

PETITIONER: Commnet Cellular Licensing Holding, LLC dba Verizon Wireless

PROJECT #: **PZ2002-049**

PETITION: Renewal of Conditional Use Permit #96-226 for a cellular tower

LOCATION: A tract of land in the NE4SE4 Section 23, T6N R87W; 1.5 miles south of US Highway 40 approximately 5 miles west of Milner, Co on property owned by John Eilts

AREA: 50' x 50'

ZONE: Agriculture/Forestry (A/F)

STAFF CONTACT: Chris Brookshire, Staff Planner

ATTACHMENTS: Narrative letter dated December 23, 2002  
CUP Permit #96-226  
E-mail 1/24/03 Ann Closser  
Area map  
Picture  
Tower Elevation  
Orientation Plan

**STAFF COMMENTS:**

History and site information

A Conditional Use Permit for a cellular tower was reviewed and approved by Planning Commission September 5, 1996. This permit was valid until September, 2001, however the site is still active.

The 30' lattice tower is located on the south side of U.S. Highway 40 and accessed from a private road on the Eilts property. There are two whip antennas on top of the tower increasing the height to 36', and two dish antennas mounted to the tower. The site is 50'X50' with a 12'x20' building for equipment. There is no fencing around this site. The site is powered by electricity from YVEA, with backup batteries in case of emergency.

Permit renewal information

Verizon Wireless is the new lessee of the tower. They want to renew the CUP and include the following changes:

- Install one 12' whip antenna facing upward for a total of 3 antennas.
- GPS antenna to be mounted to the equipment shed. This antenna is approximately 3"X5" (about the size of the hockey puck).

The installation of the whip antenna will not increase the height, which will remain at 36'. Verizon is proposing to renew the CUP until the year 2016 to run concurrent with existing lease expiration.

### Routt County Zoning Resolution

Conditional uses shall be permitted by Planning Commission, based upon the determination that the use complies with and meets all the conditions and safeguards indicated for that particular use under Sections 4, 6 and 8 of the Zoning Resolution, and that the proposal meets the intent of the Routt County Master Plan. If all conditions and intent have been met, Planning Commission shall grant permission for the use, subject to additional conditions as may be imposed by Planning Commission in order to comply with the purposes and intent of this Resolution and the Routt County Master Plan.

Any conditional uses allowed in the various zone districts under Section 4 of the Routt County Zoning Resolution and uses by right and permitted uses under Section 8.3.6 are subject to the following provisions:

| Complied<br>With | Not Complied<br>With |
|------------------|----------------------|
|------------------|----------------------|

|       |       |   |
|-------|-------|---|
| _____ | _____ | A. That such use does not create any danger to safety in surrounding areas. |
|-------|-------|---|

That such use does not create the following:

- |       |       |   |
|-------|-------|---|
| _____ | _____ | 1. Water pollution  |
| _____ | _____ | 2. Offensive noise beyond the property boundaries. <b>There are air conditioning units located within the storage building. These are used when the equipment becomes heated to 70 degrees.</b>   |
| _____ | _____ | 3. Vibration beyond the boundaries of the property  |
| _____ | _____ | 4. Smoke beyond the boundaries of the property  |
| _____ | _____ | 5. Dust beyond the boundaries of the property   |
| _____ | _____ | 6. Odors beyond the boundaries of the property  |
| _____ | _____ | 7. Heat beyond the boundaries of the property   |
| _____ | _____ | 8. Glare beyond the boundaries of the property  |
| _____ | _____ | 9. Snow storage problems  |
| _____ | _____ | 10. Aggravation of existing flood hazard or increase of flood hazard to upstream or downstream properties   |
| _____ | _____ | 11. Geologic hazards, increase of geologic hazard or subjection of adjacent properties to geologic hazards.   |
| _____ | _____ | 12. Or other objectionable influences beyond the boundaries of the property on which such use is located; e.g. visual impacts, passive solar interference, disruption of agricultural uses. <b>The tower can be seen from US 40 and County Road 27.</b> |

- \_\_\_\_\_ D. That such use is designed and will be developed in a manner to allow man to function in harmony with, rather than be destructive to, critical wildlife habitats as defined in Section 8.7 of the Routt County Zoning Resolution and shown on the Routt County Wildlife maps.

