



**COMMUNITY AND ECONOMIC DEVELOPMENT
DEPARTMENT**

**CASE NAME: VIAERO AT MULE CREEK
CASE NUMBER: RCU2018-00015**

TABLE OF CONTENTS

EXHIBIT 1 – BoCC Staff Report

EXHIBIT 2- Maps

- 2.1 Aerial Map
- 2.2 Zoning Map
- 2.3 Future Land Use Map
- 2.4 Simple Map

EXHIBIT 3- Applicant Information

- 3.1 Applicant Written Explanation
- 3.2 Applicant Site Plan
- 3.3 Applicant Coverage Maps

EXHIBIT 4- Referral Comments

- 4.1 Referral Comments (Adams County)
- 4.2 Referral Comments (CDNR-CPW)
- 4.3 Referral Comments (CDPHE)
- 4.4 Referral Comments (IREA)
- 4.5 Referral Comments (SFPD)
- 4.6 Referral Comments (TCHD)
- 4.7 Referral Comments (Xcel)

EXHIBIT 5- Citizen Comments

None

EXHIBIT 6- Associated Case Materials

- 6.1 Request for Comments
- 6.2 Public Hearing Notice
- 6.3 Newspaper Publication
- 6.4 Referral Agency Labels
- 6.5 Property Occupant and Owner Labels
- 6.6 Certificate of Posting



COMMUNITY AND ECONOMIC DEVELOPMENT
DEPARTMENT

STAFF REPORT

Board of County Commissioners

October 30, 2018

CASE No.: **RCU2018-00015**

CASE NAME: **Viaero at Mule Creek**

Owner's Name:	Westberg and Rosling Farms
Applicant's Name:	Rick Bailey, Viaero
Applicant's Address:	32 Cooper Court, Fort Morgan, CO 80701
Location of Request:	11950 Bradbury Krebs Road
Nature of Request:	A renewal of a conditional use permit to allow a commercial telecommunication tower on the property
Zone Districts:	Agriculture-3 (A-3)
Comprehensive Plan:	Agriculture
Site Size:	6 acre portion of a 640 acre parcel
Proposed Uses:	Commercial Telecommunication Tower
Existing Use:	Commercial Telecommunication Tower
Hearing Date(s):	PC: October 11, 2018 / 6:00 p.m. BOCC: October 30, 2018 / 9:30 a.m.
Report Date:	October 12, 2018
Case Manager:	Greg Barnes
PC Recommendation:	APPROVAL with 8 Findings-of-Fact and 4 Conditions
Staff Recommendation:	APPROVAL with 8 Findings-of-Fact and 4 Conditions

SUMMARY OF PREVIOUS APPLICATIONS

On December 1, 2008, the Board of County Commissioners (BoCC) approved a conditional use permit to allow a 330-foot commercial telecommunication tower on the property for ten years.

SUMMARY OF APPLICATION

Background

Viaero, the applicant, is requesting a renewal of the conditional use permit (CUP) to allow the commercial telecommunication tower to remain on the subject property for another ten years. The existing telecommunication tower occupies six acres of a 640 acre parcel (see Exhibit 3.2). Elevation plans submitted with the application show the tower is currently 330 feet tall and will remain the same (see Exhibit 3.2). The site includes a six foot tall chain-link fence surrounding the equipment base area of the tower. The tower is anchored to the ground by several guy-wires. There are no proposed changes to the existing site.

Site Characteristics:

The subject property is located approximately one mile to the north of the intersection of Bradbury Krebs Road and East 112th Avenue. The site has access on Bradbury Krebs Road. Besides the existing tower, there are no structures on the 640-acre parcel.

Development Standards and Regulations Requirements:

Per Section 3-07-01 of the Adams County Development Standards and Regulations, a conditional use permit is required for a commercial telecommunication tower in the A-3 zone district. Section 4-09-02-07 of the County's Development Standards and Regulations outline the design and performance standards for telecommunication facilities. These standards include maximum height, landscaping, screening, setbacks from property lines, separation from other freestanding facilities, and setbacks from residential uses.

The elevation plans, provided with the application, show the tower is 330 feet in height. Per Section 3-10-07-05-01 of the County's Development Standards, the maximum height allowed in the A-3 zone district for dwellings and accessory structures is thirty-five (35) feet. Per Section 4-09-02-07(3a) of the Development Standards, the BoCC, through the conditional use permit approval, may grant exceptions to allow the height of the freestanding telecommunication tower to exceed the allowed height in the zone district.

Setback requirements for telecommunication towers are outlined in Section 4-09-02-07(3) of the County's Development Standards and Regulations. Per these standards, freestanding telecommunication towers shall not be located closer than the height of the tower from any property line, unless a waiver is obtained from the BoCC. The existing telecommunication tower is located approximately 240 feet from the northern and western property lines. Therefore, a waiver is required as part of the approval of the conditional use permit. The applicant is requesting this waiver as part of the conditional use permit approval. The tower is supported by guy-wires which will reduce the fall-area of the tower.

Landscaping and fencing may be required to screen the telecommunication tower and associated equipment from adjoining properties or public roadways. The requirements for landscaping and screening are outlined in Section 4-09-02-07(3b) of the County's Development Standards and Regulations. Per this section of the Development Standards, siting of telecommunication towers should preserve or enhance existing character of vegetation in

surrounding areas of the tower, and, if any, existing vegetation should be preserved or improved to provide screening for the facility. Due to remote location of the tower, the applicant is not proposing any landscaping. In addition, the closest developed property to the site is over one mile from the tower. There is also a six foot chain-link fence surrounding equipment area at the base of the tower.

Section 4-09-02-07(3d) of the County's Development Standards and Regulations requires new telecommunication towers to be located no closer than one-thousand (1,000) feet from the nearest telecommunication tower. From the information submitted with the application, there is no telecommunication tower located within 1,000 feet. The applicant has also provided coverage maps of the area to demonstrate the need for the existing tower to remain.

As a requirement of the County's Development Standards, a bond is required to ensure removal of the facility if it is abandoned or no longer needed. The applicant submitted a bond in the amount of \$22,750 to ensure removal of the tower, if the applicant fails to remove it after expiration of the conditional use permit.

Future Land Use Designation/Goals of the Comp-Plan for the Area

The future land use designation on the property is Agriculture. Per Chapter 5 of the Adams County Comprehensive Plan, the Agriculture future land use designation is intended for land holdings of at least 35 acres, and for preservation of agricultural areas for long-term farming. The future land use areas designated for agriculture are also to conserve environmentally-sensitive areas.

The request to develop the property for a telecommunication tower is consistent with the County's Comprehensive Plan, as it will aid in providing improved telecommunication coverage to current and future residents of the area, as well as continue to support telecommunication needs of agricultural uses in the area.

Surrounding Zoning Designations and Existing Use Activity:

Northwest A-3 Agricultural	North A-3 Agricultural	Northeast A-3 Agricultural
West A-3 Agricultural	Subject Property A-3 Commercial Telecommunication Tower	East A-3 Agricultural
Southwest A-3 Agricultural	South A-3 Agricultural	Southeast A-3 Agricultural

Compatibility with the Surrounding Land Uses:

All of the surrounding properties to the site are within the Agricultural-3 designated zone district, and are mostly vacant or used for farming. No other structures are located within one mile of the site. The request is compatible with the surrounding properties, and will not be detrimental to the surrounding area.

PLANNING COMMISSION UPDATE

The Planning Commission (PC) considered this case on October 11, 2018, and voted (6-0) to recommend approval of the request. The applicant spoke at the meeting and had no concerns with the staff report or presentation. He expressed the importance of allowing location of such telecommunications towers in the less developed areas of the County to help provide telecommunication services throughout Adams County. There was no one from the public to speak in favor or in opposition to the request.

Staff Recommendations:

Based upon the application, the criteria for approval of a conditional use permit, the County's Comprehensive Plan, and a recent site visit, staff recommends approval of the request with 8 findings-of-fact and 4 conditions.

Findings-of-fact for Approval:

1. The conditional use is permitted in the applicable zone district.
2. The conditional use is consistent with the purposes of these standards and regulations.
3. The conditional use will comply with the requirements of these standards and regulations, including but not limited to, all applicable performance standards.
4. The conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.
5. The conditional use permit has addressed all off-site impacts.
6. The site is suitable for the proposed conditional use including adequate usable space, adequate access, and absence of environmental constraints.
7. The site plan for the proposed conditional use will provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting.
8. Sewer, water, storm water drainage, fire protection, police protection, and roads are available and adequate to serve the needs of the conditional use as designed and proposed.

Recommended Conditions:

1. Any telecommunication facility that ceases to be in operation for a consecutive period of six months or more shall be removed from the site within 90 days of the end of such period of non-use.
2. The conditional use permit shall expire on October 30, 2028.
3. The height of the freestanding telecommunication tower shall not exceed 330 feet.

4. The tower shall provide co-location opportunities for other telecommunication tower providers.

PUBLIC COMMENTS

Property Owners Notified	Number of Responses
8	0

Staff sent eight notices to property owners and occupants within 1,000 feet of the subject parcel. As of writing this report, staff has received no responses.

COUNTY AGENCY COMMENTS

Staff reviewed the request and had no outstanding comments from the submitted application.

