



COUNTY OF ELBERT

**COMMUNITY & DEVELOPMENT SERVICES
OFFICE**

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Date: April 20, 2016
For the Elbert County Planning Commission meeting of
Date: May 3, 2016

TO: ELBERT COUNTY PLANNING COMMISSION

FROM: ETHAN WATEL, AICP, SENIOR PLANNER (BASELINE CORP.)
APPROVED: KYLE FENNER, DIRECTOR OF CDS

**RE: SUR 16-0002 BRIDGER WIRELESS TELECOMMUNICATIONS SITE. USE
BY SPECIAL REVIEW FOR ONE CELLULAR COMMUNICATION
FACILITY TOWER LOCATED IN A PORTION OF THE EAST ½ OF THE
SOUTHEAST ¼ OF SECTION 35, TOWNSHIP 10 SOUTH, RANGE 60
WEST OF THE 6TH P.M. IN ELBERT COUNTY.**

APPLICANT: BRIDGER WIRELESS o/b/o Tad and Cherri Eurich (landowners)

REPRESENTATIVE: DARREN HUNTER, CENTERLINE SOLUTIONS

SUMMARY OF REQUEST:

The applicant, Centerline Solutions, on behalf of Bridger Wireless, is requesting a Special Use Review permit for the construction and operation of a telecommunication facility consisting of one telecommunication radio tower 195 feet in height. The tower is to be located on land owned by Tad and Cherri Eurich who have entered into a lease with Bridger Wireless.

The applicant is proposing a Special Use Review only for the structural tower and not any antennas or accessory structures. Those antennas and structures shown on the site plan, besides the tower, are examples. The tower is designed to accommodate up to four carriers.

PERTINANT DATA:

Site Description – The site is comprised of a lease of 10,000 square feet (100 feet x 100 feet) on an approximately 68 acre parcel. In addition to the lease area there is

an access easement and three guy wire easements. The site is located in a portion of the East half of the Southeast quarter of Section 35, Township 10 South, Range 60 West of the 6th P.M. The property is immediately south of the Town of Simla at 31300 Summit Street, 80835.

There is an existing home on the property. The property is and will continue to be used for agricultural purposes. The home is accessed from the north from Summit Street in the south side of the Town of Simla. The proposed tower and cellular facility will be accessed from the east at the intersection of CR 127 and CR 74.

Topography – The site is mostly flat with some slope to the east.

Floodplain – There are no designated flood hazard areas on the parcel. Approximately 0.75 miles to the east there is a FEMA floodplain in an unnamed tributary of Big Sandy Creek.

Existing Zoning – A (Agriculture)

Proposed Zoning – No change, but will add a Special Use on the property if approved.

Surrounding Land Use and Zoning –

- North: Town of Simla
- South: El Paso County
- East: A - Agriculture / rangeland
- West: A - Agriculture / rangeland

EVALUATION: BACKGROUND: The application for this proposal was received in November 2015. Once the application was deemed complete, referral packets were ordered and submitted to appropriate agencies. Public hearing dates were set.

Planning Commission date is: May 3, 2016
Board of County Commissioners date is: May 25, 2016

Part II, Section 17, C, 3 of Elbert County Zoning Regulations requires that Community & Development Services receive comments from the appropriate referral agencies to evaluate requests for a Special Use. Failure of a referral agency to submit comments in writing shall constitute approval by that agency. Following is a summary of comments received. Copies of each comment are attached.

Elbert County Assessor's Office: No response.

Elbert County Mapper: New address needed on County Road 127.

Elbert County OEM: No response.

Elbert County Engineering: No comment.

Elbert County Public Works: No response.

Elbert County Environmental Health: No waste/septic systems involved.

Elbert County Sheriff's Office: No response.

Simla Volunteer Fire Department: No response.

Elbert County Communications Authority: Responded with comments and conditions.

Double El Conservation District: No response.

