Date: February 23, 2017
For the Elbert County Planning Commission meeting of
Date: March 7, 2017

TO: ELBERT COUNTY PLANNING COMMISSION

FROM: JAXON FAGAN, ASSOCIATE PLANNER (BASELINE CORP)
APPROVED: KYLE FENNER, DIRECTOR OF CDS

RE: SU-16-0039 ECCA SILO TOWER SPECIAL USE REVIEW FOR AN ANTENNA SUPPORT STRUCTURE USED NON-COMMERCIALLY FOR RADIO AND COMMUNICATION PURPOSES ON A PORTION OF SECTION 33, TOWNSHIP 8 SOUTH, RANGE 64 WEST OF THE 6TH P.M. IN ELBERT COUNTY.

APPLICANT: Elbert County Communications Authority

REPRESENTATIVE: Jim White, ECCA

SUMMARY OF REQUEST
The applicant, Elbert County Communications Authority (ECCA), requests a Special Use Review permit for the construction and operation of an antenna support structure (tower) to be used non-commercially for communications and ancillary communications equipment. The communications structure will be used for an indefinite period to provide communications services to Elizabeth Fire Protection District, Elbert County Road and Bridge, and Law Enforcement agencies. The site is located on a portion of Section 33, Township 8 South, Range 64 West of the 6th P.M., approximately 3 ½ miles south of Elizabeth.

The 53-acre property is owned by Elbert County and is the site of a former Title I missile silo complex and closed solid waste landfill. Elbert County has an Intergovernmental Agreement and lease with ECCA for a portion of the site containing the existing tower. The existing 180-foot tall tower will be deconstructed and replaced with a new 190-foot tall tower to be located 250 feet to the west of the existing tower.
PERTINENT DATA

Site Description: The area to be improved is approximately 100 x 100 feet, and is leased from Elbert County, the landowner.

The site is located at 5251 County Road 124 and will be accessed from the south off of County Road 124. The site is currently used for an existing communications structure which will be deconstructed. Elbert County is responsible for the removal of the tower once it is deconstructed.

Topography: The site is mostly flat.

Floodplain: There are no designated flood hazard areas on the parcel.

Existing Zoning: A (Agriculture)

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

Surrounding Zoning / Land Use:

North: Agriculture Zoning / Rangeland-Single Family Residence
South: Agriculture Zoning / Single Family Residence, Forested
East: Agriculture Zoning / Rangeland-Single Family Residence
West: Agriculture Zoning / Vacant, Forested

BACKGROUND:
The application for this proposal was received on December 12, 2016. Once the application was deemed complete, referral packets were ordered and submitted to appropriate agencies. Public hearing dates were set.

Planning Commission date is: March 7, 2017
Board of County Commissioners date is: March 22, 2017

REFERRAL
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.

Elizabeth Fire Protection District: Will require that a final site plan including propane tank size shall be submitted, that NFPA 704 placards are installed on the battery storage building and the propane tank, that combustible materials be kept at least 10 feet from the propane tank, and that fire department has access to the tower.

Intermountain Rural Electric Association: Reminds the applicant that IREA has existing overhead electric facilities on the property, and that IREA plans to maintain them as is
unless the applicant requests their modification. IREA Requests permission to attach communication equipment to the tower.

Elbert County Health and Human Services: No Objections

Referral Agencies that Received Referrals and Did Not Comment:
- Federal Aviation Administration
- Colorado Division of Water Resources
- Colorado Division of Parks & Wildlife
- Kiowa Conservation District
- Elizabeth Consolidated School District #C-1
- Elizabeth Park and Recreation District
- Elbert County Assessor, Mapper, Clerk and Recorder, Building, Office of Emergency Management, County Engineer, Public Works, Treasurer, Sheriff

Comments 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.

EVALUATION
Approval of this proposal requires compliance with the Elbert County Master Plan, Zoning Regulations, and Subdivision Regulations. Code sections are in italics to differentiate from Staff comments which are underlined.

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. Section VII. Community Resources has the following goals:

   Goal (Community Services): Ensure an adequate level of community services is maintained to support all existing and future residents of the county.
   This includes the following policies:
   4. The County shall encourage cooperation and communication between special service districts.
   22. (Law Enforcement) As development occurs, the County and developer(s) shall cooperate to provide additional Sheriff's Department facilities in order to adequately cover the vast acreage and distances in the County.
23. (Law Enforcement) As development occurs, the County and developer(s) shall cooperate to modernize … and construct additional facilities to meet current standards.