REFERRAL AGENCY COMMENTS

Responding without Concerns:

CDPHE

Colorado Department of Natural Resources – Division of Parks and Wildlife

Tri-County Health Department

Xcel Energy

Notified but not Responding / Considered a Favorable Response:

Century Link

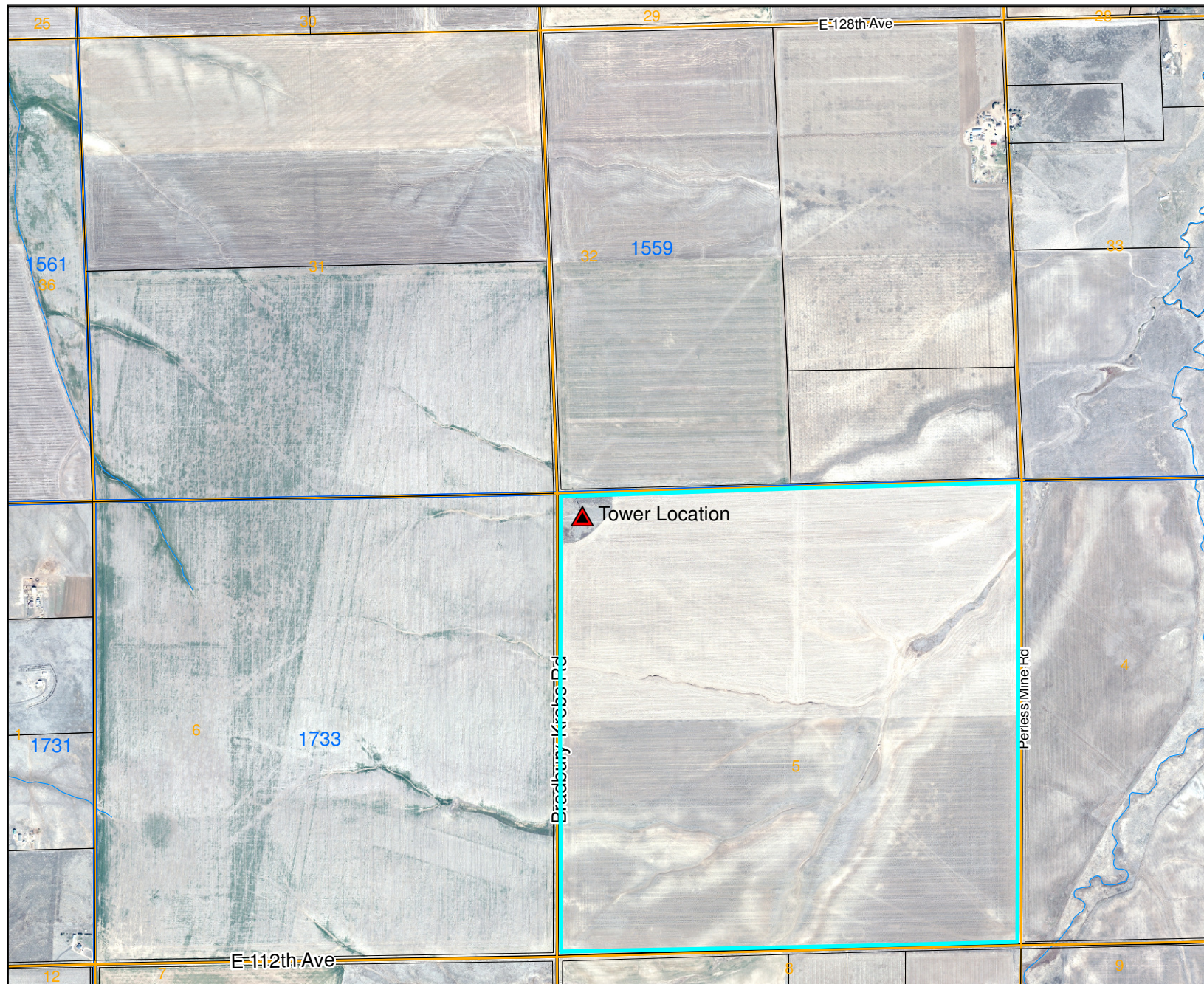
Comcast

Morgan County Rural Electric





Strasburg Fire Protection District

Strasburg Parks & Recreation District

Strasburg School District 31J



Legend

-  Railroad
-  Major Water
-  Zoning Line
-  Sections

Viaero at Mule Creek

RCU2018-00015

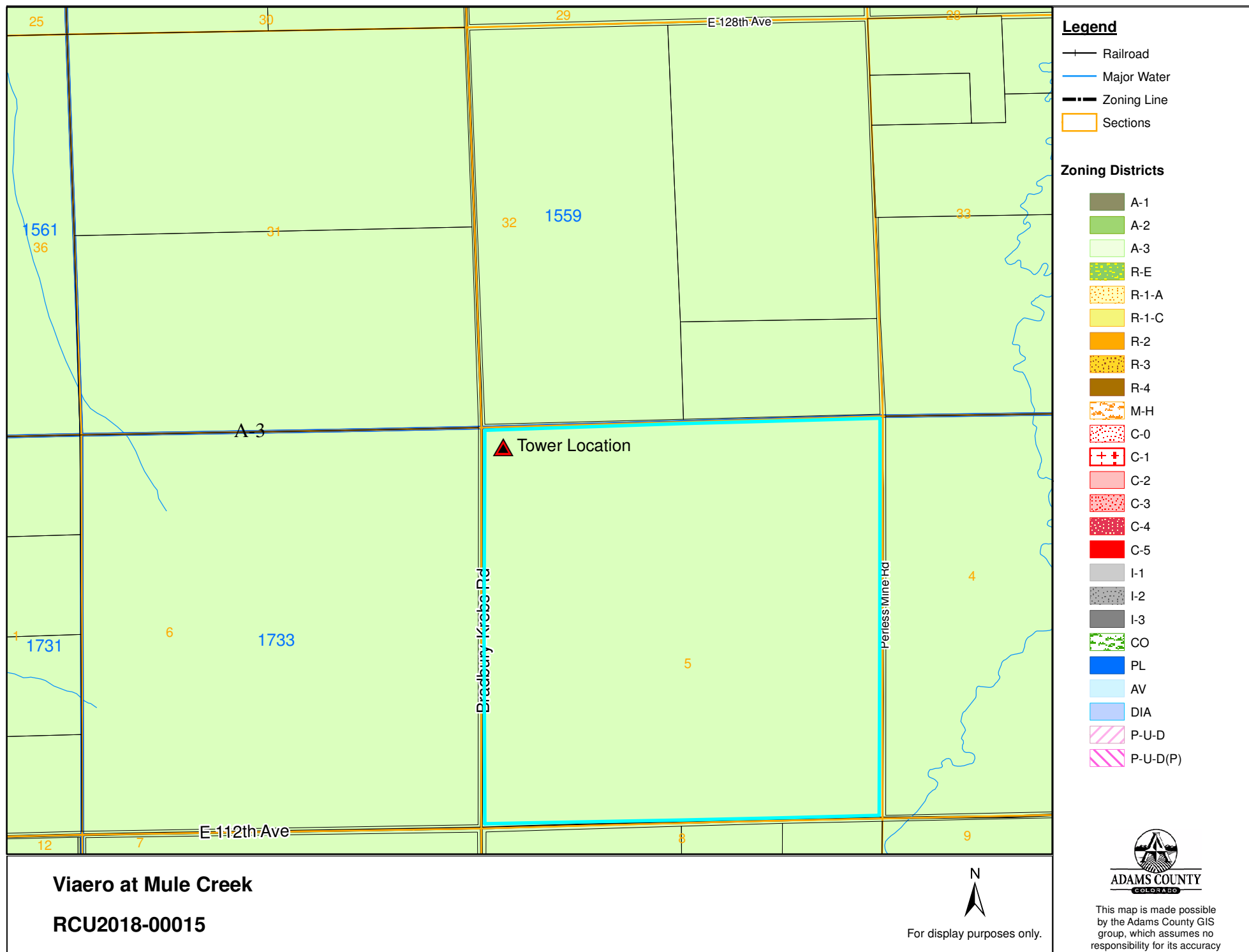


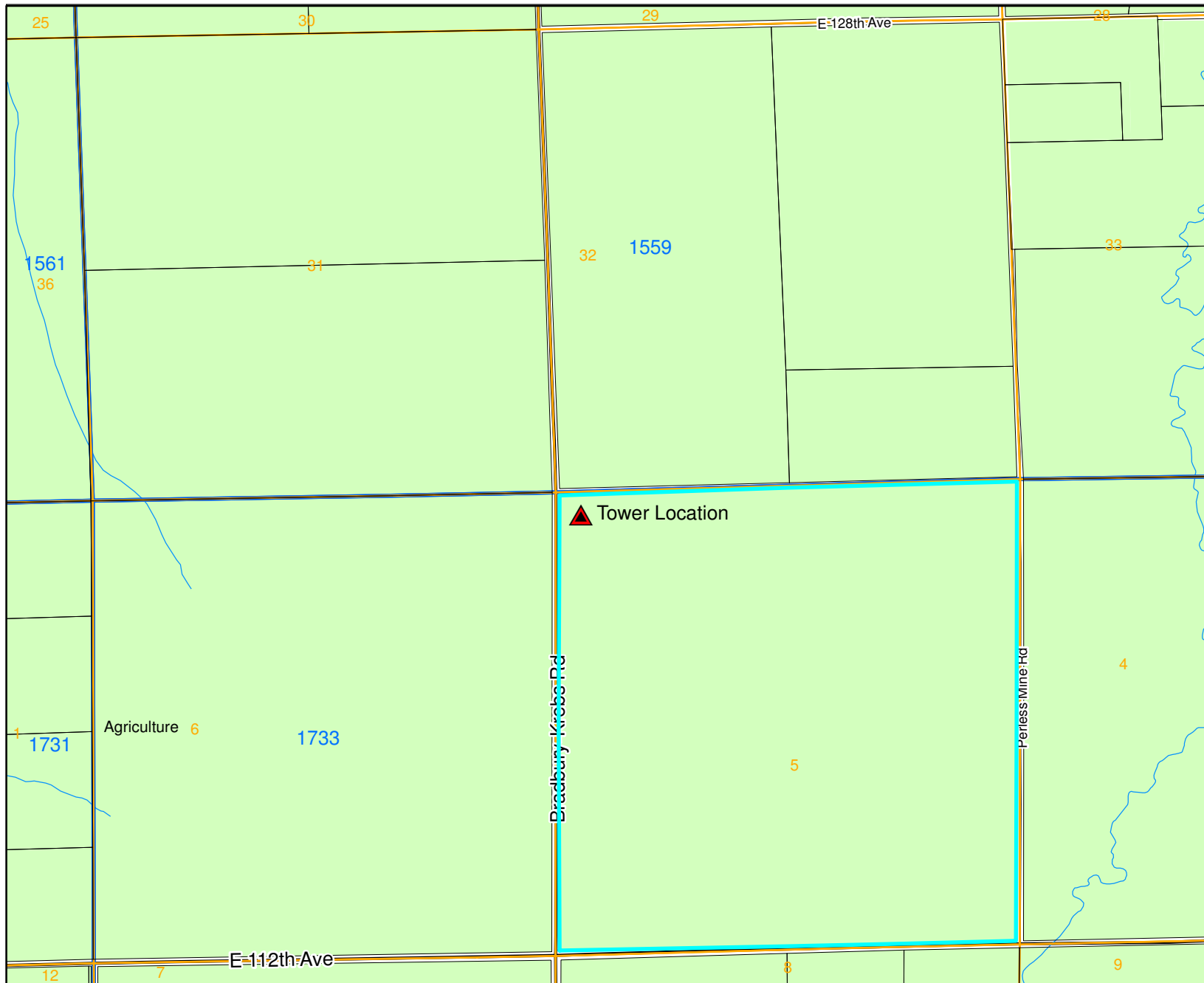
For display purposes only.



