
New Cingular Wireless Telecommunication Tower at 39415 County Road 48, Milner Conditional Use Permit

ACTIVITY #: **PP2012-023**

HEARING DATES: Planning Commission (PC): August 16, 2012 at 6:00pm

PETITIONER: New Cingular Wireless, Cari Hermacinski, Representing

PETITION: Conditional Use Permit for the installation of a 100' monopole and unmanned equipment shelter under Section 4.19 "Telecommunication Facilities" of the Routt County Zoning Regulations and a 12 foot wide utility easement and site access road approximately 700 feet long.

LOCATION: 39415 CR 48, 0.5 miles northwest of Milner

ZONE DISTRICT: Agriculture and Forestry (AF)

AREA: The tower site will occupy approximately 2500 square feet in addition to the access road serving the site

STAFF CONTACT: Jake Rosenberg, Staff Planner

ATTACHMENTS:

- Petitioner's Narrative
- Site Plan
- Photo simulation of proposal
- Letter from Diane Holly

History:

New Cingular Wireless is constructing several new telecommunication towers in Routt County in order to expand wireless coverage.

Site Description:

The proposed tower, equipment shelter, and access drive would be located at 39415 CR 48 near Milner on a property owned by Camilletti & Sons, Inc. The site is generally flat and slopes uphill toward a ridge overlooking Milner. The size of the parcel is 1611 acres and is used for agriculture. The 2500 square foot tower site would house the 100'

monopole and equipment shelter with additional acreage needed for the 12 foot wide access drive. From the proposed tower location, US Highway 40 and the Town of Milner are visible to the south and east.



Figure 1: View from the cell tower site looking SE toward Milner.

Project Description:

New Cingular Wireless is proposing to construct a 100' telecommunications monopole and equipment shelter within a 2500 square foot enclosure located on the subject property. The site will be accessed from a proposed 12 foot wide drive off of CR 48.

Compliance with the Routt County Master Plan

The Routt County Master Plan contains dozens of policies regarding land use. The following checklist was developed by Planning Staff to highlight the policies most directly applicable to this petition. Interested parties are encouraged to review the Master Plan to determine if there are other policies that may be applicable to the review of this petition. Comments and/or questions from the public, referral agencies, or planning staff regarding this proposal are in italics.

Chapter 4- RURAL DEVELOPMENT

Complies Yes No		Section	Policies <i>(staff comments in italics)</i>
_____	_____	4.3.C	<p>Use permits for projects located on traditional ranch lands may be approved when the petitioner has demonstrated the historic agricultural operation and stewardship of the land will be maintained or enhanced.</p> <p><i>Staff Comment: The land is used primarily for agriculture. The proposed facility should not diminish the stewardship of the land or the ability of the area to be used for agricultural purposes.</i></p>
_____	_____	4.3.K	<p>Driveways and roads shall be designed to minimize erosion, cuts and scarring. When scarring of hillsides is unavoidable, prompt revegetation shall occur with native plant species.</p> <p><i>Staff Comment: Construction of the proposed access shall be completed in accordance with Road and Bridge standards. Disturbance of the area will necessitate revegetation and other measures to minimize erosion.</i></p>
_____	_____	4.3.B	<p>Use Permits that significantly alter the historical use, intensity of use, or character of an area may be deemed incompatible with this plan.</p> <p><i>Staff Comment: Telecommunication towers are normally tall and have an industrial appearance that is conspicuous in rural Routt County. The proposed tower- through site selection and design- demonstrates to some extent an attempt to mitigate visual impacts in accordance with Master Plan Policies and Section 8.10.3 of the RZCR. At the PC hearing, Staff will present examples of ways in which telecommunication towers can be sited and designed to mitigate visual impacts. Staff will also include a brief history of similar towers/facilities approved in the County in the past 10 years.</i></p>

Chapter 5- ENVIRONMENTAL IMPACTS

Complies Yes No		Section	Policies <i>(staff comments in italics)</i>
_____	_____	5.3.C	Discourage development on ridges that result in skylining. <i>Staff Comment: The project site is located on a hill north of US 40. At 100 feet in height, Staff anticipates the tower will be skylined from certain areas in the view shed. The skylining is partially mitigated by the hill behind the proposed tower.</i>
_____	_____	5.3.F	Routt County will continue to consider the impacts of development and uses on view corridors, water, wetlands, and air. <i>Staff Comment: The tower will be visible from US 40 and residences in Milner. Aesthetic impacts are partially mitigated by site topography.</i>

