the proposed tower will now require appropriate painting and lighting per FAA regulations whereas the existing 160 foot tower requires no special painting or lights. Potential waivers for tower lighting and painting by the FAA do not rise to the level of actual mitigation. If legal access across property to the south was confirmed, physical access would in all likelihood require the construction of a highly visible road with numerous switchbacks up the eastern face of Eldorado Mountain. The construction of such a road would represent a significant and substantive change to the existing proposal.
 2. **Noise nonconformance and incompatibility.** The proposal doesn't conform to Noise Policy 2 of the North Mountains Community Plan (Page 13) or Visual and Noise Impacts Policies 8 and 9 of the Telecommunications Land Use Plan (Page 10). The proposal has removed the heliport and does further address the noise that would be generated by new, and larger, diesel-fueled emergency electrical generators. Furthermore, Eldorado Canyon State Park which is immediately to the west and park and open space lands immediately to the north, are areas essentially set aside for, and where one would expect to find, relative quietness and tranquility. The use of large emergency generators will adversely impact, and are incompatible with, the purposes and uses of parks and open space lands.

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Commissioner ROUSSELOT seconded the adoption of the foregoing Resolution, and upon a vote of the Planning Commission as follows:

Commissioner COLE	-	Aye
Commissioner SICCARDI	-	Aye
Commissioner FOX	-	Aye
Commissioner STIEGHORST	-	Aye
Commissioner ROUSSELOT	-	Aye
Commissioner KNUDSEN	-	Aye
Commissioner ROSASCO	-	Aye

the Resolution was adopted by unanimous vote of the Planning Commission of the County of Jefferson, State of Colorado.

I, DEBORAH R. KIRKEGAARD, Executive Secretary of the Jefferson County Planning Commission do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Jefferson County Planning Commission at a regular hearing held in Jefferson County, Colorado, on February 13, 2002.



Deborah R. Kirkegaard
Executive Secretary