ADAMS COUNTY
COLORADO

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Legend

- Railroad
- Major Water
- Zoning Line
- Sections

Viaero at Mule Creek

RCU2018-00015

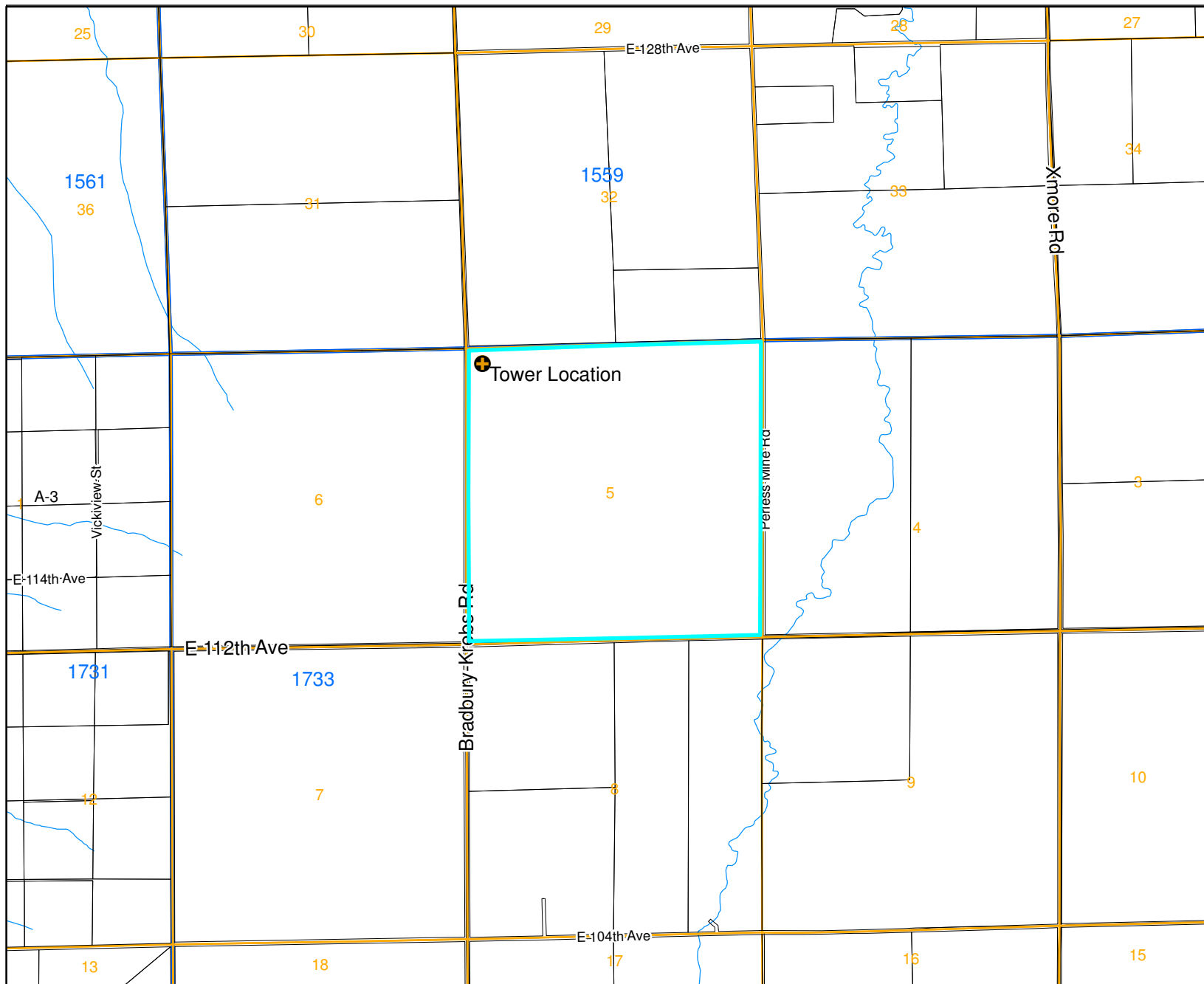


For display purposes only.



ADAMS COUNTY
COLORADO

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Viaero at Mule Creek

RCU2018-00015



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ADAMS COUNTY
COLORADO

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group, which assumes no
responsibility for its accuracy

Adams County Development Department
4430 S. Adams County Pkwy.
1st Floor, Suite W2000
Brighton, CO 80601

**RE: Application for Renewal of Conditional Use Permit, Viaero Wireless
Telecommunication Tower**

Conditional Use Permit-Mule Creek Site

NE Colorado Cellular Inc., d/b/a Viaero Wireless and Mountain Tower & Land LLC., are seeking reauthorization of a Conditional Use Permit for an existing wireless telecommunication/broadband facility which consists of a 330' tall guyed tower, and supporting ground equipment (see Exhibit A, a photo of the existing tower site). The tower and supporting equipment will be in full operation 24 hours per day, 7 days a week. The tower and supporting equipment is secured with an approximate 60'x 70' chain link fence with three strands barbed wire on top. The tower is a critical link in Viaero's network as we continue to provide wireless cellular/broadband within Eastern areas of Adams County.

NE Colorado Cellular Inc., d/b/a Viaero Wireless is a Colorado corporation, designated as a privately owned "Public Utility" in the State of Colorado. Viaero strives to offer high-quality wireless network services, including wireless telephone services and wireless high speed internet. Viaero's local network currently extends throughout Colorado, Nebraska, Western Kansas and Eastern Wyoming. Viaero strives to provide seamless coverage in its service areas, as well as coverage throughout North America and beyond through dozens of national and international roaming agreements with other service providers. Like Viaero's other towers, the touchstones of this tower's design are safety and durability. The tower was designed per TIA/EIA-222-F "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" and built to a very high standard including specifications for a 100 year life span with a high loading capacity to meet future and anticipated demands. The unmanned site does not require water or sanitation. The tower complies with all Federal Communications Commission guidelines and standards and is registered with the FCC Antenna Structure Registration as structure 1267050 (Exhibit B). The facility also meets all Federal, State, and County standards and contains a small four foot unlit sign, which is attached to the fence to identify the owner.

Continued Need in Area

In 2008, the original need for this site was to offer new, state of the art wireless services to the residences of Adams County that did not have reliable wireless services. In 2010, the telecommunications industry was on the edge of 2G wireless technology and in the process of converting to 3G technologies. The wireless industry has seen some dramatic changes in a few short years, and today the increased data usage in the 4G environment has placed extremely high demands on existing capacity for service. The data usage has increased almost 10 fold as customers are using their smart phones, tablets and other wireless devices at a higher level. Compared to 2008, when a cell phone was a convenient device to make a call or text, today customers are reliant on smart phones and other wireless devices that have almost completely replaced the "landline". Additionally, customers are reliant on those wireless devices working seamlessly in all locations and providing better in-building coverage with higher data speeds. From a wireless broadband/communication facility standpoint, this location remains an ideal location for delivering high quality wireless services to this area of Adams County.

Viaero strives to develop a robust, redundant network by linking its towers together by microwave radio paths. This provides Viaero's customers a reliable network that is rarely impacted by outages experienced by other telephone companies, because the network is not reliant on third-party carrier facilities. The microwave radio paths need to be able to connect the site to an existing tower in our network. The nearest tower that would provide a reliable microwave path is an existing Viaero site addressed as 16671 MCR A, Fort Morgan, Colorado and is named by Viaero as Fort Morgan South, CO facility. Viaero is also preparing to run fiber through this location. This will help to support the high customer demand for data. The current plans also contemplate that this site will also serve as a fiber re-generation facility utilizing the existing equipment building and will be an integrated part of Viaero's fiber network.

Co-Location & Capacity

Viaero Wireless and its affiliated companies manage properties that contain the company owned communication towers and supporting equipment. They are used for the benefit of Viaero's wireless network, as well as providing space and other services to other wireless providers for a variety of uses. In the case of this site, Viaero believes that as wireless technologies evolve (like 5G) other service providers will be glad that the facility will be available to enhance their networks as demand requires. Space on this tower may also be available for first responders and the FirstNet network.

Location

In 2009, Viaero entered in to an agreement with the property owner for a Permanent Easement to operate the facility (Exhibit C). In 2017, Viaero assigned the Permanent Easement to Mountain Tower & Land LLC, one of Viaero's affiliate companies (Exhibit D). Viaero Wireless continues to own the tower and operate the site through a Master Lease Agreement

(Exhibit E). The approximate 6.58 acre easement, along with its' access and utility easements, are located in part of the NW 1/4 of Section 5, Township 2 South, Range 61 West of the 6th P.M. Adams County, Colorado (see Exhibit F, the survey of property). The site is currently zoned A-3 and is identified by the Adams County Assessors as ID# 0173300000010.

2008 Application and approving documents & required new documents

This application was reviewed as (CUP Case PRJ2008-00017), building permit (# BDL09-00002) with approval by Adams County (Exhibit G).

A recent review of the site and review of the 2008 application reflect that not much has changed. There has been no new development of placement of new towers in the area. A set of photos from this year reflecting the area is attached (Exhibit H).