Chapter 9- WILDLIFE RESOURCES

Complies Yes No		Section	Policies <i>(staff comments in italics)</i>
_____	_____	9.3.G	Minimize the cumulative impacts of development on wildlife and wildlife habitat. <i>Staff Comment: Staff is expecting referral responses from the DOW on August 8. DOW has indicated to Staff that they will provide specific wildlife concerns and measures for impact mitigation. Due to possible grouse leks in the vicinity, the proposed towers shall likely be required to be designed to discourage use as perches by raptors.</i>
_____	_____	9.3.H	Protect and/or improve the diversity of native vegetation. <i>Staff Comment: A vegetation management plan at the proposed site shall be a condition of approval to protect native vegetation.</i>

Compliance with Routt County Zoning Resolution

The following checklist was developed by Planning Staff to highlight the sections of the Routt County Zoning Regulations most directly applicable to this petition. The following section contains a list of the applicable sections of the Routt County Zoning Regulations. Comments and/or questions from the public, referral agencies, or planning staff regarding this proposal are in italics.

Section 5- GENERAL PERFORMANCE AND DEVELOPMENT STANDARDS

These standards are designed to limit or eliminate conditions that could negatively impact the environment and/or use of surrounding properties. These standards shall apply in all Zone Districts and to all land uses unless otherwise noted:

Complies Yes	No	Section	Regulations <i>(staff comments in italics)</i>
_____	_____	5.1.1	Every use shall be operated so that it does not pose a danger to public health, safety or welfare. <i>Staff Comment: No negative impacts are anticipated by staff.</i>
_____	_____	5.1.2A	Every use shall be operated in conformance with all applicable federal, state and local regulations and standards. Failure to comply with any and all applicable federal, state and local regulations and standards may be cause for review and/or revocation of any Land Use Approval granted pursuant to these Regulations.
_____	_____	5.1.4	Outdoor storage of materials which might cause fumes, odors, dust, fire hazard, or health hazards is prohibited unless such storage is within enclosed containers or unless a determination is made that such use will not have a detrimental impact on the environment <i>Staff Comment: No outdoor storage is proposed.</i>
_____	_____	5.2	Dimensional Standards <i>Staff Comment: Proposed facility in accordance with Sections 5.2.1 (General Performance and Development Standards) and 8.10 (Standards for Telecommunication Facilities).</i>
_____	_____	5.10	Standards for Structures within mapped Skyline Areas <i>Staff Comment: The telecommunication tower is exempt from the mapped skyline area standards in Section 5.10.2.</i>
_____	_____	5.11	Waterbody Setback Standards <i>Staff Comment: The proposed tower and access road do not impact any waterbodies.</i>

Section 6 - GENERAL STANDARDS & MITIGATION TECHNIQUES FOR LAND USE APPROVALS

The following standards shall apply to all Minor, Administrative, Conditional or Special uses allowed by permit only, PUD plans, Site plans, and Subdivisions:

Complies Yes	No	Section	Regulations (<i>staff comments in italics</i>)
_____	_____	6.1.1	The proposal shall be consistent with public health, safety and welfare. <i>Staff Comment: See above analysis in Section 5.1.1 of the RCZR.</i>
_____	_____	6.1.2	The proposal shall be consistent with applicable Master Plans and sub-area plans. <i>Staff Comment: See above analysis of RCMP.</i>
_____	_____	6.1.4	Public Road Use Performance Standards: The proposal shall comply with the Public Road Use Performance Standards in Section 6.2 of these Regulations. <i>Staff Comment: The proposed access is an internal drive. The Routt County Road and Bridge Department will need to issue an access permit and G&E permit prior to construction.</i>
_____	_____	6.1.5	Industry Standards: The proposal shall meet or exceed accepted industry standards and Best Management Practices (BMP's). <i>Staff Comment: This request appears to comply with industry standards.</i>
_____	_____	6.1.6	Outdoor Lighting: The proposal shall comply with the Outdoor Lighting Standards in Section 6.3 of these Regulations. <i>Staff Comment: Staff suggests condition #14.</i>

Section 6.1.7 – Significant Negative Impacts

The proposal shall not create any significant negative impact in surrounding areas. Significant negative impacts are generally considered to be impacts that do not meet regulatory and/or generally accepted performance and environmental standards. If the Planning Director, Planning Commission or County Commissioners determine a proposed Land Use Change has the potential to create a significant negative impact in the surrounding area mitigation may be required, any such mitigation shall meet the Standards of Sections 6.4 through 6.13. If adequate mitigation cannot be accomplished, the use shall not be permitted.

