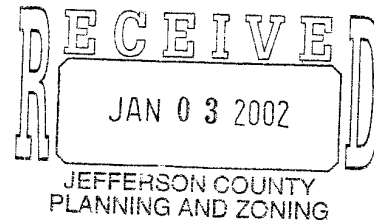


Susan Douglass  
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3045 Galena Way  
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January, 3, 2002

Susan Wood  
Jefferson County Planning and Zoning  
100 Jefferson County Parkway, Suite 3550  
Golden, CO 80419



Re: **Pinnacle Towers Case No. 00015485RZP1/EXP1 Referral**

Dear Ms. Wood,

Thank you again for the opportunity for **Shanahan Ridge VI, HOA** to comment on the December, 2001 Official Development Plan (ODP) submitted by Pinnacle Towers, Inc. (Pinnacle) for its development of Eldorado Mountain. An overwhelming number of our homeowners are greatly concerned about the negative impacts we would suffer if rezoning of this prime view corridor land occurs. Note the attached petition, sanctioned by our Board of Directors, and submitted at the Planning Commission hearing on September, 5, 2001.

At the December 10, 2001 Board of County Commissioners Hearing, the Pinnacle Towers ODP author and representative, Joseph Benkert, not only requested a continuance based on significant changes he claimed would be made in the Written Restrictions, but he also referred to additional facilities and rezoning to occur at the site. His sworn testimony, recorded at that hearing, leads us to question the intent and substance of this rezoning request. We can only surmise that this sixth version of the Written Restrictions represents a false portrayal of Pinnacle's real plans and a poorly veiled attempt to circumvent the county Planning Commission process.

Numerous references in these Written Restrictions about future towers, buildings, and building expansions, along with the applicant's requests for unlimited numbers of tenants, and transmission and receiving devices, indicate that Pinnacle's plans are exactly the same as they have consistently stated since their November, 2000 submittals requesting rezoning to construct the main Denver metro area telecommunications facility on Eldorado Mountain.

We are still concerned that the applicant is unable to show proof of legal access to the site. In fact, legal access to this site has apparently been an issue from the time it was purchased by the former owner, William Schueller. After his purchase, maps observed in the state parks office in Denver, show that the access road which had been illegally bulldozed on neighboring lands, was also falsely located. Wouldn't it be better for all concerned, if proof of legal access were determined prior to the county spending additional hours and dollars on this application?

There is an incredible degree of incompatibility with the North Mountains Community Plan (NMCP), the Telecommunications Land Use Plan (TLUP), the Front Range Mountain Backdrop Study, and the Jefferson County Zoning Resolution. **We sincerely request denial of this plan in order to uphold these policies and documents.** County policy should be consistently adhered to, or, if the above mentioned documents no

longer apply, then the county should reasonably go through the public process of their revision. If standards other than those mentioned here are, or are planned to be used in the evaluation of this rezoning proposal, it would only be fair to let the public know what those standards or criteria are.

Please refer to earlier Shanahan Ridge VI comments, dated March, 28, August 15, and September, 5, 2001 (attached), for concerns which have not changed, as it is clear that Pinnacle's development plans have not changed. Additional specific concerns are as follows: (Written Restriction #'s)

- D.1.
  - The wording "more or less," describing use areas A and B needs to be specific. As is, it leaves open the possibility of abuse by the applicant or clients.
- D.1.a.
  - Pinnacle is requesting that no limits be placed on the types of electronic or telecommunication devices or uses for the site. No mention is given here to county review for the necessity of these devices or for safety of those on surrounding lands.
- D.2.a.
  - The area near the top of Eldorado Mountain is highly visible to our community. Roads, overhead or underground utility lines, and unspecified "other utility facilities," etc. would completely disrupt the natural habitat on the mountain. Construction, blasting noise, and drainage issues are raised and not adequately dealt with.
- D.2.b.
  - Any structures or facilities placed in Use area B, including electric and telecommunication lines, fences, gates, and lighting need to be designed so that they are not visible from our community and other developments to the northeast on densely developed Shanahan Ridge.
- E.1.a.
  - Flammable fuel storage would prove dangerous in this location of high fire danger. Additionally, any trees or existing vegetation in the way, would be scraped aside to permit blasting for underground storage. This would contribute to the loss of wildlife habitat and excessive noise levels adjacent to state park and open space lands.
- E.2.
  - Any " other uses customarily ancillary..." need to be carefully spelled out in order to avoid future misuse of the site.
- G.1.
  - Please note our concern over the mere 50 feet of setback on three of the property lines. Have fall-down rules been considered in relation to the 450 foot tower requested by Pinnacle in this

rezoning or for the future towers requested in the next rezoning?  
Item G.2.c. appears inconsistent with these setback distances.