Viaero Wireless would respectfully ask that the CUP permit be issued. Viaero would ask that this permit be for a minimum of ten years, but would respectfully ask that consideration be given to allow for a twenty year permit based on the following: A) most leases on telecommunication facilities are for a period of this length in time and B) this tower has been constructed and designed to withstand the requested duration of time. The approval of this request would be in the best interest of Adams County, and would continue to provide valuable infrastructure for the benefit of the residents of Adams County and others traveling in the area.

Should you require any additional information or have any questions concerning this request for approvals, please do not hesitate to contact me. Thank you.

Signed,



Rick Bailey

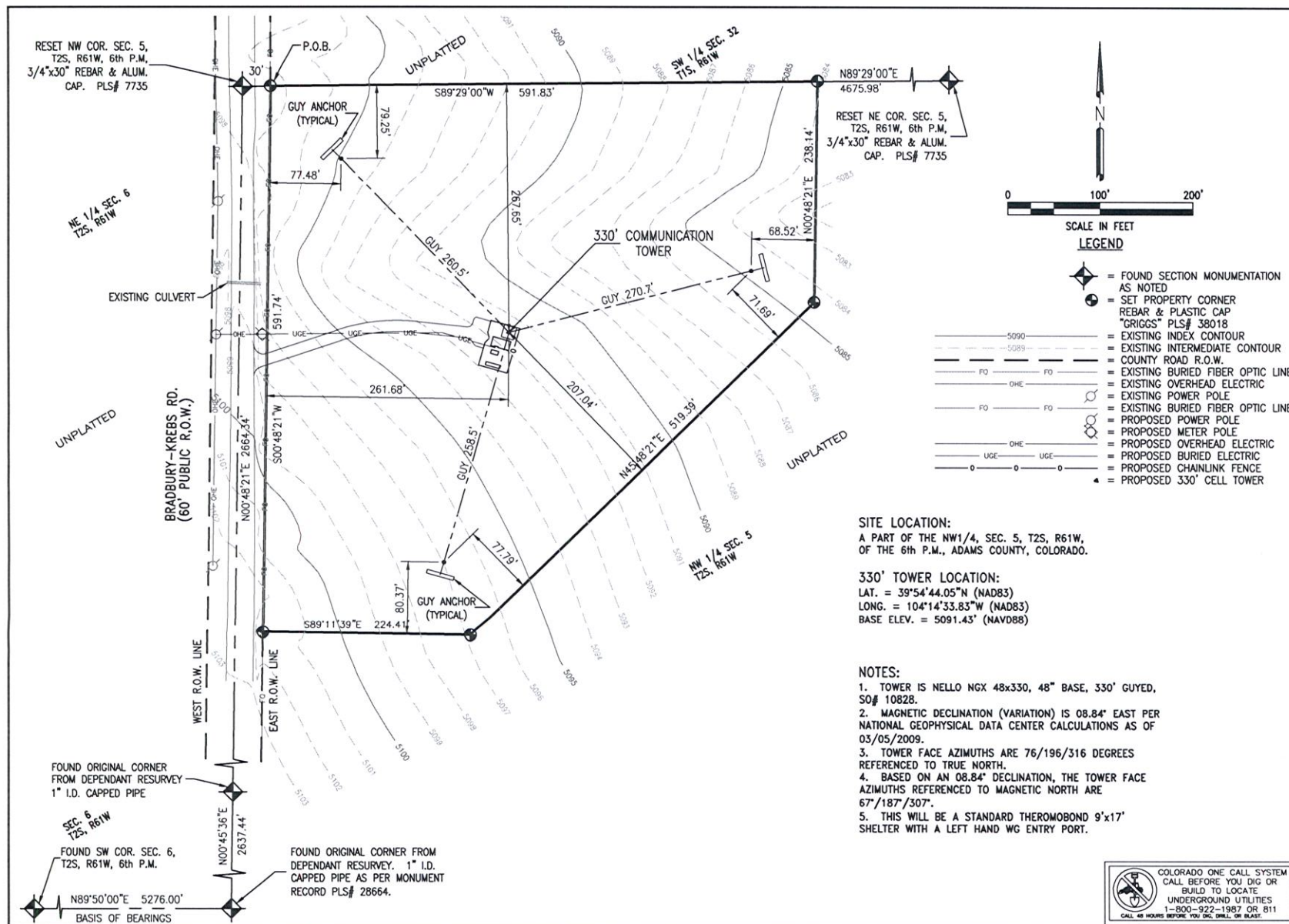
Viaero Wireless/Mountain Tower & Land LLC.

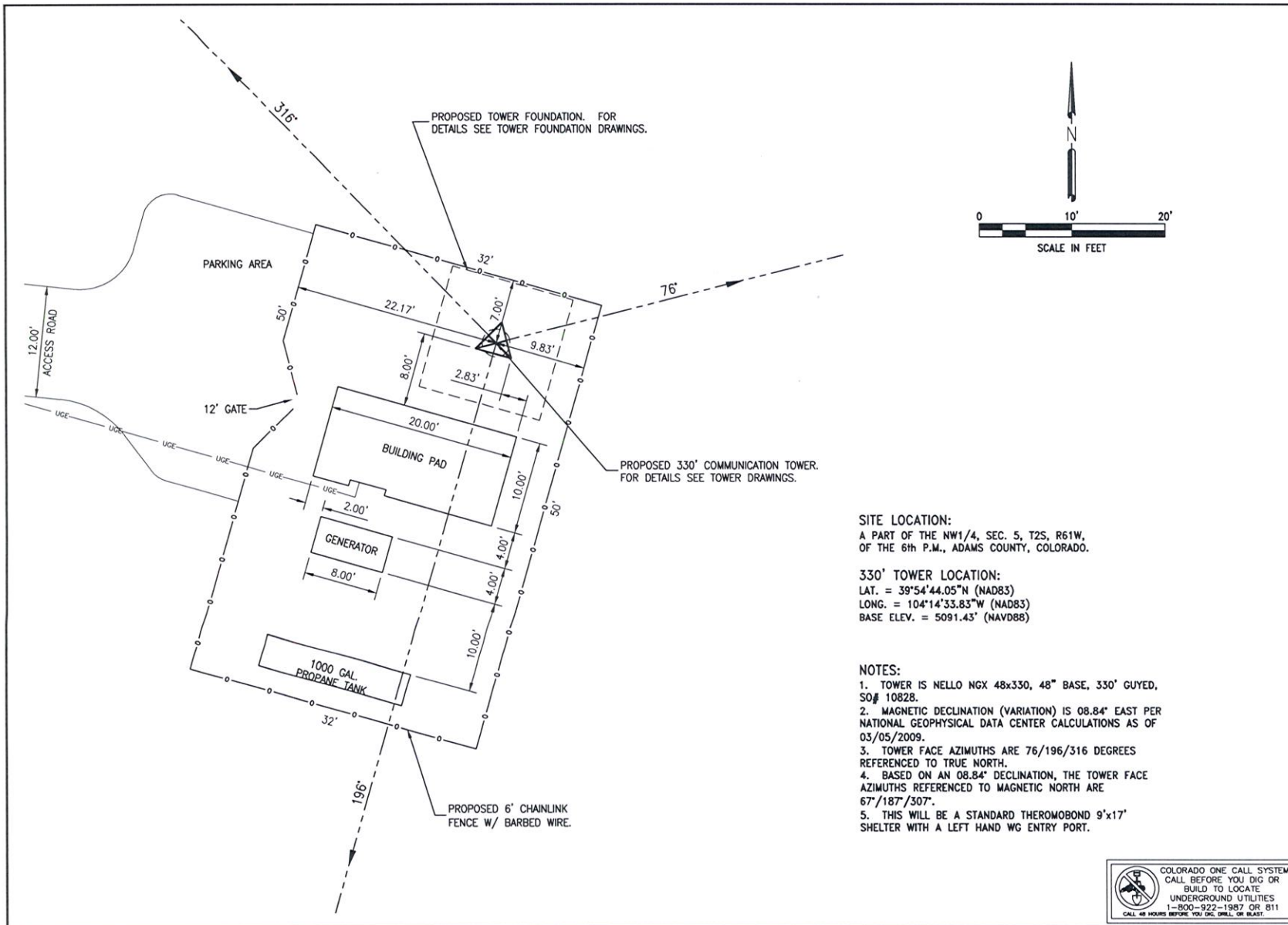
32 Cooper Ct.

Fort Morgan, CO 80701

Phone: (970) 768-6464

E-mail: Rick.Bailey@Viaero.com





SITE LOCATION:
 A PART OF THE NW1/4, SEC. 5, T2S, R61W,
 OF THE 6th P.M., ADAMS COUNTY, COLORADO.

330' TOWER LOCATION:
 LAT. = 39°54'44.05"N (NAD83)
 LONG. = 104°14'33.83"W (NAD83)
 BASE ELEV. = 5091.43' (NAVD88)

- NOTES:**
1. TOWER IS NELLO NGX 48x330, 48" BASE, 330' GUYED, SO# 10828.
 2. MAGNETIC DECLINATION (VARIATION) IS 08.84° EAST PER NATIONAL GEOPHYSICAL DATA CENTER CALCULATIONS AS OF 03/05/2009.
 3. TOWER FACE AZIMUTHS ARE 76/196/316 DEGREES REFERENCED TO TRUE NORTH.
 4. BASED ON AN 08.84° DECLINATION, THE TOWER FACE AZIMUTHS REFERENCED TO MAGNETIC NORTH ARE 67°/187°/307°.
 5. THIS WILL BE A STANDARD THERMOBOND 9'x17' SHELTER WITH A LEFT HAND WG ENTRY PORT.



1224 West Platte Avenue
 Fort Morgan, CO 80701
 Phone 970.768.0000

Viaero Contacts

Site Acquisition
 Rick Bailey
 (970) 768-6464

Construction PM
 Roger Brown
 (970) 520-2112

Revisions

Rev	Date	Note

IT IS A VIOLATION OF STATE AND FEDERAL LAW TO ALTER, REPRODUCE OR USE THESE DRAWINGS WITHOUT THE EXPRESSED WRITTEN CONSENT OF VIAERO WIRELESS OR NE COLORADO CELLULAR.