24. (Fire Protection) As development occurs, the County and developer(s) shall cooperate in updating existing facilities and constructing additional fire protection facilities.

2. Zoning Regulations - This proposal is located on property zoned Agriculture, which allows Uses by Special Review as listed in Part II, Section 17, A of the Zoning Regulations including Antenna support structures used non-commercially for radio, television reception, amateur and citizens band radio, cellular telephones and personal communication systems uses.

3. Subdivision Regulations – This proposal is not subject to subdivision regulations.

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. In addition, the site is an abandoned missile complex and landfill, which greatly limits the uses feasible on the property. The 190-foot tower will replace an aging 180-foot tower.

c. Whether the proposed Special Use will adversely impact the provision of public services.
The proposed project is not anticipated to adversely impact the provision of public services. The site will not require the extension of any utility services as the existing tower already has electrical service. The construction of the tower will allow continuation of existing public services (emergency services radio communications).

d. Whether the proposed Special Use will adversely impact the environment.
The environmental impact is anticipated to be minimal. The site is a closed landfill.

e. Whether the proposed Special Use will increase traffic congestion or burden the existing road system.
Traffic impacts are anticipated to be minimal.

f. Whether the proposed Special Use will be adequately landscaped, buffered and screened.
The proposed structure replaces a similar existing structure, and no additional screening will be required beyond that which exists presently.

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 significant concerns about health, safety, or welfare of present or future inhabitants of Elbert County were expressed by referral agencies.
In addition to the general SUR criteria, non-commercial antenna support structures must comply with additional criteria.

**Elbert County Zoning Regulations, Part II, Section 17, A, 5. Antenna Support Structures used non-commercially for radio, television reception, amateur and citizens radio, cellular telephones, and personal communication uses.** Please refer to the evaluation below.

**General Considerations**

a. All antenna support structures shall meet Elbert County Setback requirements and the base of the structure shall be no closer to the property boundary than the height of the structure. All guy wires shall be placed on the applicant’s property and must be protected from livestock, vehicles, and pedestrians.

b. through d.
   
   Not applicable.

e. For antenna support structures over 120.1 feet:
   
   Not applicable.

f. For antenna support structures higher than 120.1 feet:
   
   Applications for antenna supports structures whose height exceeds 120 feet shall be subject to the regular applicable “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. The FCC and the FAA typically do not respond to requests for comments on referrals. It is the responsibility of the constructor of the tower to meet all FCC and FAA regulations. Staff is recommending a condition of approval that covers this topic.

**FINDINGS & RECOMMENDATION**

Staff recommends that the Planning Commission find that:

1. The proposal in general conformance with the Elbert County Master Plan; and
2. The proposal meets the criteria for approval in the Elbert County Zoning Regulations; and
3. The Elbert County Subdivision Regulations are not applicable to this project; and
4. The proposed land use is compatible with existing and allowable land uses in the surrounding area; and
5. The proposed land uses will not result in significant impact to the health, safety, and welfare of the residents and landowners of the surrounding area.

AND

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 SU-16-0039 ECCA SILO TOWER SPECIAL USE REVIEW FOR AN ANTENNA SUPPORT STRUCTURE USED NON-COMMERCIALLY FOR RADIO AND COMMUNICATION PURPOSES ON A PORTION OF SECTION 33, TOWNSHIP 8 SOUTH, RANGE 64 WEST OF THE 6TH P.M. IN ELBERT COUNTY subject to the following conditions:

1. The Special Use shall not become effective until all fees are paid, conditions of approval are met, and documents recorded; and

2. The applicant shall to remove the Public Hearing notice sign within seven (7) days of a decision by the Board of County Commissioners; and

3. Recordation of all appropriate documentation to occur within 180 days of Board of County Commissioners’ approval; and

4. The applicant shall comply with referral comments from Elizabeth Fire Protection District dated January 24, 2017; and

5. The applicant shall allow Intermountain Rural Electric Association to attach communications equipment to the tower pursuant IREA’s referral comments dated January 24, 2017; and

6. The applicant shall comply with any and all applicable regulations put forth by the Federal Aviation Administration and Federal Communications Commission; and

7. The applicant shall provide an updated Special Use by Review Site Plan Exhibit depicting as-built dimensions of structures and improvements in relation to property lines and addressing any CDS comments in accordance with applicable Elbert County standards.

Respectfully submitted to and on behalf of Elbert County,

Jaxon Fagan
Associate Planner
Baseline Corporation
Contract Planner for Elbert County

CC. Kyle Fenner, Director of Community and Development Services