

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

BEFORE THE PLANNING COMMISSION

COUNTY OF JEFFERSON

STATE OF COLORADO

**RESOLUTION**

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Case Number: 00015485RZP1  
Applicant: Pinnacle Towers  
Location: 11534 Plainview Road  
Map Numbers: 104 and 105  
From: Agricultural-One (Special Use)  
To: Planned Development  
Purpose: To develop a multi-use telecommunications site with a maximum of three towers.  
Approx. Area: 40.0 Acres  
Continued from: September 5, 2001, September 26, 2001 and October 10, 2001

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:
  - A. The Proposal is not in compliance with the Zoning Resolution and Jefferson County Telecommunications Land Use Plan:
    1. Unresolved access issues. Section 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 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. The Applicant's proposal does not meet a critical component of the site access requirements of the Zoning Resolution.
    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. The Applicant's Written Restrictions allow both above ground and underground storage of a variety of flammable fuels along with their distribution systems. 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 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. The Applicant's proposal does not adequately address fire protection issues.

3. The proposal does not meet the requirements of Section 15 F.2 of the Zoning Resolution with respect to minimum standards and also the requirements of the Telecommunications Land Use Plan with respect to a demonstration 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 increases tower face area within the site without sufficient mitigation. 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. Currently, the existing 160-foot tower would be removed if and when they build a third tower. In a letter from the Applicant dated October 3, 2001, they stated that they would accept as a condition of approval a requirement to remove one of their two Lookout Mountain towers. The end result is three large towers replacing one small tower and one tower of unspecified height. Without an analysis to show otherwise, the Applicants proposal does not meet the intent, let alone the specifics, of this policy.
- B. The proposal is incompatible with the surrounding land uses based on visual and noise criteria.
1. Visual resource incompatibility. The proposed towers would exacerbate an existing Front Range problem – numerous large lighted telecommunication towers that dominate a skyline vista. 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 and 47) essentially require a development to be sensitive to the visual resources of the surrounding area. The proposed towers are actually placed for a maximum adverse visual impact by being located on a front range ridge-line near the top of El Dorado Mountain which is immediately adjacent to the plains. Their number is increased from one to three and the height from 160 to 450 feet. Total tower face area is increased by several factors, and the proposed towers will now require appropriate painting and lighting per FAA regulations whereas the existing 160-foot tower required no special painting or lights. Potential waivers do not rise to the level of actual mitigation. The alternate access is an incompatible land use because of the negative visual impacts on the eastern face of Eldorado Mountain.
  2. Noise incompatibility. The proposal does not 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). It is unacceptable to use public park and open space lands as a noise buffer between the site and residences in the nearby area. The proposal allows for unrestricted use of the proposed private heliport between the hours of 7:30 a.m. and 7:30 p.m., and emergency services at other hours. Such unrestricted access would create excessive noise levels in Eldorado Canyon State Park which is immediately to the west and Park and open space lands immediately to the north, an area essentially set aside for, and where one would expect to find, relative quietness and tranquillity. A letter from the Applicant dated October 3, 2001, stated that they would be willing to restrict helicopter access to emergency service only. However, they have neither defined what constitutes emergency services, nor stated why the time differential between road and helicopter access is so critical as

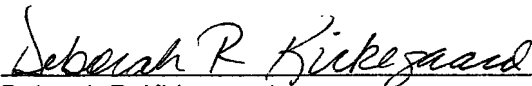
to require helicopter access. In addition, the proposal does not address the noise that would be generated by new, and much larger, diesel-fueled emergency electrical generators. The Site Plan shows a generator building, but the Written Restrictions do not require such generators to be inside a building.

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

Commissioner FOX	-	Aye
Commissioner ROSASCO	-	Aye
Commissioner COLE	-	Aye
Commissioner ROUSSELOT	-	Aye
Commissioner SICCARDI	-	Aye
Commissioner KNUDSEN	-	Aye
Commissioner STIEGHORST	-	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 November 7, 2001.

  
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Deborah R. Kirkegaard  
Executive Secretary