Issues that may be reviewed for potentially significant negative impacts include, but are not limited to:

Complies Yes	No	Section	Policies (<i>staff comments in italics</i>)
_____	_____	6.1.7.A	Public roads, services and infrastructure <i>Staff Comment: See above analysis in Section 6.1.4 the RCZR.</i>
_____	_____	6.1.7 C	Natural Hazards <i>Staff Comment: No natural hazards found on County Hazard Maps.</i>
_____	_____	6.1.7 D	Wildlife and Wildlife Habitat <i>Staff Comment: See above analysis of chapter 9.3.G of the RCMP.</i>
_____	_____	6.1.7 G	Visual Amenities and Scenic Qualities <i>Staff Comment: The tower has the potential to negatively affect visual amenities and scenic qualities of the area, particularly to the south. The impacts are partially mitigated by the adjacent hillside. See comments under 4.3.B.</i>
_____	_____	6.1.7 K	Land Use Compatibility <i>Staff Comment: Staff sees this land use proposal as low-impact and should be compatible with surrounding lands. The primary compatibility issue will be the negative aesthetic impacts associated with the tower.</i>
_____	_____	6.1.7 P	Reclamation and Restoration <i>Staff Comment: See above analysis of Section 9.3.H of the RCMP.</i>
_____	_____	6.1.7 Q	Noxious Weeds <i>Staff Comment: See above analysis of Section 9.3.H of the RCMP.</i>

Section 8 – REGULATIONS AND STANDARDS FOR SPECIFIC LAND USE CHANGES

The following performance standards and mitigation measures apply to certain land use changes allowed by these Regulations to assist in determining the compatibility with the surrounding uses and appropriate mitigation of potentially significant negative impacts. These standards are in addition to the applicable standards in Sections 5 and 6 of these Regulations.

Section 8.10 – Standard for Telecommunication Facilities

Complies Yes No	Section	Regulations <i>(staff comments in italics)</i>
_____	8.10.1 A	No telecommunication tower shall exceed 100 feet in height. <i>Staff Comment: The applicant is proposing a 100 foot telecommunication tower.</i>
_____	8.10.1 B	The construction and use of a telecommunication facility shall not cause interference to other adjacent telecommunication facilities. The County shall be held harmless if interference occurs. <i>Staff Comment: The applicant has stated that the proposed tower will not cause interference to adjacent telecommunication facilities.</i>
_____	8.10.1 C	Telecommunication facilities that are abandoned by disconnection of power service, equipment removal or loss of lease for greater than six (6) months shall be removed by the telecommunication facility owner and the site reclaimed. Should the owner fail to remove the facilities, the County may do so at its option, and the costs thereof shall be a charge against the owner. <i>Staff Comment: Staff suggests condition # 16.</i>
_____	8.10.3 A	Shall be visually mitigated from adjacent residential development and public rights-of-way. <i>Staff Comment: See above analysis in Section 6.1.7.G of the RCZR.</i>
_____	8.10.3 B	Screening, landscaping and/or exterior building finishes and colors shall be compatible with the existing character of the site and adjacent properties and shall be determined as part of the review process. <i>Staff Comment: The telecommunication equipment will have a galvanized finish and the shelter will have an aggregate finish. Staff suggests that the finishes/colors are compatible with the site and surrounding properties.</i>

PLANNING COMMISSION:

1. **Approve the Conditional Use Permit request without conditions** if it is determined that the petition will not adversely affect the public health, safety, and welfare and the proposed use is compatible with the immediately adjacent and nearby neighborhood properties and uses and the proposal is in compliance with the Routt County Zoning Regulations and complies with the guidelines of the Routt County Master Plan.
2. **Deny the Conditional Use Permit request** if it is determined that the petition will adversely affect the public health, safety, and welfare and/or the proposed use is not compatible with the immediately adjacent and nearby neighborhood properties and uses and/or the proposed use is not in compliance with the Routt County Zoning Regulations and/or the Routt County Master Plan, make specific findings of fact; cite specific regulations or policies by number from the Routt County Master Plan, and the Routt County Zoning Regulations.
3. **Table the Conditional Use Permit request** if additional information is required to fully evaluate the petition. Give specific direction to the petitioner and staff.
4. **Approve the Conditional Use Permit request with conditions and/or performance standards** if it is determined that certain conditions and/or performance standards are necessary to ensure public, health, safety, and welfare and/or make the use compatible with immediately adjacent and neighborhood properties and uses and/or bring the proposal into compliance with the Routt County Zoning Regulations and Routt County Master Plan.