G.2.

Tower standards do not show how this proposal and the future facilities at the site, mentioned by Joseph Benkert in his testimony before the BCC, will comply with a reduction in tower face area in this region or location. Proliferation of towers would be caused by this request for a 450 foot, 45 foot wide tower with 10 foot extensions, and a new 180 foot, 45 foot wide tower with 10 foot extensions. We prefer to know what the real plans call for at full buildout. What exactly are Starmounts, T-tops, and Bar-tops? What other types of structures, not mentioned, would be allowed? The county should rightly consider as part of the face area calculations, the 10-foot planned extensions. These would make the true widths 55 feet.

We are unaware whether Pinnacle has supplied a visual analysis for 450 foot towers – to replace its misleading study for lower towers.

G.2.d.

This item, as written, would exempt Pinnacle from future compliance with Zoning Resolution Section 15.F.1.g.

G.2.e.

What is the exact face area Pinnacle proposes to eliminate from another location? Calculations should be supplied for public review. How will the TLUP requirement to reduce the face area at the Eldorado Mountain location be satisfied? This proposal, if approved, would eliminate only one small legal tower, while permitting massive proliferation in a location undergoing preservation efforts.

G.2.g.

The wording in this item infers that it is not the applicant's wishes to install strobe lights on the towers – as if they are not responsible for the visual destruction planned along this nationally renowned section of Colorado's Front Range Mountain Backdrop. Contrary to previous statements Mr. Benkert has made, that Eldorado Mountain is not part of the "Flatirons," the geologic Fountain Formation cliffs on the east face of Eldorado Mountain form the majestic southern anchor of the "Flatirons." Local property desirability and values would decline accordingly as 24-hour strobe lights flash into homes that were built and purchased with the present land uses and zoning.

G.2.i.

Pinnacle asserts that this site design is for at least 11 digital television, and 11 analog television broadcast, 8 FM broadcast stations, etc., with the provision that no limit be placed on the number of broadcast station facilities at this site. One must question whether Pinnacle intends to accommodate the unlimited

number of stations solely on the 450 foot and 180 foot towers in this rezoning proposal.

A representative from our HOA was present on a March, 2001 site visit, when Mr. Benkert and William Schueller (former owner and present Pinnacle employee) were questioned about Pinnacle's stated need for multiple towers. Pinnacle carefully explained that three towers would be needed if the Federal Quiet Zone were to be protected. Pinnacle needs to document exactly how this is no longer the case, given its plans for unlimited broadcast facilities on this site.

G.2.k.

This proposal needs to state whether any building or ground-mounted antennas, towers, or devices will be supported by guy wire anchors.

G.4.c.

Architectural drawings submitted for this site make it difficult to determine the maximum building height. Any solid enclosure is reasonably considered a building, and thus we must assume that there would be allowed an unlimited number of 78 foot high building-mounted antennas (of unspecified mass and shape). The height of local trees on this mountaintop must be considered in terms of their screening ability. Any towers, buildings, or ground-mounted antennae should be placed below 80% of the average tree height so as not to disrupt the natural ridgeline.

G.5.

What would the allowed building and antenna heights be in relation to the difference between the average grade (not stated by the applicant) and the actual construction grade?

G.6.a.(1)

Pinnacle needs to be straightforward about how many buildings and what square footage it intends. Planned extensions to building footprints or heights, as mentioned in these Written Restrictions, need to be portrayed in calculations and drawings .

G.6.a.(2)

The drawings submitted with this version of the written restrictions are inconsistent with, and misrepresent, the stated 48 foot height of the main transmission building. The drawing does not show a 48 foot building topped by additional parapets, to reach over 63 feet in height. This 63 foot height is taller than the highly-visible, 60 foot illegal tower recently allowed on the site. The proposed mass of industrial buildings would be grossly incompatible with surrounding land uses.

G.6.b.

The stated 52,000 square feet of floor space needs to include all proposed equipment storage, fuel storage, and generator buildings. Future expansion areas described here also need to be

tallied into the floor space figure to give an accurate estimate of ridgeline development. The future antennas drawn on this site plan need to be calculated as either tower face area or building square footage.

G.7.a.

The construction of ridgeline buildings is not in compliance with either the TLUP, NMCP, or the Front Range Mountain Backdrop Study. We expect county policies and guidelines to be applied consistently with other tower proposals which were, in the past few years, turned down (in large part) due to negative visual impacts.