Project

VIAERO WIRELESS
 MULE CREEK TOWER
 STRASBURG, CO

Sheet Title

COMPOUND LAYOUT
 MULE CREEK AS-BUILT
 STRASBURG, CO

Sheet

C-2

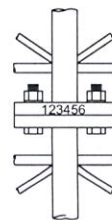
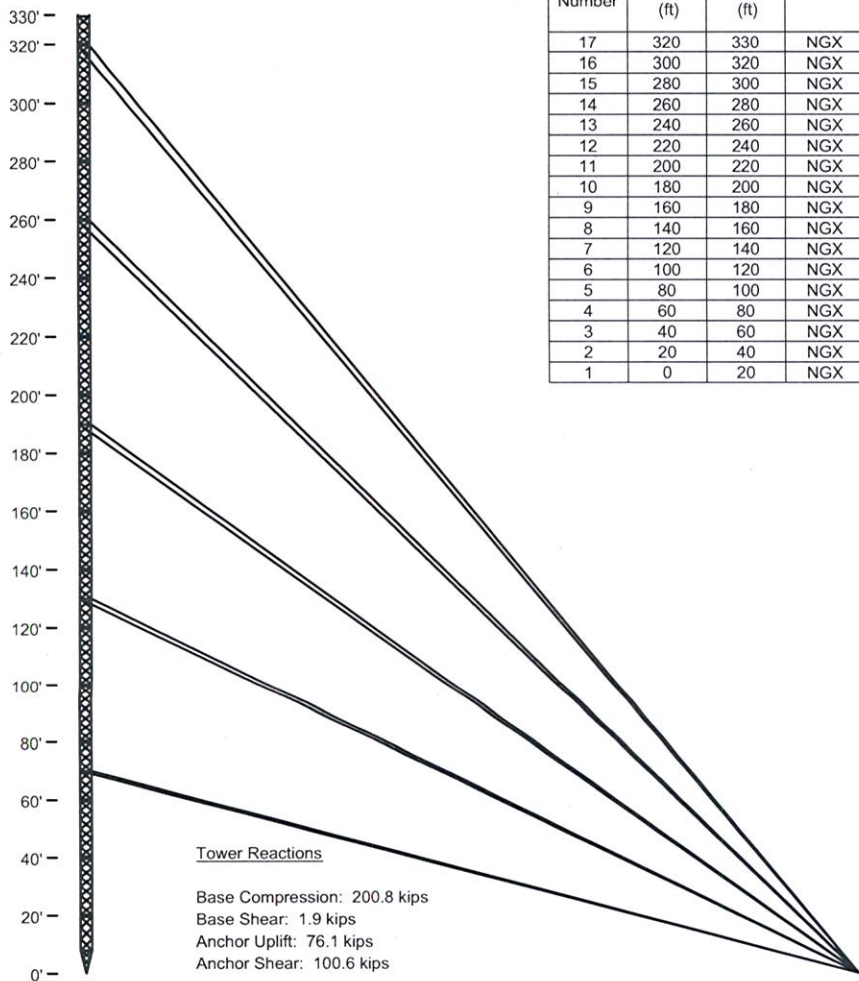
3 of 7

Exhibit C



Guyed Tower Section Data


Section Number	Bottom Elevation (ft)	Top Elevation (ft)	Model	Face Width (in)	Leg Type	Leg Size (in)	Diagonal Type	Diagonal Size (in)	Section Part Number	Section Weight (lb)	Leg Bolt Qty.	Leg Bolt Diameter (in)	Leg Bolt Length (in)
17	320	330	NGX	48	Solid Round	2	Solid Round	3/4	114731	700	12	1	3 3/4
16	300	320	NGX	48	Solid Round	2	Solid Round	3/4	114691	1260	12	1	3 3/4
15	280	300	NGX	48	Solid Round	2	Solid Round	3/4	114690	1240	12	1	3 3/4
14	260	280	NGX	48	Solid Round	2	Solid Round	3/4	114690	1240	12	1	3 3/4
13	240	260	NGX	48	Solid Round	2	Solid Round	3/4	114691	1260	12	1	3 3/4
12	220	240	NGX	48	Solid Round	2	Solid Round	3/4	114690	1240	12	1	3 3/4
11	200	220	NGX	48	Solid Round	2	Solid Round	3/4	114690	1240	12	1	3 3/4
10	180	200	NGX	48	Solid Round	2 1/4	Solid Round	3/4	114684	1440	12	1	3 3/4
9	160	180	NGX	48	Solid Round	2 1/4	Solid Round	3/4	114682	1430	12	1	3 3/4
8	140	160	NGX	48	Solid Round	2 1/4	Solid Round	3/4	114682	1430	12	1	3 3/4
7	120	140	NGX	48	Solid Round	2 1/4	Solid Round	3/4	114684	1440	12	1	3 3/4
6	100	120	NGX	48	Solid Round	2 1/4	Solid Round	3/4	114682	1430	12	1	3 3/4
5	80	100	NGX	48	Solid Round	2 1/4	Solid Round	3/4	114682	1430	12	1	3 3/4
4	60	80	NGX	48	Solid Round	2 1/4	Solid Round	3/4	114684	1440	12	1	3 3/4
3	40	60	NGX	48	Solid Round	2 1/4	Solid Round	3/4	114682	1430	12	1	3 3/4
2	20	40	NGX	48	Solid Round	2 1/2	Solid Round	3/4	114674	1630	12	1	3 3/4
1	0	20	NGX	48	Solid Round	2 1/2	Solid Round	3/4	104825	2180	0	0	0



Section part number is stamped on the BOTTOM footpad opposite the climbing face.

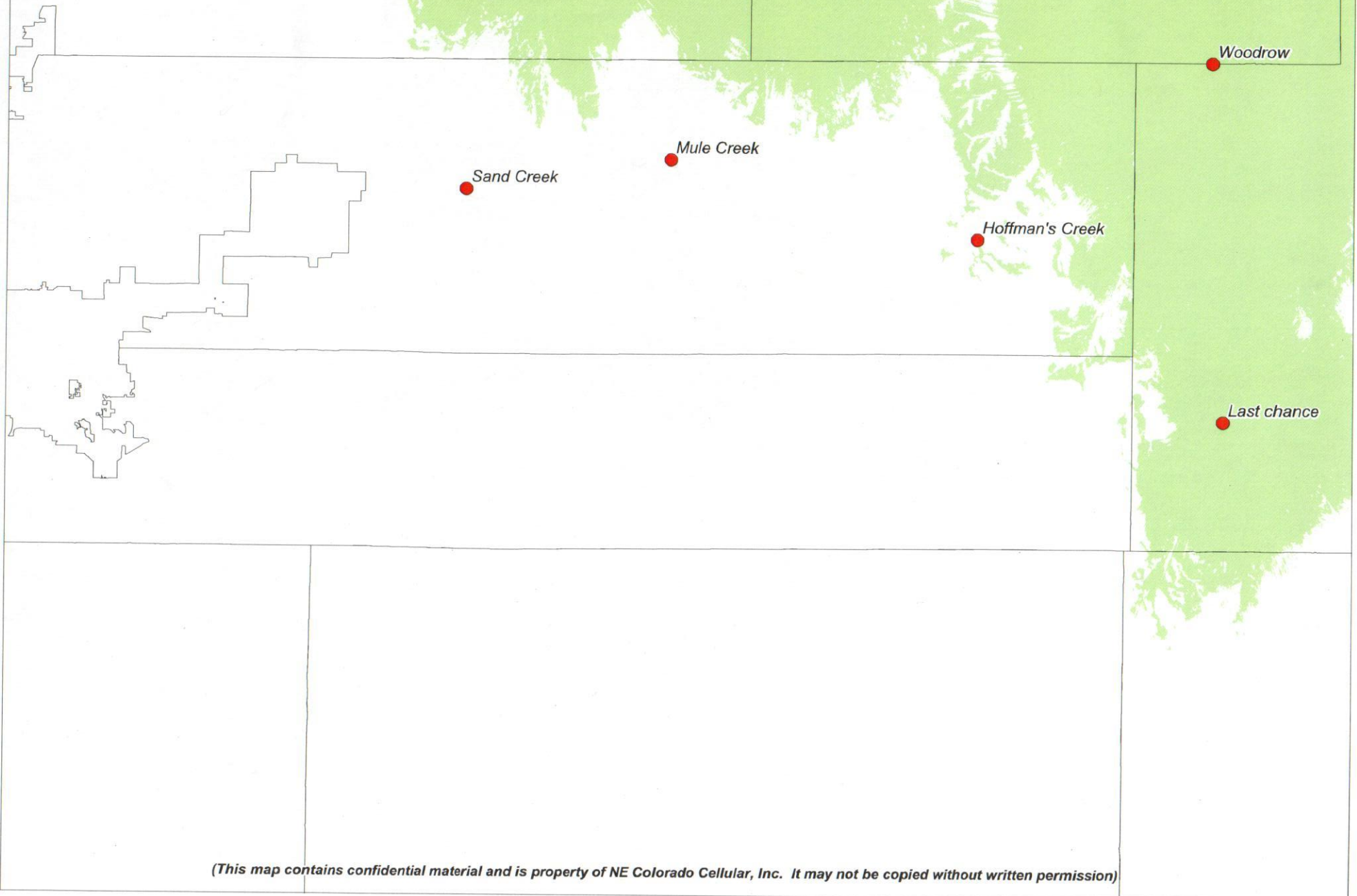
One lockwasher and one plain nut per bolt. See Guyed Tower Section Data table for number of bolts per section.