FINDINGS OF FACT that may be appropriate if the amendment of the Conditional Use Permit is approved:

1. The proposal with the following conditions meets the guidelines of the Routt County Master Plan and is in compliance with Sections 5, 6 and 8.10 of the Routt County Zoning Regulations.

CONDITIONS that may be appropriate may include the following:

1. The Conditional Use Permit is valid for the life of the use provided it is acted upon within one year.
2. The Conditional Use Permit is limited to uses and facilities presented in the approved project plan. Any additional uses or facilities must be applied for in a new or amended application. The towers shall not exceed 100 feet in height.
3. 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.
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 in such action including, without limitation, attorney fees.
5. No junk, trash, or inoperative vehicles shall be stored on the property.

6. During the construction phase of this petition, the permittee shall provide evidence of liability insurance in the amount of no less than \$1,000,000 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.
7. All applicable standards set forth by the Routt County Building Department and the Routt County Department of Environmental Health shall be complied with. The operation shall comply with all Federal, State and local laws.
8. Revegetation of disturbed areas with a seed mix that avoids the use of aggressive non-native grass seed mixes shall occur within one growing season.
9. The construction and use of a telecommunication facility shall not cause interference to other adjacent telecommunication facilities. The County shall be held harmless if interference occurs.
10. This approval is contingent upon any required federal, state and local permits being obtained and complied with; the operation shall comply with all federal, state and local laws.
11. Fuel, flammable materials, or hazardous materials shall be kept in a safe area and shall be stored in accordance with state and local environmental requirements.
12. The telecommunication equipment shall be painted a color to be compatible with the existing character of the site and surrounding properties.
13. The operator shall coordinate the construction of the approved facilities with the Division of Wildlife to mitigate any negative impacts of the project wildlife.
14. Lighting on the towers shall meet FAA requirements. Any maintenance or security lighting shall be downcast and opaquely shielded and shall not remain on.
15. The permittee shall prevent the spread of weeds to surrounding lands, and comply with the Colorado Noxious Weed Act and Routt County Noxious Weed Management Plan.
16. Telecommunication facilities that are abandoned by disconnection of powered service, equipment removal or loss of lease for greater than six (6) months shall be removed by the telecommunication facility owner and the site reclaimed. The permittee shall post a bond with the County in the amount of 150% of the cost of restoration of the site. This bond will be used to guarantee the reclamation of the site in the event that a property reclamation and removal of equipment is not complete.

June 28, 2012

Jake Rosenberg, Routt County Planner
PO Box 773087
Steamboat Springs, CO 80477

Re: Conditional Use Application for an Unmanned Wireless Cellular Telephone Facility to be located at
39415 CR 48, Milner, Colorado

Dear Mr. Rosenberg:

Attached to this letter please find attached all items listed on the "Submittal Requirements" of the Routt County Planning Department's application for a Conditional Use Permit for the above referenced property.

New Cingular Wireless, d/b/a AT&T Wireless, has a comprehensive plan to provide, pursuant to its FCC license, wireless cellular coverage to the residents and visitors of Routt County. The attached application for a 100' monopole and unmanned equipment shelter located at the address listed above is one of multiple sites that will be located in Routt County to provide AT&T's wireless coverage.

It is my hope that this application will be scheduled for the August 2nd meeting of the Routt County Planning Commission and will be met with a favorable review from your department at the Planning Commission hearing.

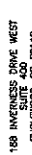
Please let me know if there are any additional materials that I can provide to assist you in your review of this application.