Conditional and Conditional uses as permitted under Section 4 of the Routt County Zoning Resolution shall be subject to Subsection 8.3.3 as follows:

Complied Not Complied

With With

- |       |       |   |
|-------|-------|---|
| _____ | _____ | 1. Airports, cemeteries, schools, and other public facilities, including recreation facilities, shall serve an obvious public need.   |
| _____ | _____ | 2. Sufficient distance shall separate such uses from abutting properties, which might otherwise be damaged due to operation of the proposed use. <b>There are no structures within 1/2 mile of this site.</b>   |
| _____ | _____ | 3. Satisfactory proof shall be given that such areas will be properly maintained. <b>The operator inspects the site on a regular basis.</b>   |
| _____ | _____ | 4. Truck and automobile traffic to and from such uses shall not create hazards or nuisance to areas elsewhere in the County. <b>The only traffic will be from routine maintenance inspections, which occur 1-2 times a month. Access in the winter will be limited.</b> |
| _____ | _____ | 5. Sufficient off-street parking shall be provided to accommodate the expected volume of users of such facilities.  |
| _____ | n/a   | 6. Airports with runways of more than 5,000 feet and all adjacent land shall be subject to all airport height or other zoning regulations as may be imposed by the Federal Aviation Administration.   |

PLANNING COMMISSION OPTIONS:

Approve the Conditional Use Permit request, with or without conditions as necessary, if it is determined that the petition will not adversely affect the public health, safety, and welfare, the proposed use is compatible with adjacent and neighborhood properties and uses, and the proposal is in compliance with the Routt County Zoning Resolution and with the guidelines of the Routt County Master Plan.

Deny the Conditional Use Permit request if it is determined that the proposed use is not in compliance with the Routt County Zoning Resolution and the Routt County Master Plan. Make specific findings of fact.

Postpone a decision on the Conditional Use Permit request if additional information is required to fully evaluate the petition. Give specific direction to the petitioner and staff.

Conditions that may be appropriate may include the following:

1. The Conditional use permit is limited to uses and facilities presented in the original project plan. Any additional uses or facilities must be applied for in a new or amended application.
2. Any complaints or concerns, which may arise from this operation, may be cause for review of the Conditional Use Permit, at any time, and amendment or addition of conditions or revocation of the permit if necessary.
3. The operator shall prevent the spread of weeds to surrounding lands, and comply with the Colorado Noxious Weed Act and Routt County noxious weed management plan.
4. In the event that Routt County commences an action to enforce or interpret this Conditional Use Permit, the substantially prevailing party shall be entitled to recover its costs incurred in such action including, without limitation, attorney fees.
5. No junk, trash, or inoperative vehicles shall be stored or allowed to remain on the property
6. The Conditional Use Permit is valid for until February 13, 2016, to coincide with the expiration of the lease. The permit shall be renewed by the Planning Director with the submittal of a new lease to the Routt County Planning Department. This lease must be submitted prior to the expiration date.
7. The operation will be reviewed if complaints are received.
8. The permittee shall provide evidence of liability insurance, in the amount of no less than \$600,000 per occurrence with either unlimited aggregate or a policy endorsement requiring notice to Routt County of all claims made. Routt County shall be named as an additional insured on the policy.
9. All applicable standards set forth by the Routt County Building Department, Colorado Department of Health and the Routt County Department of Environmental Health shall be complied with. The operation shall comply with all Federal, State and local laws.
10. No flammable or hazardous materials shall be stored on site.
11. The tower shall be a non-reflective material, which includes leaving it galvanized and allowing it to weather naturally. There shall be no lights on the tower unless FAA required.
12. These facilities may not include offices, long-term vehicle storage, and outdoor storage or broadcast studios. The petitioner shall be responsible for correcting and eliminating any interference cause by the cellular site to other tower uses in the immediate vicinity, i.e., within ½ mile.
13. The equipment building shall be painted a neutral color and shall be of non-reflective colors and materials. I
14. The operator shall agree to allow colocation of other users on the tower, providing their requested use is compatible to the existing use, to limit the construction and proliferation of new cellular tower sites in the area.

15. If the tower is abandoned, the petitioner is responsible for removal of all buildings, fencing, tower, etc. and topsoiling and reseeding of the site in accordance with recommendations of the CSU Extension Service.