NGX Leg Connection Detail

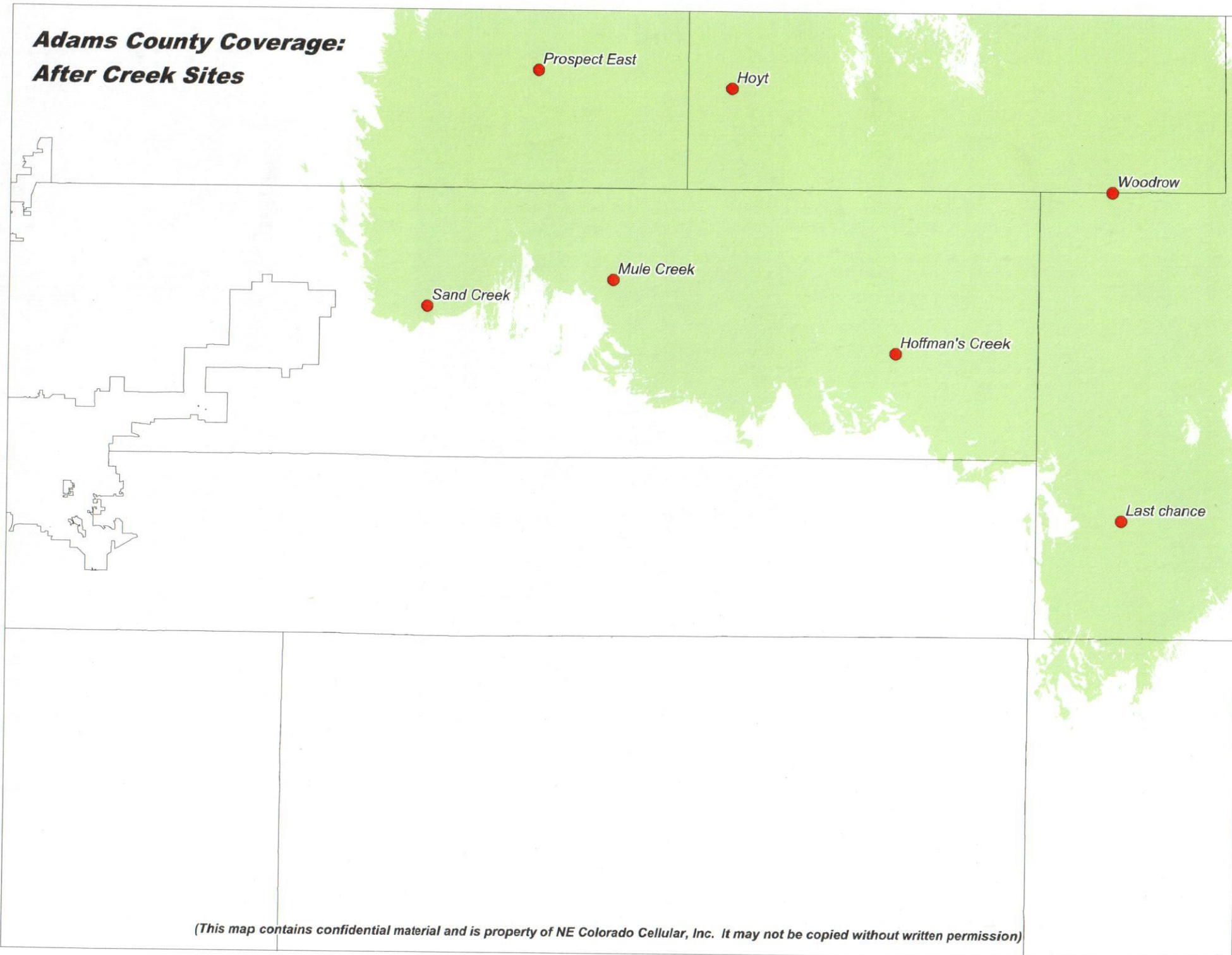
TITLE: Viaero Wireless NGX 48 x 330' Mule Creek, Adams Co., CO		 NELLO CORPORATION 211 W. Washington St., Suite 2000 South Bend, IN 46601-1705 Bus: (574)288-3632 Fax: (574)288-5860	
COPYRIGHT NOTICE: This drawing is the property of Nello Inc. It is not to be reproduced, copied or traced in whole or in part without our written consent.	DRAWN BY: TCT CHECKED: AJK ENG. APP: DJI	ORIG. DATE: 11/19/2008 DWG. PROG: v2.05	DWG NO: 118188 SHEET: 1 OF 5

REV	BY	DATE	DESCRIPTION

***Adams County Coverage:
Before Creek Sites***



***Adams County Coverage:
After Creek Sites***



(This map contains confidential material and is property of NE Colorado Cellular, Inc. It may not be copied without written permission)

Community & Economic
Development Department
www.adcogov.org



4430 South Adams County Parkway
1st Floor, Suite W2000
Brighton, CO 80601-8204
PHONE 720.523.6800
FAX 720.523.6998

Development Review Team Comments

Date: 7/3/2018

Project Number: RCU2018-00015

Project Name: Viaero at Mule Creek

Note to Applicant:

The following review comments and information from the Development Review Team is based on the information you submitted for a conditional use permit. The Development Review Team review comments may change if you provide different information during your resubmittal. Please contact the case manager if you have any questions:

Commenting Division: Planner Review

Name of Reviewer: Greg Barnes

Date: 07/03/2018

Email: gjbarnes@adcogov.org

Resubmittal Required

PLN01: The original bond provided in 2009 has expired. Please provide an estimate for the tower's removal. Once staff has reviewed the estimate, you will be asked to provide a replacement bond.

PLN02: Do you have a technical elevation drawing of the tower? Generally, we do require these.

PLN03: We will need updated coverage maps that illustrate coverage with and without the tower.

PLN04: There are opportunities for screening with fencing and/or landscaping along the frontage of Bradbury-Krebs Road. Please evaluate the site and resubmit a landscape plan that will provide some sort of screening from public roadways.

PLN05: This tower does not meet the required setbacks, and it also has a greater visibility from public streets. Of the three cases that you submitted, this will certainly have the most potential for debate at public hearings.

Commenting Division: Development Engineering Review

Name of Reviewer: Greg Labrie

Date: 05/31/2018

Email: glabrie@adcogov.org

Complete

ENG1: FIRM #08001C0475- Not in floodplain.

ENG2: Property is not in MS4 Permit area. A Stormwater Quality Permit is not required. Applicant is responsible for installation and maintenance of Erosion and Sediment Control BMP's. Builder/developer is responsible for adhering to all the regulations of Adams County Ordinance 11 in regards to illicit discharge.

ENG3: No new access is requested. Must use existing access to property. Access width shall not be greater than 30 feet. No other access is permitted by ADCO.

Greg Barnes

From: Greg Barnes
Sent: Friday, June 08, 2018 8:53 AM
To: Greg Barnes
Subject: REVIEW COMMENTS - COUNTY ATTORNEY



Greg Barnes

Planner II, *Community and Economic Development Dept.*

ADAMS COUNTY, COLORADO

4430 S. Adams County Parkway, 1st Floor, Suite W2000A

Brighton, CO 80601-8216

720.523.6853 gjbarnes@adcogov.org

adcogov.org

From: Christine Francescani
Sent: Friday, June 08, 2018 8:49 AM
To: Greg Barnes
Subject: Viaero cases

Hey Greg,

For the Viaero cases, RCU2018-00014, -00015, and -00016, the easements that they provided are sufficient to give them the authority to make the applications that they have submitted. Thanks!

Christine M. Francescani
Assistant County Attorney
Adams County Attorney's Office
4430 S. Adams County Parkway
5th Floor, Suite C5000B
Brighton, CO 80601-8206
720.523.6884 | Fax: 720.523.6114
cfrancescani@adcogov.org | adcogov.org

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Development Review Team Comments

Date: 8/9/2018

Project Number: RCU2018-00015

Project Name: Viaero at Mule Creek

Note to Applicant:

The following review comments and information from the Development Review Team is based on the information you submitted for a conditional use permit. New comments have been highlighted in yellow. A resubmittal is required. Resubmittals can be provided to our One-Stop Customer Service Center with the attached resubmittal form. You will need to supply one paper and one digital copy of any new information. Please contact the case manager if you have any questions:

Commenting Division: Planner Review 2nd Review

Name of Reviewer: Greg Barnes

Date: 08/05/2018

Email: gjbarnes@adcogov.org

Resubmittal Required

PLN01: Please provide a bond for the tower's removal.

PLN02: Staff may recommend a condition of approval to install landscaping along the frontage of the public roadway. The Planning Commission and the Board of County Commissioners may then make the determination as to whether landscaping shall be installed.

Commenting Division: Planner Review

Name of Reviewer: Greg Barnes

Date: 07/03/2018

Email: gjbarnes@adcogov.org

Resubmittal Required

PLN01: The original building permit approval from 2009 references a bond that was received for the tower's removal. After extensive research, I am unable to locate the bond from 2009. It is likely that the bond has (or will soon) expire. Please provide an estimate for the tower's removal. Once staff has reviewed the estimate, you will be asked to provide a replacement bond.

PLN02: Do you have a technical elevation drawing of the tower? Generally, we do require these.

PLN03: We will need updated coverage maps that illustrate coverage with and without the tower.

PLN04: There are opportunities for screening with fencing and/or landscaping along the frontage of Bradbury-Krebs Road. Please evaluate the site and resubmit a landscape plan that will provide some sort of screening from public roadways.

PLN05: This tower does not meet the required setbacks, and it also has a greater visibility from public streets. Of the three cases that you submitted, this will certainly have the most potential for debate at public hearings.

Commenting Division: Application Intake 2nd Review

Name of Reviewer: Rayleen Swarts

Date: 07/26/2018

Email:

Complete

Commenting Division: Plan Coordination 2nd Review

Name of Reviewer: Greg Barnes

Date: 08/09/2018

Email: gjbarnes@adcogov.org

Resubmittal Required

Commenting Division: Development Engineering Review

Name of Reviewer: Greg Labrie

Date: 05/31/2018

Email: glabrie@adcogov.org

Complete

ENG1: FIRM #08001C0475- Not in floodplain.

ENG2: Property is not in MS4 Permit area. A Stormwater Quality Permit is not required. Applicant is responsible for installation and maintenance of Erosion and Sediment Control BMP's. Builder/developer is responsible for adhering to all the regulations of Adams County Ordinance 11 in regards to illicit discharge.

ENG3: No new access is requested. Must use existing access to property. Access width shall not be greater than 30 feet. No other access is permitted by ADCO.