Regards,



Cari Hermacinski
Representative, New Cingular Wireless PCS

FI



BLACK & VEATCH

304 INVERNESS WAY SOUTH
SUITE 400
FARMINGTON, CT 06030

PLANS PREPARED BY:

Cai

ARCHITECTURE - PLANNING - DESIGN
5935 SOUTH ZANG STREET, SUITE 280
LITTLETON, COLORADO 80127
OFFICE: 303.932.6974
FAX: 303.932.6961

PROJECT NO: COL41B5

DRAWN BY: JT

CHECKED BY:	SGP
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[illegible]

LICENSURE NO:




CONSULTANT

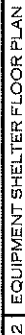
SITE NAME:

HWY 40 & CR 179
COU4185
ROUTT COUNTY ROAD 48
MILNER, CO 80487
MONOPOLE

ENLARGED
PLANS

SHEET NUMBER



3 ANTENNA PLAN



2	EQUIPMENT SHELTER FLOOR PLAN
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ENLARGED SITE PLAN



180 INVERNESS DRIVE WEST
SUITE 200
ENGLEWOOD, CO 80112



BLACK & VEATCH

334 INVERNESS WAY SOUTH
SUITE 400
ENGLEWOOD, CO 80112

PLANS PREPARED BY:

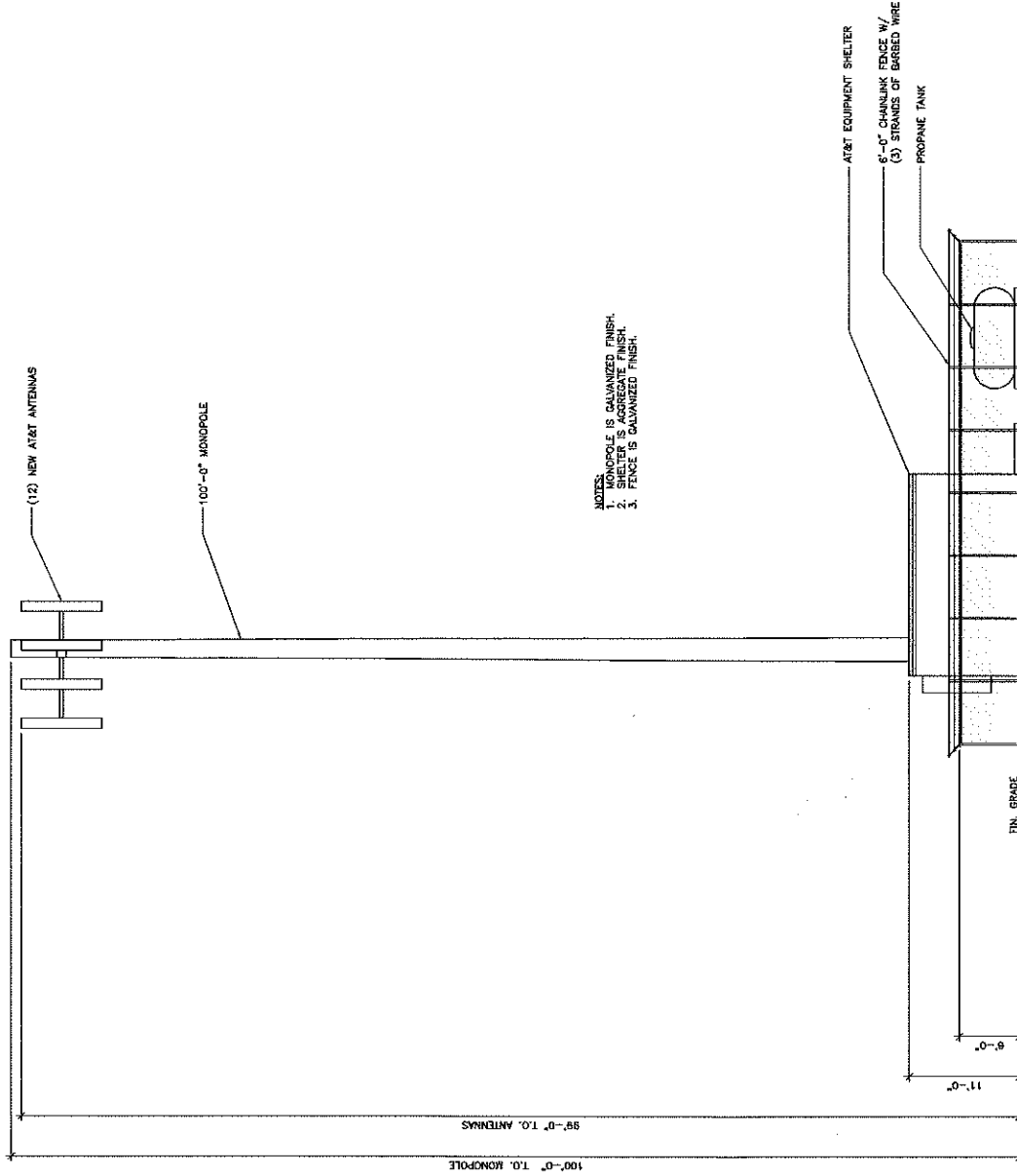
CSAI

CHARLES STEADLY ARCHITECTURE, INC.
ARCHITECTURE - PLANNING - DESIGN