The homes in our HOA, and hundreds of others on Shanahan Ridge to the northeast, need to be recognized as having Eldorado Mountain as important viewshed. Pinnacle has repeatedly ignored our homeowner's requests in earlier correspondence to document the loss of property value due to their plans to rezone the present agriculturally zoned lands. Instead Pinnacle hired a real estate "expert" who testified that our property values would increase at normal rates and that residents "needed to be educated" to ease their fears.

G.10.

Nighttime visual pollution is a serious concern; we request that illumination from lit signage not be visible from our nearby community.

G.11.

Exterior continuous nighttime lighting on 12 foot poles will only add to the unacceptable nighttime pollution of the mountain backdrop that this rezoning would allow.

G.13.

If trees are to be planted on this mountaintop site for screening purposes, the great number of years required for native trees to grow to screening heights needs to be specified. Also, it will be difficult for tree heights to ever grow tall enough to screen 78 foot antenna structures, and impossible for trees to screen 450 foot tall strobe-lit towers. The public needs to know how many trees will be removed for the development of this mountain.

G.16.

Noise generated from any equipment at this site needs to be scaled to consider the uses of the neighboring lands. To allow 70db(A) on the border of state park and open space lands where people rely on peace and quiet to recharge from their normal hectic lives, would be unacceptable both now and in the future. Rezoning would in effect designate public lands as an industrial buffer zone and would override future legitimate uses of those lands.

J.

Lack of adequate public review and comment for additional, unlimited antennas and their combined transmission wattage, as the applicant is here requesting, (with only a permit required for high-power RF sources) has the potential to allow an uncontrolled proliferation of devices on the site and an unhealthy buildup of NIER on bordering lands. In order to maintain safe levels of NIER, the county should have the right to make unannounced measurements at any time, either on, or off site. It would prove unwise for the county to give away control and allow Pinnacle to self-regulate and mitigate NIER when that corporation's profits depend on maximum NIER from the site. Considering the health concerns of residents and others regarding the telecommunications site on Lookout Mountain, we believe it would be prudent for the county to make sure it can provide FCC- safe levels of RF from that site before allowing the problem to affect even more people and land.

J.7.a.

Interference to consumer electronics in our neighborhood has not been adequately addressed by the applicant. We need first to have Pinnacle supply figures and maps for their proposal at full buildout (they have had ample time to do so, but have chosen not to). The Mullaney and Raines report shows the extensive area of blanketing interference from only one, 100 kw FM station- not the 11 digital, 11 analog, 8 FM stations here proposed. Blanketing interference maps need to be supplied for actual transmission intensities planned by the industry- 1.64 MW or 5 MW per station, as indicated in the NIST report. It is clear that independent judgement should be made regarding interference claims. Measurement and mitigation should be controlled by an entity with no connection to profit from the site.

Exhibit No. 9

The applicant has not complied with Zoning Resolution Section 15.F.1.g. Pinnacle needs to demonstrate that it has sent out letters which clearly state the real proposed equipment they plan for the site. They also need to provide responses from the contacted site owners which indicate that the equipment for which the proposed 450 foot tower is being constructed, cannot be accommodated on their existing or approved towers.

Zoning Resolution item 15.F.2.a.1 states that "The need for structural or equipment modifications shall not alone be sufficient to demonstrate nonavailability." It is thus quite possible that other existing towers in the region could accommodate equipment to service the two hypothetical Pinnacle clients.

Contrary to what Pinnacle indicates here, in the first half of paragraph 4, regarding lack of suitable alternative sites, the case file contains a letter from Squaw Mountain Communications stating that their site can accommodate not only the equipment

Exhibit No. 9- cont.

proposed for the new 450 foot tower, but also the equipment previously proposed by Pinnacle in earlier versions of this plan.

Pinnacle, in essence, admits in the third paragraph of Exhibit 9, that it would be shortsighted of them to not rezone after this rezoning, to allow further tower development, and additional station accommodation.

The applicant also here claims that the Eldorado Mountain site is the most suitable, while numerous engineering studies on file, including their own Mullaney and Raines Report, indicate that other regional transmission sites could provide the signal strength required by the FCC.

#### Mullaney and Raines Statement

In regards to future station accommodation and expansion as mentioned by Pinnacle, both in December 10, 2001 testimony, and here on pages 5, 6, and in Exhibit 9, the statements in this analysis are inconsistent with Pinnacle's stated plans. This analysis needs to be in agreement with the site engineering plans, as Pinnacle states here in item G.2.i, for 11 digital and 11 analog television broadcast stations, along with the 8 FM and other broadcast stations.

Thank you for considering our input on this rezoning proposal. Please feel free to contact us through Susan Douglass at 303-554-1959.

Sincerely,



Susan L. Douglass  
Liaison for Shanahan Ridge VI, HOA