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# SBA Cell Tower Amendment

## Administrative Permit

### Planning Director's Findings

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**ACTIVITY #:** PP2012-029

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<b>PETITIONER:</b>	SBA Communications
<b>PETITION:</b>	Amendment to put a new utility building on the site
<b>LOCATION:</b>	6985 Homesteader Lane
<b>ZONE DISTRICT:</b>	A/F
<b>AREA:</b>	1.39 acres
<b>STAFF CONTACT:</b>	Alan Goldich
<b>ATTACHMENTS:</b>	Site plan

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**History:** The original Conditional Use Permit PP1999-009 was for the location of a tower and associated buildings. The site was divided in 1993 in violation of the Routt County Subdivision Regulations. In 2005, this issue was resolved with Resolution #2006-P-072 which made the 1.39 acre parcel on which the tower and building sits, legal. Due to the small size of the parcel, any additions or modifications to the site will require a variance from the Board of Adjustments.

**Site Description:** The site is off of CR 78 and overlooks the town of Hayden. It is a very narrow parcel consisting of the access road and the area around the tower and building. It is only 60' in its widest part, presenting setback issues and the need to receive a variance.

**Project Description:** The petitioner would like to replace the existing building with a new one. The new building will be 63 square feet bigger and moved to the north about 10 feet.

**Staff Comments:** There is some uncertainty as to the exact location of property lines and locations of buildings. The petitioner is looking into these issues and will be submitting the findings to the office. Staff received only one call from an adjacent property owner about this. Jennifer Stewart called stating her concern about moving the building to the north when the existing berm is already on her property line. The submitted site plan is preliminary and will be updated to show exact locations of buildings and property lines. A condition of approval is included to mitigate this issue.

## Compliance with the Routt County Master Plan

The Routt County Master Plan and Sub Area plans contain 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 and Sub Area plans to determine if there are other policies that may be applicable to the review of this petition.

### Chapter 5 Environmental Impacts

Complies		Section	Policies (staff comments in bold)
Yes	No		
_____	_____	5.3.C	Discourage development on ridges that result in skylining. <b>The existing tower is visible from Hayden and a large stretch of Hwy 40. The new utility building will not be visible and will be screened by a landscaped berm.</b>
_____	_____	5.3.D	Require best management practices and grading plans and strongly discourage overlot grading.  <b>The site is relatively flat and will not require a lot of grading. A condition of approval is present to ensure proper reclamation and seeding.</b>

## Compliance with Routt County Zoning Resolution

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

### Sections 6 – General Standards and Mitigation Techniques for Land Use Approvals

#### 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		Section	Issue (staff comments in bold)
Yes	No		
_____	_____	6.1.7 A	Public Roads, Services and Infrastructure  <b>Intensity of use will not change except during the time it takes to construct the new building.</b>

Complies Yes	No	Section	Issue (staff comments in bold)
_____	_____	6.1.7 B	Road Capacity, traffic, and traffic safety <b>Intensity of use will not change.</b>
_____	_____	6.1.7 C	Natural Hazards <b>The site has no mapped natural hazards.</b>
_____	_____	6.1.7 D	Wildlife and Wildlife Habitat <b>The site is not located in any mapped critical wildlife habitat.</b>
_____	_____	6.1.7 G	Visual Amenities and Scenic Qualities <b>The new utility building will be screened by a berm with landscaping accompanying the berm.</b>
_____	_____	6.1.7 H	Wildland fire <b>The site is mapped as a moderate danger for fire. Since the use is not changing there should not be a problem with this.</b>
_____	_____	6.1.7 J	Wetlands <b>There are no wetlands present on the site.</b>
_____	_____	6.1.7 K	Land Use Compatibility <b>The use will not change with this application.</b>
_____	_____	6.1.7 N	Snow Storage <b>The proposal will not impact the site's ability to store snow.</b>
_____	_____	6.1.7 P	Reclamation and Restoration <b>There is some trash and junk left over from the old tower. Disturbed areas will need to be reclaimed at the end of the construction process. A condition of approval has been included to cover this.</b>
_____	_____	6.1.7 Q	Noxious Weeds <b>A condition of approval is present to deal with this issue.</b>

#### Section 6.4 – Mitigation Standards in General

Mitigation Standards from Sections 6.5 through 6.13 which may be applicable to this petition include the following:

Complies Yes	No	Section	Issue (staff comments in bold)
_____	_____	6.5	Mitigation techniques for development within an natural hazard area. <b>The site is not within a natural hazard area.</b>