5008 SOUTH ZANG STREET, SUITE 280
LITTLETON, COLORADO 80120
PHONE: 303.332.2977
FAX: 303.332.1861

PROJECT NO: C04180
DRAWN BY: JTT
CHECKED BY: SPP

REV	DATE	DESCRIPTION
A	06/26/12	2D ROSTER
B		
C		
D		
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F		
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Z		

NOTES:
1. MONOPOLE IS GALVANIZED FINISH.
2. SHELTER IS AGGREGATE FINISH.
3. FENCE IS GALVANIZED FINISH.



1 EAST ELEVATION

SCALE
3/16" = 1'-0"

5' 2' 1' 0'

C-2

SHEET NUMBER

ELEVATION

SHEET TITLE

CONTRACTOR
HWY 40 & CR 179
COUNTY ROAD 48
MILNER, CO 80467
MONOPOLE

AT&T EQUIPMENT SHELTER
6'-0" CHAINLINK FENCE W/
(3) STRANDS OF BARBED WIRE
PROPANE TANK

FIN. GRADE

11'-0"

6'-0"

100'-0" T.O. MONOPOLE
98'-0" T.O. ANTENNAS

100'-0" MONOPOLE

(12) NEW AT&T ANTENNAS

PHOTO SIMULATION

Proposed Wireless Communications Facility

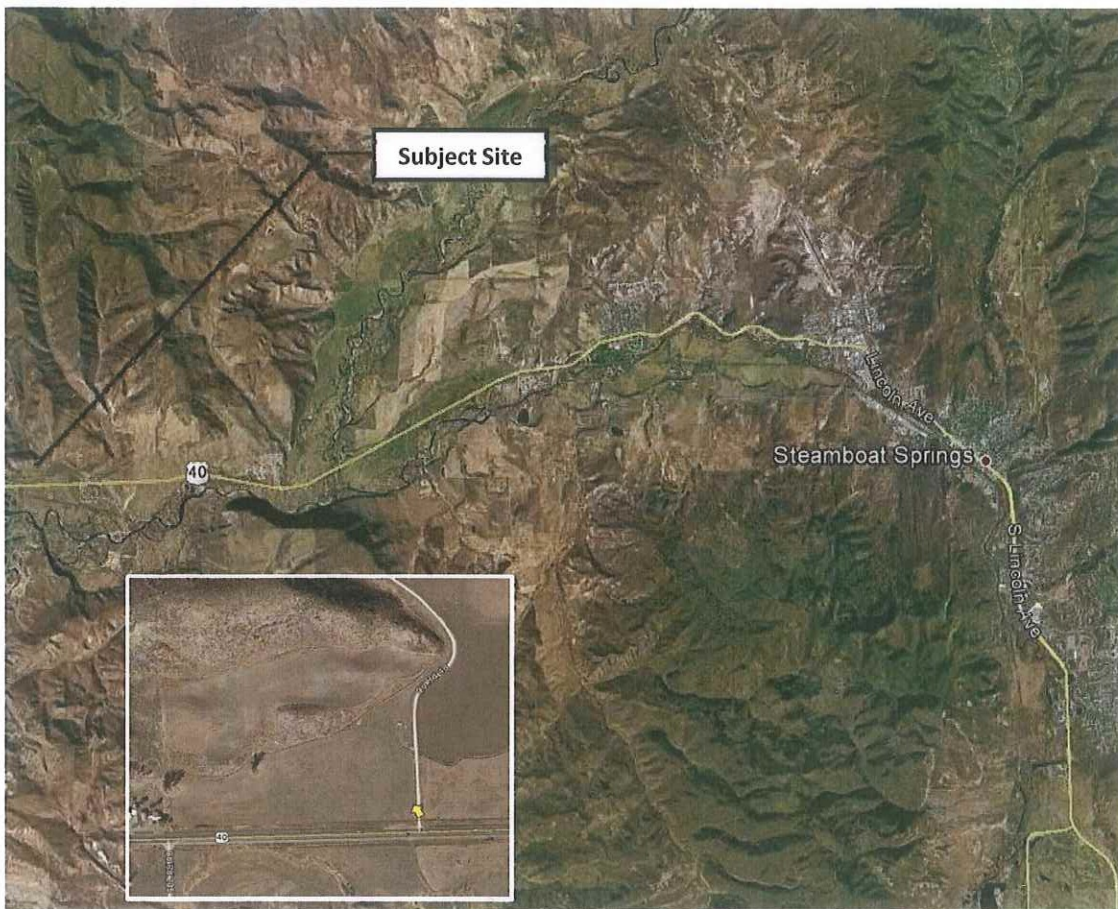
SITE NUMBER: COU4185
SITE NAME: Hwy 40 & CR 179
SITE ADDRESS: Routt County Rd. 48,
Steamboat Springs, CO. 80487