Mountain View Electric Association, Inc: No objection.

Big Sandy School District: No objections.

Town of Simla: No response.

Colorado Parks & Wildlife: No response.

Colorado Division of Water Resources: Responded with comments.

Federal Aviation Administration, (FAA): Mr. Doug Felix of the Federal Aviation Administration, (F.A.A.) Fort Worth, TX responded with information the F.A.A. would need for the telecommunication towers.

Elbert County Community & Development Services:

Elbert County Zoning Regulations, Part II, Section 17, A, 5, f.- Antenna Support Structures Higher than 120.1 feet:

- Applications for antenna support structures whose height exceeds 120 feet shall be subject to the regular applicable “Special Use Review” procedures.
 - This application is being processed according to those “Special Use Review” procedures.
- If applicable, evidence must be presented indicating that the proposed structure meets the requirements of the Federal Communications Commission and the Federal Aviation Administration.
 - Project Referral information was submitted to the Federal Aviation Administration. Mr. Doug Felix of the Federal Aviation Administration responded with information pertaining to the FAA’s Notice Criteria

Tool and that the FAA process for conducting aeronautical studies is not a land use process and is not used for land use issues or applications.

- The applicant has stated that the FAA does not require registration of towers that are less than 200' in height unless it is located near an airport. The proposed tower is not located near an airport.
- The Federal Communication Commission was not sent a referral. The applicant is only proposing a tower at this time.
- The applicant has stated the Bridger Wireless will comply with any and all FCC and FAA rules and regulations.

AND

Elbert County Zoning Regulations, Part II, Section 17, A, 10. Cellular Communications Facilities Special Use Review Approval Standards. Subsections a through f apply to this application. Please refer to the findings below.

Comments received by the Applicant from neighboring property owners within a quarter mile: As of the date of this staff report, no comments have been received from nearby area property owners. The property was posted with a sign advertising the hearing dates and brief explanation of the application, the notice was placed in the paper, and area property owners were sent a mailing, twice.

FINDINGS:

Approval of this proposal requires compliance with the Elbert County Master Plan, Zoning Regulations, and Subdivision Regulations. Staff comments are underlined to differentiate the comments from the Code/Section reference.

Zoning Regulations

Part II, Section 17, B., 7: *The following criteria shall be considered by the Planning Commission and the Board of County Commissioners in reviewing all Special Use Review applications:*

- a. *Whether the proposed Special Use complies with the requirements of the Elbert County:*
 1. *Master Plan – The Master Plan does not include discussion about Special Uses. According to Master Plan policies, any new development will be required to meet all County development standards and regulations.*
 2. *Zoning Regulations - This proposal is located within an Agriculture zoning designation (A), and is subject to Uses Permitted by Special Review. This includes the following evaluation of the proposal's compliance with the specified standards of approval, Antenna Support Structures*

and Cellular Communications Facilities. See below for more information.

3. *Subdivision Regulations* – This proposal is not subject to subdivision regulations in an Agriculture zoned area.

b. *Whether the proposed Special Use is in harmony and compatible with the surrounding area and neighborhood.*

This proposed Special Use is located in an Agriculture zoned area. The Special Use is deemed to be in harmony and compatible with the surrounding area as long it meets all the zoning criteria of Uses Permitted by Special Review.

c. *Whether the proposed Special Use will adversely impact the provision of public services.*

The proposed tower is not anticipated to adversely impact the provision of public services. There will be no need for daily employment onsite. Upon completion of construction, continuing impact on adjoining roadways is anticipated to be very minimal.

d. *Whether the proposed Special Use will adversely impact the environment.*

The environmental impact is anticipated to be minimal. The applicant does not anticipate erosion, sedimentation, runoff or loss of ground cover will be impacted. If they are, necessary erosion protection and/or revegetation will be used.

e. *Whether the proposed Special Use will increase traffic congestion or burden the existing road system.*

Following construction, use of roadways is anticipated only for periodic use necessary for maintenance. There will be no daily employees at the site.

f. *Whether the proposed Special Use will be adequately landscaped, buffered and screened.*

Landscaping and screening are not applicable for towers of this height.

g. *Whether the proposed Special Use will not otherwise be detrimental to the health, safety or welfare of the present or future inhabitants of Elbert County.*

No concerns about health, safety, or welfare of present or future inhabitants of Elbert County were expressed by any referral agencies.

