

# **TELLER COUNTY BOARD OF ADJUSTMENT** **MINUTES**

**October 15, 2014 - 7:00 p.m.**  
**City of Woodland Park Council Chambers**  
**220 W. South Avenue, Woodland Park, CO**

## **I. Order and Roll Call**

Chairman Dyer called order at 7:03 p.m. and the following answered roll call:

Mr. Mark Mills (Regular Member)  
Absent Mr. Bernie Diesen (Regular Member)  
Mr. Bill Holbrook (Alternate Member)  
Mr. Brian Walker (Regular Member)  
Ms. Helen Dyer, Chairman (Regular Member)

Also attending were the following staff members:

Ms. Lor Pellegrino, AICP, Senior Planner  
Mr. Chris Brandt, County Attorney

Chairman Dyer appointed Mr. Bill Hobrook as a voting member for this meeting.

## **II. Review and Approve Minutes – August 20, 2014**

Mr. Mark Mills moved, and Mr. Brian Walker seconded, that the August 20, 2014 minutes be approved as presented. The motion passed with the following vote:

Yes Mr. Mark Mills  
Yes Mr. Brian Walker  
Yes Mr. Bill Holbrook  
Yes Ms. Helen Dyer

## **III. Consider a request by Bridger Wireless (Applicant) and Earl K. and Joyce E. Kitner (Property Owners) to vary the height limitation from 50 to 125 feet for a stealth monopine cell tower in the Agricultural (A-1) zone district to be located within a 0.147-acre leased area in the East Half of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 9, Township 13 South, Range 70 West of the 6<sup>th</sup> principal Meridian, County of Teller, State of Colorado (7052 W US 24, Divide, CO, 80814).**

Ms. Pellegrino presented the staff report and recommended conditioned approval of the requested height variance, finding compliance with the variance standards of *Section 2.12.G.1-7* of the *Teller County Land Use Regulations*.

Mr. Darren Hunter of Bridger Wireless (16360 Table Mountain Parkway, Golden) presented the application emphasizing that this is a “co-locatable infill tower” that if constructed will provide better service to cell users in the area.

Chairman Dyer opened the item for public comment and the following spoke:

Mr. Mario Elliott (6915 W Highway 24) expressed concern about the proposed height and its impact on property values, surrounding neighbors, and views of America’s mountain. He believes the photo simulations may not accurately depict the full impact.

Chairman Dyer closed the public comment portion of the meeting.

Mr. Darren Hunter stated that the cell tower site and the 125-foot height is mitigated due to lack of surrounding residential density, the distance from the highway, the surrounding wooded landscape, and the "pine" camouflage to be applied to the monopole.

Mr. Steven Lester of Bridger Wireless (1321 St. Paul Street, Denver) stated that the site is further mitigated due to its location off the ridge to the north and is lower than the high-power transmission lines that run behind it at a higher elevation.

Mr. Bill Holbrook moved, and Mr. Brian Walker seconded, that the Teller County Board of Adjustment GRANT the variance requested by Bridger Wireless (Applicant) and Earl K. and Joyce E. Kitner (Property Owners) to vary the height limitation from 50 to 125 feet for a stealth monopine cell tower in the Agricultural (A-1) zone to be located within a 0.147-acre leased area in the East half of the Northeast quarter of Section 9 lying north of US Highway 24, Township 13 South, Range 70 West of the 6<sup>th</sup> Principal Meridian, Teller County, Colorado (7052 W US 24), incorporating Staff findings contained in that staff report dated October 6, 2014, subject to the following conditions:

1. As Depicted. This variance is granted solely for the proposed stealth monopine cell tower as depicted on and in substantial compliance with the Centerline Solutions Site Plans submitted with the application and signed and sealed by Kristopher James Scott, PE, on July 30, 2014 with a plan revision date of 7/17/14 for the zoning (sheets T1, C1-3, A1-3) and signed and sealed by Richard B. Gabriele, PLS, on 2/4/14 and 4-21-14 for easements and 4-30-14 for comments (sheets LS1-5).
2. Compliance. Applicant shall comply with all pertinent regulations, codes, and requirements governing the installation of communication facilities, including but not limited to, obtaining all federal, state and local permits as required including compliance with the Federal Communications Commission (FCC) standards for cumulative field measurements, radio frequency power densities and electromagnetic fields, and the facility shall comply at all times with FCC regulations prohibiting localized interference with reception of television and radio broadcasts.
3. Driveway Permit. Prior to commencing construction of the communication facility, the Applicant shall obtain a Driveway Permit approved by the Teller County Transportation Department for the new portion of the driveway accessing the cell site, which Permit shall include a copy of an approved CDOT access permit for the cell tower from Highway 24.
4. Abandonment. If this communication facility ceases operation for 6 consecutive months, the facility must be removed within 180 days, and the height variance granted herein shall expire and terminate. At the discretion of the Planning Director, under extenuating circumstances including but not limited to weather conditions, difficult accessibility, and parts availability, this time period may be extended. At any time, the Planning Director may request a letter from the Applicant certifying that the facility is in use and the use has not been discontinued for 6 consecutive months. If the facility is not removed within 180 days, or extension thereof, a letter will be sent to the land owner and/or the communication company providing 60-day notice that a lien will be filed on the property equal to the cost of removing the facility and associated clean up. Appeal of the Planning Director's determination may be made to the Board of Adjustment at any time within the 60-day notice period.
5. Building and Planning Approvals. Prior to commencing construction of the communication facility, the Applicant shall obtain approval of all required applications, including a Major Building Site Plan application and all Building Permit applications, and any other local applications as applicable. A Major Building Site Plan Review shall, if it occurs with the

tower construction and incorporates a full build-out design and siting for all structures, need only occur once. Each shelter need not submit for a Major Building Site Plan Review if in substantial compliance with this original Major Building Site Plan. Subsequent co-location of antennas on the tower by independent service providers shall require submittal of a separate Administrative Review Use permit.

6. Residency. The storage building or any other accessory structure on the property shall at no time be occupied for residential purposes.
7. Public Service Easement. Any work proposed on or affecting the Xcel Energy Transmission easement or line shall receive approval from Xcel Energy prior to commencement of any work.
8. Material Modifications. Unless otherwise modified by these conditions, all material representations of the Applicants in its submittal material and in public hearing(s) shall be considered binding.

The motion passed with the following vote:

Yes	Mr. Bill Holbrook
Yes	Mr. Brian Walker
Yes	Mr. Mark Mills
Yes	Ms. Helen Dyer

#### **IV. Other Items**

- A. Next Meeting – November 19, 2014.

#### **V. Adjourn**

Chairman Dyer adjourned the meeting at 7:48 p.m.