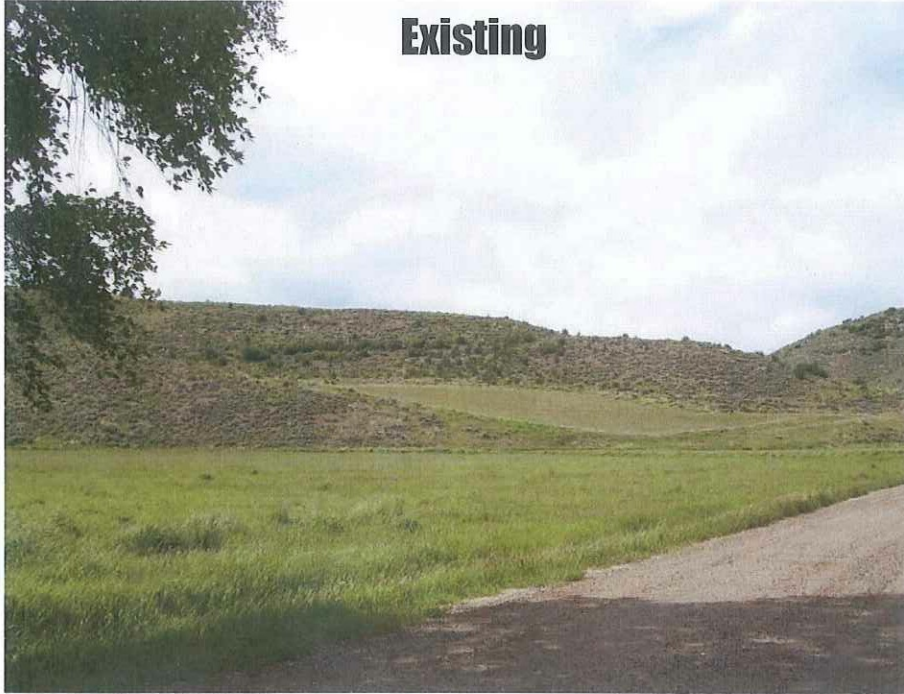
DATE: 7/23/2012

APPLICANT: AT&T WIRELESS

CONTACT: Brad Bryant

Site Location Map:





**View 1 –
Looking
North to Site**



**Proposed 100'
Monopole with
(4) AT&T Antennas
Per Sector, (3)
Sectors**

Aug 7, 2012

Dear Routt County Commissioners,

After talking with Jake in Planning, He suggested I could comment on the proposed cell towers.

Lesley Gorey, representing Atlas Tower, LLC has emailed Jake about a proposed cell mono tower at Diane Holly's property directly adjacent east of the Cammilletti Cell Tower Permit, but has not submitted a formal application. She is waiting on correspondence with her engineers.

If she gets a permit in by this Thursday, please consider which site would be best for the county.

Although both towers will affect the Highway 40 corridor, I believe Atlas Tower's site would be better for the county because the tower would be a single mono pole with less visual impact on the sky line.

Thank you,



Diane Holly