Further, there are specific Approval Standards for Cellular Communications Facilities:

Part II, Section 17, A.10.c. *General Approval Standards – the Special Use Review will be approved upon the finding that:*

- 1) *The facility is architecturally and visually (color, bulk, size, etc.) compatible with the surrounding land uses, buildings, structures and vegetation in the area or those likely to exist under the terms of the underlying zone district. The facility is relatively not bulky given its height of 195 feet. A tower is visually compatible with uses and buildings found in the A zone district, provided this tower does not block any view corridors.*
- 2) *The highway corridor viewshed, defined as the area 1/2 mile on either side of SH 86, SH 24 or I-70 or surrounding residential view corridors or special landforms have been preserved. The tower is not located within 1/2 mile of Highway 24. There are no special landforms nearby and residential view corridors will not be obstructed by the tower.*
- 3) *The facility is designed to be compatible with the surrounding uses and does not dominate the landscape. The facility will not dominate the landscape. The tower is compatible with the agricultural field within which it is located.*
- 4) *The facility is not a dominant silhouette on a ridgeline. The facility is not located on a ridgeline.*
- 5) *The existing vegetation has been preserved or improved and disturbance of the site has been minimized unless such disturbance to vegetation and topography results in less visual impact to the surrounding area. The tower will be located in the agricultural field of the lessees' property. The area surrounding the tower will remain agricultural.*
- 6) *The applicant has demonstrated the proposed site fits into the overall network of service that is provided by the applicant. Bridger Wireless identified this site as an ideal location for servicing the community's wireless needs as necessary for cellular/mobile providers in the future.*
- 7) *The facility meets the definition of utility service facility-cell site and other applicable standards of the zone district of which it is located. The facility meets the definition of a utility service facility and meets the standards of the Agriculture zone district.*
- 8) *A landscaping plan and/or solid wood fence may be required to screen or buffer a structural tower.*

Given the tower's location in an agricultural field and the tower's height, a landscaping plan and/or solid fence is not required. The tower will be surrounded by a 60'x60' chain link fence.

Part II, Section 17, A.10. f. *Approval Standards in the A, A-1, A-2 and AR Zone Districts – The following standards shall apply to facilities located in the Agriculture (A), Agricultural-One (A-1), Agricultural-Two (A-2) and the Agricultural Residential zone districts.*

1) *Support Structures (A, A-1, A-2 &AR) – Support structures will be allowed when:*

a) *Located outside the Highway Corridor Viewshed, defined as 1/2-mile on either side of SH 86, SH 24 or I-70.*

The tower is not located within 1/2 mile of Highway 24 therefore it is not with the Highway Corridor Viewshed.

b) *The facility is designed to be compatible with the surrounding uses and does not dominate the landscape. Landscaping and/or a solid wood fence may be required.*

The facility will not dominate the landscape. The tower is compatible with the agricultural field within which it is located. Landscaping and/or solid wood fencing may be necessary when providers come through the Elbert County SUR required process in the future to add antennae or panels, etc.

c) *The structure is not a dominant silhouette on a ridgeline.*

The structure is not located on a ridgeline.

d) *Surrounding residential view corridors or special landforms have been preserved.*

There are no special landforms nearby and residential view corridors will not be obstructed by the tower.

e) *The existing topography and vegetation provide the greatest amount of screening/backdrop possible to the site.*

There are no trees in the area of the proposed tower to provide any natural screening. The topography is very flat. Please see the site photos in the application materials.

f) *The existing vegetation has been preserved or improved and disturbance of the site has been minimized unless such disturbance to vegetation and topography results in less visual impact to the surrounding area.*

The lessee desires to continue using the site for agricultural purposes. As such, the applicant will minimize disturbance on the property.

g) The structure is located at least fifty feet (50') from the property line, or the base of the structure is no closer to the property boundary than the height of the structure, whichever is greater.