Complies Yes	No	Section	Issue (staff comments in bold)
_____	_____	6.6	Mitigation techniques for development within critical wildlife areas. <b>This site is not within a critical wildlife area.</b>
_____	_____	6.7	Mitigation techniques to reduce water quality and quantity impacts. <b>This site will not impact any water quality or quantity.</b>
_____	_____	6.8	Mitigation techniques to reduce air quality impacts. <b>Besides routine maintenance, and the possibility of dust during those operations, the site will not impact air quality.</b>
_____	_____	6.9	Mitigation techniques to reduce impacts to scenic quality. <b>The new utility building will have a berm with landscaping on it to hide it from the residence to the north of it.</b>
_____	_____	6.10	Mitigation techniques to reduce noise impacts. <b>There will not be any change to noise level associated with this site.</b>
_____	_____	6.11	Mitigation techniques to reduce wetland impacts. <b>There are no wetlands on the site.</b>
_____	_____	6.12	Mitigation techniques to reduce impacts to agricultural uses. <b>No agricultural uses are present on the site.</b>
_____	_____	6.13	Mitigation techniques to reduce impacts to residential and recreational uses. <b>The anticipated impacts to surrounding residences will be mitigated with the use of a berm to screen the new utility building.</b>

#### PLANNING DIRECTOR OPTIONS:

**Approve the Administrative 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. The applicable provisions of Sections 5 and 6 have been reviewed and appropriate findings and conditions are included in the approval outlined herein.

**Deny the Administrative 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.

**Table the Administrative Permit request** if additional information is required to fully evaluate the petition. Give specific direction to the petitioner and staff.

**Approve the Administrative 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 Administrative Permit is approved:

1. The proposal with the following conditions meets the applicable guidelines of the Routt County Master Plan and is in compliance with Sections 6, 8 and 9 of the Routt County Zoning Regulations.

**CONDITIONS** that may be appropriate may include the following:

**General Conditions:**

1. The Administrative Permit is contingent upon compliance with the applicable conditions of the Routt County Zoning Regulations including but not limited to Sections 5, 6, 8 and 9.
2. The Administrative 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.
3. Any complaints or concerns which may arise from this operation may be cause for review of the Administrative 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 Administrative 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. Any existing junk, trash, or other stored or unused items shall be removed within two months of the issuance of the permit.
6. This permit 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. Copies of permits or letters of approval shall be submitted to the Routt County Planning Department prior to operations.
7. 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.
8. All exterior lighting shall be downcast and opaquely shielded in accordance with Section 6.3 of the Routt County Zoning Regulations.
9. 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.
10. Prior to the issuance of the permit, 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.

11. Transfer of this Administrative Permit may occur only after a statement has been filed with the Planning Director by the transferee guaranteeing that they will comply with the terms and conditions of the permit. If transferee is not the landowner of the permitted area, Transferee shall submit written consent to the transfer by the landowner. Failure for receive approval for the transfer shall constitute sufficient cause for revocation of the permit if the subject property is transferred. Bonds, insurance certificates or other security required in the permit shall also be filed with the Planning Director by the transferee to assure the work will be completed as specified. Any proposal to change the terms and conditions of a permit shall require a new permit.

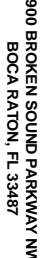
**Specific Conditions:**

12. The Administrative Permit is valid for one (1) year.
13. Any land survey monuments on the site shall be recorded in the Colorado Land Survey Monument Records prior to commencement of mining, and if removed, shall be replaced following reclamation.
14. The permits/approval shall not be issued until all fees have been paid in full. Failure to pay fees may result in revocation of this permit. Permits/Approvals that require an ongoing review will be assessed an Annual Fee. Additional fees for mitigation monitoring will be charged on an hourly basis for staff time required to review and/or implement conditions of approval.
15. Revegetation of disturbed areas shall occur within one growing season with a seed mix which avoids the use of aggressive grasses. See the Colorado State University Extension Office for appropriate grass seed mixes.
16. The issuance of the permit is contingent upon the Petitioner being granted a variance to construct the new utility building in the setback.
17. The issuance of the permit is contingent upon the Petitioner providing a surveyed site plan showing that the new building and berm will not be encroaching beyond the property lines.


I hereby approve/disapprove this application for the installation of a new utility buildings for SBA Communications.

\_\_\_\_\_  
Planning Director

\_\_\_\_\_  
Date



330-572-2100 Fax 330-572-2107

**SPRINT SITE INFORMATION**

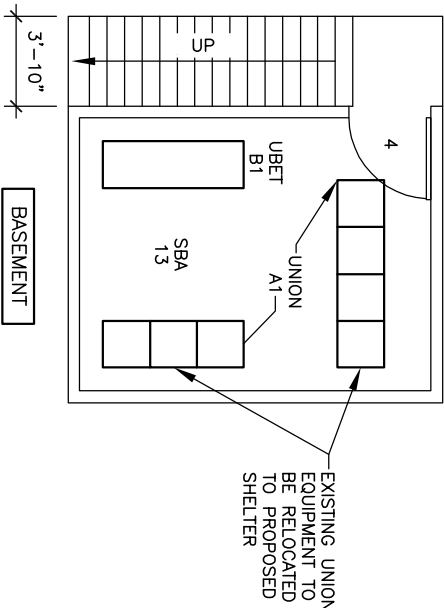
**SITE NAME: HAYDEN 2, CO**

**JOB NUMBER: 2012778.09874.01**

**ROUTT COUNTY**

**SHEET NUMBER**

SP-1



- ## 17. ROOF OVERHANG