COLORADO

Parks and Wildlife

Department of Natural Resources

Northeast Regional Office
6060 Broadway
Denver, CO 80216
P 303.291.7227 | F 303.291.7114

June 7, 2018

Greg Barnes
Adams County
Community and Economic Development Department
4430 S. Adams County Parkway
Brighton, CO 80601

RE: Renewal of a Communications Tower at 11950 Bradbury Krebs Road, Adams County, Colorado. RCU2018-00015

Dear Mr. Barnes:

Thank you for the opportunity to comment on potential impacts of the reauthorization of a conditional use permit for an existing communications tower on threatened and endangered wildlife species located at 11950 Bradbury Krebs Road, Adams County, Colorado. The mission of Colorado Parks and Wildlife (CPW) is to perpetuate the wildlife resources of the state, to provide a quality state parks system, and to provide enjoyable and sustainable outdoor recreation opportunities that educate and inspire current and future generations to serve as active stewards of Colorado's natural resources. Our goal in responding to land use proposals such as this is to provide complete, consistent, and timely information to all entities who request comment on matters within our statutory authority.

CPW would expect a variety of wildlife species to utilize this site on a regular basis, most notably, small to mid-sized mammals, song birds, and raptors. The potential also exists for large mammals such as deer and pronghorn to frequent this site. Raptors and other migratory birds are protected from take, harassment, and nest disruption at both the state and federal levels. If a nest is built or discovered on or near the site, CPW recommends that buffer zones around nest sites be implemented during any period of activity that may interfere with nesting season. This will prevent the intentional or unintentional destruction of an active nest.

For further information on this topic, a copy of the document "Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors," is available from your local District Wildlife Manager. Following the recommendations outlined in this document will decrease the likelihood of unintentional take through disturbance.

CPW understands there is currently an existing wireless telecommunications facility which consists of a 330-foot tall guyed tower, and supporting ground equipment. The amount of habitat disrupted by the existing wireless telecommunications facility should not be significant to wildlife in Adams County. However, communication towers themselves may have negative impacts on flying birds. It is estimated that 4-5 million flying birds are killed

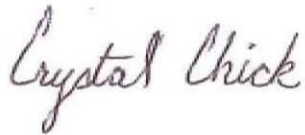


each year in the United States when they collide with communication towers. We appreciate any efforts that are made to mitigate any possible impacts to passing birds. The U.S. Fish and Wildlife Service developed guidelines on communication towers in order to address some of the impacts. A few of these guidelines, which may apply in this case, are listed below:

1. Guy wires should have daytime visual markers on the wires to avoid collisions.
2. Any on-ground security lighting should be down-shielded to keep light within the boundaries of the site.
3. Towers no longer in use should be removed within 12 month of cessation of use.

Thank you again for the opportunity to comment on the reauthorization for an existing communication tower at 11950 Bradbury Krebs Road, in Adams County. Please do not hesitate to contact us again about ways to continue managing the facility in order to maximize wildlife value while minimizing potential conflict. If you have any further questions, please contact District Wildlife Manager Serena Rocksund at (303) 291-7132 or serena.rocksund@state.co.us.

Sincerely,

A handwritten signature in cursive script that reads "Crystal Chick".

Crystal Chick
Area Wildlife Manager

Cc: M. Leslie, T. Kroening, S. Rocksund

Greg Barnes

From: Kuster - CDPHE, Kent [kent.kuster@state.co.us]
Sent: Monday, June 18, 2018 8:18 AM
To: Greg Barnes
Subject: RCU2018-00015 Referral

June 18, 2018

Greg Barnes, Case Manager

Community and Economic Development Department

4430 South Adams County Parkway, Suite W2000

Brighton, CO 80601-8204

Re: Case No. VSP2018-00015

Dear Greg Barnes,

The Colorado Department of Public Health and Environment has no comment on Case No. RCU2018-00015 for the Viaero at Mule Creek.

Please contact Kent Kuster at 303-692-3662 with any questions.

Sincerely,

Kent Kuster

Greg Barnes

From: Brooks Kaufman [BKaufman@Irea.Coop]
Sent: Thursday, June 14, 2018 1:17 PM
To: Greg Barnes
Subject: RE: For Review: Viaero at Mule Creek (RCU2018-00015)

Mr. Barnes;

The Association has reviewed the contents in the above-referenced referral response packet. We reviewed the project for maintaining our existing facilities, utility easements, electric loading, service requirements and environmental impact.

The Association has existing overhead electric facilities on the subject property. The Association will maintain these existing utility easements and facilities unless otherwise requested by the applicant to modify them under the Association's current extension policies.

The Association has no comments at this time.

Respectfully

Brooks Kaufman
Lands and Rights of Way Director
5496 N. US Hwy 85
Sedalia, CO 80135
Direct : 720.733.5493
Cell : 303.912.0765
bkaufman@irea.coop



From: Greg Barnes [<mailto:GJBarnes@adcogov.org>]
Sent: Tuesday, June 5, 2018 8:44 AM

Greg Barnes

From: Patrick Conroy [pconroy@svfd8.org]
Sent: Sunday, June 10, 2018 2:47 PM
To: Gerri Ventura; Greg Barnes
Subject: RE: For Review: Viaero at Mule Creek (RCU2018-00015)

No comments from the Fire Department.

Thanks.

Patrick Conroy
ICC Certified Fire Marshal
ICC Certified Building Official
Colorado Fire Plans Examiner
Fire Marshal
Strasburg Fire Protection District
56281 East Colfax Ave.
PO Box 911
Strasburg, CO 80136
Station: 303-622-4444
Cell: 720-775-8515

From: [Gerri Ventura](#)
Sent: Wednesday, June 6, 2018 1:57 PM
To: [Patrick Conroy](#)
Subject: Fwd: For Review: Viaero at Mule Creek (RCU2018-00015)

----- Forwarded message -----

From: **Greg Barnes** <GJBarnes@adcogov.org>
Date: Mon, Jun 4, 2018 at 3:25 PM
Subject: RE: For Review: Viaero at Mule Creek (RCU2018-00015)
To: Gerri Ventura <gventura@svfd8.org>
Cc: Patrick Conroy <pconroy@svfd8.org>, Frank Fields <ffields@svfd8.org>

My apologies. See attached.



June 12, 2018

Greg Barnes
Adams County Community and Economic Development
4430 South Adams County Parkway, Suite W2000A
Brighton, CO 80601

RE: Viaero at Mule Creek, RCU2018-00015
TCHD Case No. 4958

Dear Mr. Barnes,

Thank you for the opportunity to review and comment on the renewal of a conditional use permit to allow continued use of the property by a commercial telecommunications tower in the Agricultural-3 zone district located at 11950 Bradbury Krebs Road. Tri-County Health Department (TCHD) staff has reviewed the application for compliance with applicable environmental and public health regulations and principles of healthy community design. After reviewing the application, TCHD has no comments.

Please feel free to contact me at 720-200-1585 or aheinrich@tchd.org if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Annemarie Heinrich", is written over a light blue horizontal line.

Annemarie Heinrich, MPH/MURP
Land Use and Built Environment Specialist

cc: Sheila Lynch, Dylan Garrison, TCHD



Right of Way & Permits
1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303. 571.3284
donna.l.george@xcelenergy.com

June 13, 2018

Adams County Community and Economic Development Department
4430 South Adams County Parkway, 3rd Floor, Suite W3000
Brighton, CO 80601

Attn: Greg Barnes

Re: Viaero at Mule Creek, Case # RCU2018-00015

Public Service Company of Colorado's Right of Way & Permits Referral Desk has reviewed the documentation for **Viaero at Mule Creek** and has **no apparent conflict**.

Please contact me at donna.l.george@xcelenergy.com or 303-571-3306 if there are any questions with this referral response.

Donna George
Right of Way and Permits
Public Service Company of Colorado

Community & Economic
Development Department
Development Services Division
www.adcogov.org



4430 South Adams County Parkway
1st Floor, Suite W2000B
Brighton, CO 80601-8218
PHONE 720.523.6800
FAX 720.523.6967

Request for Comments

Case Name: Viaero at Mule Creek
Case Number: RCU2018-00015

May 30, 2018

The Adams County Planning Commission is requesting comments on the following application: **Renewal of a conditional use permit to allow continued use of the property by a commercial telecommunications tower in the Agricultural-3 (A-3) zone district.**

This request is located at 11950 Bradbury Krebs Road. The Assessor's Parcel Number is 0173300000010.

Applicant Information: Rick Bailey
32 Cooper Ct.
Ft. Morgan, CO 80701

Please forward any written comments on this application to the Community and Economic Development Department at 4430 South Adams County Parkway, Suite# W2000A, Brighton, CO 80601-8216. You may also call us at (720) 523-6853. All comments must be received by 06/20/2018 in order that your comments may be taken into consideration in the review of this case. If you would like your comments included verbatim, please send your response by way of e-mail to GJBarnes@adcogov.org.

Once comments have been received and the staff report written, the staff report may be forwarded to you, by request, for your information. You will receive further notification when the public hearing dates for this case are scheduled. The full text of the proposed request and additional colored maps can be obtained by contacting this office or by accessing the Adams County web site at www.adcogov.org/planning/currentcases.

Thank you for your review of this case.

Greg Barnes
Case Manager

BOARD OF COUNTY COMMISSIONERS

Eva J. Henry
DISTRICT 1

Charles "Chaz" Tedesco
DISTRICT 2

Erik Hansen
DISTRICT 3

Steve O'Dorisio
DISTRICT 4

Mary Hodge
DISTRICT 5

Community & Economic
Development Department
Development Services Division
www.adcogov.org



4430 South Adams County Parkway
1st Floor, Suite W2000B
Brighton, CO 80601-8218
PHONE 720.523.6800
FAX 720.523.6967

Public Hearing Notification

Case Name: Viaero at Mule Creek
Case Number: RCU2018-00015
Planning Commission Hearing Date: 10/11/2018 at 6:00 p.m.
Board of County Commissioners Hearing Date: 10/30/2018 at 9:30 a.m.

September 17, 2018

A public hearing has been set by the Adams County Planning Commission and the Board of County Commissioners to consider the following request: **Renewal of a conditional use permit to allow continued use of the property by a commercial telecommunications tower in the Agricultural-3 (A-3) zone district.**

The proposed use will be commercial telecommunication tower. This request is located at 11950 Bradbury Krebs Rd. The Assessor's Parcel Number is 0173300000010.