The 195' tall tower is located 213' from the western property line and 200' from the southern property line.

2) *Antennas – Panels, Arrays, Dishes (A, A-1, A-2, AR)*

This section does not apply as the applicant is not proposing any antenna at this time.

3) *Antennas – Whip (A, A-1, A-2, AR)*

This section does not apply as the applicant is not proposing any antenna at this time.

4) *Accessory Equipment – All accessory equipment shall be concealed within a structure or screened by vegetation, fencing, or another manner approved by Community and Development Services. Setbacks and height limitations of the zone district shall apply.*

The applicant is proposing a propane tank next to the tower. Future uses indicated are a carrier equipment shelter and carrier equipment pad. All of these items will be located within the fenced area of the site if this SUR is approved. The locations indicated on the site plan meet the A zone district side and rear setbacks (50 feet).

RECOMMENDATION:

Because this application has met the criteria set forth in the Elbert County Zoning Regulations and as we understand it that there are no objections from other governing bodies, the recommendation of Community & Development Services is to approve **SUR 16-0002 BRIDGER WIRELESS TELECOMMUNICATIONS SITE. USE BY SPECIAL REVIEW FOR (Only) ONE CELLULAR COMMUNICATION FACILITY TOWER LOCATED IN A PORTION OF THE EAST ½ OF THE SOUTHEAST ¼ OF SECTION 35, TOWNSHIP 10 SOUTH, RANGE 60 WEST OF THE 6TH P.M.** subject to the following conditions:

1. The applicant will be required to remove the Public Hearing sign within seven (7) days of approval by the Board of County Commissioners. A letter to that effect will be placed in the Community & Development Services project file, prior to recording of the Special Use; and
2. The Special Use will not become effective until all fees are paid, conditions of approval are met, and documents recorded; and

3. Record action of all appropriate documentation to occur within 180 days of Board of County Commissioners' approval; and
4. The applicant shall comply with the following requests of the Elbert County Communications Authority:
 - a. 6' of vertical space at or above the 160' level on the tower for a 3' dish pointed generally north.
 - b. 10' of vertical space at about the 100' level on the tower for a 3' dish pointed generally north along with up to 4 small 700/800 MHz band antennas and two small VHF omni antennas.
 - c. Space on the ground near the base of the tower for either an outdoor cabinet to house equipment or a communications hut up to 6' x 10'.
 - d. Unrestricted access for technicians installing and supporting this equipment
 - e. a through d above at no cost to ECCA or Elbert County
5. Prior to any carrier installing antennas, panels, arrays, or dishes, and/or associated equipment on the tower and/or pad, a separate additional individual Special Use Review permit shall be processed in accordance with the Elbert County Zoning regulations and needs to gain an approval in advance of any applicable building permits that are required; and
6. In the event that within eighteen months of the approval of this Special Use Review Permit, no carrier has installed antenna (permitted in accordance with Condition 4 above) and the tower is not used for the purposes of a cellular telecommunications facility, the Special Use shall be revoked and the tower shall be decommissioned within 60 days after official notice is provided by Elbert County; and
7. The Findings enumerated above on pages 4 through 8 of the Staff Report shall be incorporated in this Approval of case number SUR 16-0002.

Respectfully submitted to and on behalf of Elbert County,



Ethan Watel, AICP
Senior Planner
Baseline Corporation
Contract Planner for Elbert County

CC. Kyle Fenner, Director of Community and Development Services