Applicant Information: Rick Bailey
32 Cooper Ct
Ft Morgan, CO 80701

The hearing will be held in the Adams County Hearing Room located at 4430 South Adams County Parkway, Brighton CO 80601-8216. This will be a public hearing and any interested parties may attend and be heard. The Applicant and Representative's presence at these hearings is requested. If you require any special accommodations (e.g., wheelchair accessibility, an interpreter for the hearing impaired, etc.) please contact the Adams County Community and Economic Development Department at (720) 523-6800 (or if this is a long distance call, please use the County's toll free telephone number at 1-800-824-7842) prior to the meeting date.

For further information regarding this case, please contact the Community and Economic Development Department, 4430 S Adams County Parkway, Brighton, CO 80601, 720-523-6800. This is also the location where maps and/or text certified by the Planning Commission may be viewed.

The full text of the proposed request and additional colored maps can be obtained by contacting this office or by accessing the Adams County web site at www.adcogov.org/planning/currentcases.

Greg Barnes
Case Manager

BOARD OF COUNTY COMMISSIONERS

Eva J. Henry
DISTRICT 1

Charles "Chaz" Tedesco
DISTRICT 2

Erik Hansen
DISTRICT 3

Steve O'Dorisio
DISTRICT 4

Mary Hodge
DISTRICT 5

PUBLICATION REQUEST

Viaero at Mule Creek

Case Number: RCU2018-00015
Planning Commission Hearing Date: 10/11/2018 at 6:00 p.m.
Board of County Commissioners Hearing Date: 10/30/2018 at 9:30 a.m.

Request: Renewal of a conditional use permit to allow continued use of the property by a commercial telecommunications tower in the Agricultural-3 (A-3) zone district.

Location: 11950 BRADBURY KREBS RD.
Parcel Number: 0173300000010

Case Manager: Greg Barnes

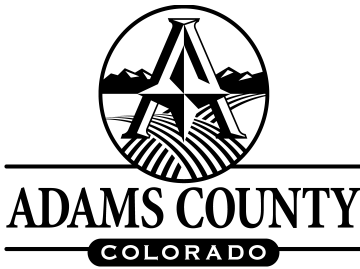
Applicant: RICK BAILEY
970-768-6464
32 COOPER CT
FT MORGAN, CO 80701

Owner: JT3 TRUST
9230 RECTOR LEADER RD
BYERS, CO 801038609

Legal Description:

A LEASED PARCEL IN THE NORTHWEST 1/4 OF SECTION 5, TOWNSHIP 2 SOUTH, RANGE 61 WEST OF THE 6TH PRINCIPAL MERIDIAN, AND ASSUMING THE SOUTH LINE OF SECTION 6, T2S, R61W TO BEAR N89°50'00"E BETWEEN TWO FOUND MONUMENTS AS SHOWN ON THE DEPENDENT RESURVEY OF TOWNSHIP 2 SOUTH, RANGE 61 WEST PLAT, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST R.O.W. LINE OF BRADBURY-KREBS RD., FROM WHENCE THE NORTHWEST CORNER OF SAID SECTION 5, TOWNSHIP 2 SOUTH, RANGE 61 WEST BEARS S89°29'00"W A DISTANCE OF 30.00 FEET; THENCE FOLLOWING SAID EAST R.O.W. LINE S00°48'21"W A DISTANCE OF 591.74 FEET; THENCE S89°11'39"E A DISTANCE OF 224.41 FEET; THENCE N45°48'21"E A DISTANCE OF 519.39 FEET, THENCE N00°48'21"E A DISTANCE OF 238.14 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 5; THENCE FOLLOWING SAID NORTH LINE S89°29'00"W A DISTANCE OF 591.83 FEET TO THE POINT OF BEGINNING, COUNTY OF ADAMS, STATE OF COLORADO, CONTAINING 6.58 ACRES MORE OR LESS.



Referral Listing
Case Number RCU2018-00015
Viaero at Mule Creek

Agency	Contact Information
Adams County Development Services - Building	Justin Blair 4430 S Adams County Pkwy Brighton CO 80601 720-523-6825 JBlair@adcogov.org
CDPHE	Sean Hackett 4300 S Cherry Creek Dr Denver CO 80246 303.692.3662 sean.hackett@state.co.us 303.691.7702
CDPHE	Sean Hackett 4300 S Cherry Creek Dr Denver CO 80246 303.692.3662 sean.hackett@state.co.us
CDPHE	Sean Hackett 4300 S Cherry Creek Dr Denver CO 80246 30 sean.hackett@state.co.us
CDPHE - AIR QUALITY	Richard Coffin 4300 CHERRY CREEK DRIVE SOUTH DENVER CO 80246-1530 303.692.3127 richard.coffin@state.co.us
CDPHE - WATER QUALITY PROTECTION SECT	Patrick Pfaltzgraff 4300 CHERRY CREEK DRIVE SOUTH WQCD-B2 DENVER CO 80246-1530 303-692-3509 patrick.j.pfaltzgraff@state.co.us
CDPHE SOLID WASTE UNIT	Andy Todd 4300 CHERRY CREEK DR SOUTH HMWMD-CP-B2 DENVER CO 80246-1530 303.691.4049 Andrew.Todd@state.co.us
Century Link, Inc	Brandyn Wiedreich 5325 Zuni St, Rm 728 Denver CO 80221 720-578-3724 720-245-0029 brandyn.wiedrich@centurylink.com

Agency	Contact Information
Code Compliance Supervisor	Eric Guenther eguenther@adcogov.org 720-523-6856 eguenther@adcogov.org
COLORADO DIVISION OF WILDLIFE	Eliza Hunholz Northeast Regional Engineer 6060 BROADWAY DENVER CO 80216-1000 303-291-7454 eliza.hunholz@state.co.us
COLORADO DIVISION OF WILDLIFE	Serena Rocksund 6060 BROADWAY DENVER CO 80216 3039471798 serena.rocksund@state.co.us
COMCAST	JOE LOWE 8490 N UMITILLA ST FEDERAL HEIGHTS CO 80260 303-603-5039 thomas_lowe@cable.comcast.com
COUNTY ATTORNEY- Email	Christine Fitch CFitch@adcogov.org 6352
Engineering Department - ROW	Transportation Department PWE - ROW 303.453.8787
Engineering Division	Transportation Department PWE 6875
ENVIRONMENTAL ANALYST	Jen Rutter PLN 6841
Intermountain Rural Electric Asso - IREA	Brooks Kaufman PO Box Drawer A 5496 North US Hwy 85 Sedalia CO 80135 303-688-3100 x105 bkaufman@intermountain-rea.com
MORGAN COUNTY RURAL ELECTRIC	KEVIN MARTENS P.O. BOX 738 FORT MORGAN CO 80701-0738 970-867-5688 kmartens@mcrea.org
NS - Code Compliance	Gail Moon gmoon@adcogov.org 720.523.6833 gmoon@adcogov.org

Agency	Contact Information
Parks and Open Space Department	Nathan Mosley mpedrussi@adcogov.org aclark@adcogov.org (303) 637-8000 nmosley@adcogov.org
SHERIFF'S OFFICE: SO-HQ	MICHAEL McINTOSH nblair@adcogov.org, aoverton@adcogov.org; mkaiser@adcogov.org snielson@adcogov.org (303) 654-1850 aoverton@adcogov.org; mkaiser@adcogov.org; snielson@adcogov.org
Sheriff's Office: SO-SUB	SCOTT MILLER TFuller@adcogov.org, smiller@adcogov.org aoverton@adcogov.org; mkaiser@adcogov.org 720-322-1115 smiller@adcogov.org
STRASBURG FIRE PROTECTION DIST #8	GERRI VENTURA PO BOX 911 STRASBURG CO 80136 303-622-4814 gventura@svfd8.org
STRASBURG PARKS AND REC DIST.	Angie Graf P.O. BOX 118 STRASBURG CO 80136 (303) 622-4260 angie@strasburgparks.org
STRASBURG SCHOOL DISTRICT 31J	Monica Johnson 56729 E Colorado Ave STRASBURG CO 80136 303-622-9211 mjohnson@strasburg31j.org
TRI-COUNTY HEALTH DEPARTMENT	MONTE DEATRICH 4201 E. 72ND AVENUE SUITE D COMMERCE CITY CO 80022 (303) 288-6816 mdeatrich@tchd.org
TRI-COUNTY HEALTH DEPARTMENT	Sheila Lynch 6162 S WILLOW DR, SUITE 100 GREENWOOD VILLAGE CO 80111 720-200-1571 landuse@tchd.org
Tri-County Health: Mail CHECK to Sheila Lynch	Tri-County Health landuse@tchd.org .
Xcel Energy	Donna George 1123 W 3rd Ave DENVER CO 80223 303-571-3306 Donna.L.George@xcelenergy.com

FUNK ROY E AND
FUNK LONNIE R
PO BOX 215
BYERS CO 80103-0215

L AND L LAND CO
47500 E 144TH AVE
BENNETT CO 80102

LINNEBUR ALFRED J FLYING
SERVICE INC
PO BOX 265
BYERS CO 80103-0265

LINNEBUR DONALD M AND
LINNEBUR DARLENE
12475 PERLESS MINE RD
STRASBURG CO 80136-8807

LINNEBUR DONALD M AND
LINNEBUR DARLENE JO
12475 PERLESS MINE RD
STRASBURG CO 80136-8807

LINNEBUR GRAIN AND BUFFALO LLLP
PO BOX 298
BYERS CO 80103-0298

LINNEBUR JOHN E
42891 WCR NO. 4
ROGGEN CO 80652

SVGM LAND COMPANY LLC
C/O ALFRED J LINNEBUR
PO BOX 265
BYERS CO 80103

WESTBERG AND ROSLING FARMS
2951 WCR NO. 91
ROGGEN CO 80652

CERTIFICATE OF POSTING



I, J. Gregory Barnes do hereby certify that I posted the property at 11950 Bradbury Krebs Road on September 18, 2018 in accordance with the requirements of the Adams County Development Standards and Regulations.

A handwritten signature in black ink, reading 'J. Gregory Barnes'.

J. Gregory Barnes